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Institutional Reform in Dutch Politics: Elected Prime Minister, Personalized PR, and Popular Veto in Comparative Perspective¹

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Abstract

The 1990s saw the latest round of the ongoing debate on institutional reform in Dutch politics. Of the nearly one hundred proposals tabled by the all-party Deetman Commission, the most radical and controversial ones are discussed in the light of comparative literature: the Israeli example of a directly-elected prime minister, the German example of personalized proportional representation, and the Swiss (or Italian) example of the popular veto. These reforms are expected to improve the quality of administration, but primarily to narrow the supposedly widening confidence gap between citizens and politicians. The real challenge facing the Dutch political system, however, is not a legitimacy crisis, but the weakening of collective organizations as elite-mass linkages. Of the current proposals, only the popular veto addresses that problem.

In any given setting, it is hard to prove that proposed reforms would improve governmental effectiveness because claims must be either counterfactual or based on evidence from other countries that lack exactly equivalent social and political conditions. It is impossible, in other words, to provide "proof" of institutional effects for institutions that do not yet exist. These complications should not stifle a lively debate among policymakers and the public about institutional innovation, but they ought to provide a note of caution about the likelihood that an institutional fix will be successful. (Weaver and Rockman 1993, 466-467)

1 The reform agenda

It may be that the end of the Cold War finally allows the failings of Western democratic institutions to be exposed; it may be "fin de siècle" rhetoric about preparing for the new millennium or it may simply be coincidence, whatever the case, liberal democracies seem to have entered an age of reform. The dust still has to settle on the institutional reforms in Central and Eastern Europe, and in South Africa, necessitated by the transition to democracy in those

countries. In addition to enlargement, institution building and reform is very much part of the agenda of the European Union. Western democracies as diverse as the United Kingdom, Japan, Italy, New Zealand, Belgium, and Israel are contemplating or implementing institutional changes. The Netherlands is thus no exception, although the current debate about reform of the Dutch political system seems to be merely the latest stage of a campaign that started in the 1960s, or even earlier.

Expectations were modest, when, on November 16 1990, the Deetman Commission published a report listing 98 proposals for "political, administrative, and constitutional renewal". First, committees on institutional reform are not a new phenomenon in Dutch politics, and their efforts have rarely resulted in the implementation of major changes. Moreover, this Commission was set up largely as a peace-offering to D66, the reform-minded, progressive liberal party, for being unceremoniously excluded from participation in the governing coalition of Social Democrats and Christian Democrats that took office in 1989 (the Lubbers III cabinet). Finally, the Commission introduced very few new ideas into the debate, taking most of its recommendations from the reports of preceding commissions (for English language accounts of the "history" of the debate on institutional reform in the Netherlands, see Gladdish 1972; Daalder 1975, 1986; Andeweg 1989). The Commission freely acknowledges its debt, striking a rather defensive note: "If this report is also an inventory of what has turned out to be not feasible in the past, it does not imply a verdict on what may be possible under different social and administrative circumstances" (Deetman Commission 1990, 4; my translation).

It is not clear in what respect the social and administrative circumstances have changed, but, compared to earlier attempts at institutional reform, this latest round contains at least two new elements that may have increased its potential for success. The composition of the Commission is one of these new elements. Usually, such committees are a mixture of retired politicians and academic experts, whereas the Deetman Commission contained the leaders of nearly all parliamentary parties and was chaired (and named after) the Speaker of the Second Chamber of Parliament.² Through their leaders, the parliamentary parties were now committed to the Deetman Commission's recommendations more than to those of previous external committees. In fact, the last major successful institutional reform, (the "Pacification" of 1918 that introduced universal [male] suffrage, proportional representation, and settled the issue of freedom of education), resulted from the deliberations of two committees containing the main parties' most prominent MPs. These parliamentary leaders could hardly afford to take personal responsibility for an exercise resulting in only rhetoric, but no realized reforms.

The second new element was that the Deetman Commission brought together two traditions in thinking about institutional change in Dutch

government: the debate about political and constitutional reform was explicitly linked to the debate about administrative reorganization. So far, both issues had been dealt with separately, leading to the criticism that plans for administrative reorganization were too insulated from the bureaucracy's social and political context. In a previous attempt to relate political and administrative reform, the government's Commissioner for Administrative Reform had been appointed a supernumerary member of the Biesheuvel Commission (1982-1984), which was to look into the relation between voters and policy-making, but this time the relationship was explored more systematically in both the Commission's diagnosis and its proposals. The combination of the two strands of reform not only provided a nearly complete catalogue of both the system's institutional ailments and its remedies as perceived by institutions' inmates, but it is also likely to have increased the chances for successful reform by pre-empting criticisms as mentioned above.

In the remainder of this article's discussion of this most recent chapter in the history of institutional reform in the Netherlands, it is impossible to mention, let alone do justice to, all of the 98 proposals. Some of the proposals that I have chosen to ignore seem more trivial (such as the injunction against MPs reading their speeches out loud), or quite technical (as on dual nationality), but others are far from insignificant (such as changes in the relations between the two Houses of Parliament, the introduction of forms of judicial review, the creation of a general civil service). The potential reforms I focus on here are: direct elections of the prime minister, the mixed member proportional system, and the popular veto. These three reforms have been selected for domestic as well as comparative reasons. Domestically, these are the reforms that have dominated the debate since they were mentioned in the Cals-Donner Commission's report nearly thirty years ago, and they are also the most radical and controversial of the proposals that have been debated.

Comparatively, these three proposals are also of interest in the international debate on democratic reform. A directly-elected prime minister fills an empty cell in some of the most important typologies of systems of government (Shugart and Carey 1992, 163-165; Lijphart 1992, 6-8). The discussion on this reform fits in with the wider debate on the relative merits of parliamentary versus presidential government. Although a popularly elected head of government who remains responsible to parliament has also been suggested in Italy (Shugart and Carey 1992, 164), and in the United States (Cutler 1980), it is only in Israel, and only very recently (1996), that this system has been implemented.

The proposed change in the electoral system also carries comparative interest, as the electoral system appears to be the most popular target of institutional reformers anywhere. Countries with majoritarian systems contemplate moving to a more proportional system (for example, the UK), and countries with PR believe the remedy is a more majoritarian system (for example, Italy). The

mixed member proportional system, the electoral system of Germany, is often discussed as a compromise, perhaps from a mistaken belief that it is a mixture of PR and first-past-the-post. Apart from in the Netherlands, it is seriously being considered for the direct elections to the European Parliament (although rejected once before, when recommended in the Seitlinger report; cf. Millar 1990, 38-39), and in Israel (advocated by the Bipartisan Committee on Electoral Reform in Israel; cf. Diamond and Sprinzak 1993, 364), but only New Zealand has recently (1996) held its first elections using the German system.

That there is considerable international interest in the referendum instrument hardly needs elaboration: "Only a handful of works on referendums appeared between 1920 and 1980, most works on the subject having been published in the early twentieth century. But the 1980s and 1990s have seen the number of such studies more than double (...)" (Butler and Ranney 1994, 11). The use of the instrument is increasing, and it is suggested that constitutional provisions for referendums be introduced in some countries (for example, Belgium, Germany, Israel, the Netherlands) or be extended (for example, France, Austria). The type of referendum most seriously considered in the Netherlands, a popular veto, does not have many empirical examples; it is one of the forms practised in Switzerland, and there are also similarities with referendums in Italy and in many American states.

There is a third reason for selecting these three of the Deetman Commission's 98 suggestions, in addition to their domestic controversy and comparative interest. Of all the Commission's proposals, these three are most directly linked to the Commission's diagnosis of the ailments of Dutch government: a "legitimacy crisis", or growing confidence gap between citizens and politics. This diagnosis has become part of political discourse throughout the Western world, and it underlies the debate on institutional reform in many countries other than the Netherlands. It is to this diagnosis that we turn first, before discussing the proposed remedies.

2 A growing confidence gap?

According to the Commission's diagnosis, a double crisis is threatening Dutch government. First, there is a *legitimacy crisis* affecting the relationship between the voters on the one hand and ministers and MPs on the other hand. Second, there is at least the perception of a *quality crisis* in governmental policy which lags behind citizens' expectations, and the failures of which receive more attention through public inquiries. The perceived quality crisis reduces the confidence in the policy-makers and thus reinforces the legitimacy crisis. The rhetorical advantages of this diagnosis are self-evident: because the quality

crisis contributes to the legitimacy crisis, administrative reform directed at improving the quality of governmental policy has immediate benefits for the democratic system as a whole. Thus, the diagnosis allows the Commission to link political reform to administrative reorganization. The choice of the term "crisis", and the reference to two mutually reinforcing "crises", gives a sense of urgency to the whole exercise and adds credence to the contention that institutional change is the only viable option.

The diagnosis, however, also has a disadvantage: it is fundamentally flawed. True, the belief in a widening *confidence gap* between citizens and politics is widespread, in particular among pundits and politicians, but so far, all attempts by Dutch political scientists to corroborate the belief through empirical research have led to a rejection of the hypothesis. Whether the legitimacy crisis or the widening confidence gap is defined in terms of increasing political apathy or in terms of increasing cynicism and protest, most indicators seem to point in the opposite direction.

According to National Election Study surveys, the percentage of citizens claiming not to be interested in political topics has decreased steadily from nearly 50 per cent in 1971 to about a fifth of the population in 1994.

Table 1 Level of subjective interest in politics; 1971-1994

percentage of electorate	'71	'72	'77	'81	'82	'86	'89	'94
very interested	10	11	11	14	16	16	14	13
fairly interested	42	45	49	54	58	57	63	66
not interested	46	43	39	32	26	27	23	22

Source: National Election Studies

N.B.: percentages for "don't know" have not been included in the table

It has been argued that the increase in political interest is only apparent because only politically-interested citizens will agree to be interviewed about politics, and it is true that response rates have dropped considerably in recent years (see Visscher 1995; Smeets 1995). Others have argued that non-response bias can only partially account for the rise in political interest that is found in surveys (Andeweg and Van Holsteyn 1997). More importantly, nobody has argued that the evidence points to a structural decline in political interest.³

Similarly, there is no decline in political participation. Turnout at elections has dropped dramatically for European and provincial elections, but for national and local elections an increased fluctuation in the level of turnout rather than a downward trend has been observed.

Table 2 Electoral turnout; 1970-1995 (per cent of listed electorate)

Second Chamber	Provincial Councils	Municipal Councils	European Parliament
1971 79.1	1970 68.9	1970 67.2	
1972 83.5	1974 75.1	1974 69.1	
1977 88.0	1978 79.6	1978 73.6	1979 58.1
1981 87.0	1982 68.4	1982 68.3	1984 50.9
1982 81.0	1987 66.3	1986 73.2	1989 47.5
1986 85.8	1991 52.3	1990 62.3	1994 35.7
1989 80.3	1995 50.0	1994 65.3	
1994 78.7			

Source: National Election Studies

The differential development of turnout rates in different elections does not fit in with a general political apathy, but with an electorate (most of which has never been socialized under compulsory voting), that makes up its mind on whether to vote or not on the basis of what is at stake in a particular election. Survey data on other, non-electoral, modes of political participation also show no signs of increasing apathy. Some forms of political activity are declining (party membership in particular), but other forms are on the rise (for example, demonstrations and action groups) (for example, Van Gunsteren and Andeweg 1994, 33-34). One study found that, on balance, the percentage of the adult population of the Netherlands engaging in at least one form of non-electoral participation doubled between 1974 and 1990 (Topf 1995, 69, table 3.3). Although such longitudinal comparisons have to be treated with care because of differences in the wording of questions, there is no reason to suspect that citizens are turning away from politics.

Most central to the hypothesis of a widening confidence gap is a decrease in political trust and efficacy. However, survey questions that are customarily used to tap political cynicism and inefficacy show that the level of trust has hardly changed over the past decades.

Only one item, "Politicians consciously promise more than they can deliver," registers a continuous increase of cynicism. In general, there appears to be more fluctuation than trend, and if there is a trend, it is in the direction of more, not less, trust in politics. Interestingly, the one item in table 3 that refers to institutions rather than to politicians, parties, or policies – "So many people vote in elections that my vote does not matter" – shows by far the lowest level of cynical response. This is in line with findings from the Eurobarometer surveys showing that Dutch citizens are consistently among the most satisfied with the way democracy works in their country compared to the populations of

Table 3 Trust in politics; 1971-1994

Statements	% agree/disagree	'71	'72	'77	'81	'82	'86	'89	'94
MPs do not care about the opinions of people like me	agree	48	48	41	34	45	38	38	41
	disagree	37	33	45	58	41	54	59	55
Political parties are only interested in my vote, not in my opinion	agree	59	55	48	40	50	45	43	48
	disagree	29	31	43	54	40	49	56	52
People like me don't have any say about what the government does	agree	56	58	46	38	52	48	49	44
	disagree	34	32	45	56	41	47	53	56
So many people vote in elections that my vote does not matter	agree	15	12	11	6	10	9	8	8
	disagree	77	81	85	90	87	89	92	91
Politicians consciously promise more than they can deliver	agree	75	78	78	85	84	90		
	disagree	21	17	18	13	15	9		
Ministers are primarily working for their own interests	agree	27	26	29	32	30	33		
	disagree	65	65	60	62	68	65		
One becomes MP because of one's political friends rather than because of one's skills and ability	agree	38	32	34	37	36	37		
	disagree	47	49	47	50	59	55		

Source: National Election Studies

N.B.: percentages for "don't know" have not been included in the table

other EU member states. In 1994 Dutch levels of satisfaction were 6 per cent higher than in France, 13 per cent higher than in the UK, and surpassed only by Denmark, Ireland, and Luxembourg (Eurobarometer 42, 1995).

It is hard to find evidence of a legitimacy crisis in such indicators of interest, participation, and trust in politics. That conclusion has been seized upon by opponents of institutional reform. One of the Deetman Commission's sub-committees used the evidence to qualify the diagnosis of a legitimacy crisis in defence of its choice for rather modest reforms (De Koning Commission 1993, 5-13). Similarly, any doubts that were voiced about the survey evidence were used by advocates of the reforms to argue that the legitimacy crisis is real. Thus, as soon as the hypothesis that non-response bias may affect the measurement of political interest had been made public, parliamentary questions were put to the minister in charge of the reforms (Written Question 52 put by the MPs Rehwinkel and Van Oven, September 7 1995, and answer from junior minister Kohnstamm, October 5 1995, Proceedings of the Second Chamber 1995-1996, Appendix, p. 103).

The absence of a legitimacy crisis, however, does not imply the absence of any problems or challenges to the Dutch governmental system. The fact that politicians perceive a widening gap between themselves and the citizens is probably due to the fact that their contacts with the citizens are largely channelled through collective organizations such as churches, trade unions, and above all political parties. And it is these collective organizations that are in decline as the result of social developments such as secularization, social mobility, and individualization. In this diagnosis, citizens have not turned away from politics, but fewer of them are mobilized permanently in collective organizations, and more of them are politically active on an ad hoc basis, in relation to a single issue. Such conclusions are not confined to the Dutch case (cf. Fuchs and Klingemann 1995, esp. 435-438; Andeweg 1996), and may even apply to countries such as neighbouring Belgium, where there is much more *prima facie* evidence of a crisis (cf. Deschouwer 1992; Huyse 1994). The challenge this diagnosis poses for the democratic institutions is hardly less reason for institutional reform than the Deetman Commission's legitimacy crisis, but it may well demand different remedies. It is time to turn to the reform proposals.

3 The Israeli example

The Achilles heel of Dutch democracy has always been the inconclusive outcome of parliamentary elections with regard to the formation of a new government. In this respect, the Netherlands does not even meet the requirements of Schumpeter's well-known minimalist definition of democracy; as Dutch

elections invariably fail to produce a majority party, Dutch voters have hardly any influence over the composition of a new government. This "democratic deficit" is widely acknowledged and deplored, but any remedy implies a radical departure from the current system of government and the creation of a new one that was without empirical precedent until Israel experimented with direct elections of the prime minister in 1996.

In both countries similar, more or less radical, varieties of this reform have been discussed. In the Netherlands, the least radical variation was originally introduced by Leyden law professor Glastra Van Loon in 1964: he suggested that parties, or pre-election combinations of parties, nominate a candidate, and that the office of prime minister would go to the candidate of the party or coalition with a plurality of votes in the parliamentary election. Parliament would no longer be able to censure ministers individually or collectively, but it would receive the power to dissolve itself, thus forcing the prime minister to seek reaffirmation of his electoral mandate (Glastra Van Loon 1964). The Israel Democracy Institute has advocated the same reform, but in its proposal the Knesset would also be able to oust the prime minister without early elections, through a "constructive vote of no-confidence" (Diamond and Sprinzak 1993, 368-369).⁴ In the most radical version of the reform, separate but simultaneous elections would be held for both parliament and prime minister, and the prime minister would no longer need the confidence of a parliamentary majority. In the Netherlands, this proposal has become the hallmark of D66, of which Glastra Van Loon later became president (Gruyters 1967). In Israel, it was discussed by the International Forum of the Israel-Diaspora Institute (1989). It is most radical, because it would mean a complete transformation from a parliamentary into a presidential system of government, with fixed terms for both prime minister and parliament, and no method for the resolution of conflicts between the two. The third variation falls somewhere in between these two extremes, and is the one that has attracted most supporters in the Netherlands. It introduces direct elections for the premiership, but retains parliament's right to censure the prime minister. In Israel, the original proposal by Libai et al. requires a qualified majority of 70 (out of 120) MKs (Libai et al. 1990), but the amendment to the Basic Law adopted in 1992 (and put into effect in 1996) has reduced this to 61 MKs. In the Netherlands, the most likely proposal is for direct elections of the "formateur" (theoretically, this is not necessarily the new prime minister), leaving everything else unchanged, including Parliament's power to oust the government by a simple majority of MPs present. It is the combination of a popularly-elected head of government and the government's dependence on legislative confidence that was, until 1996, the empty cell in most taxonomies of systems of government. It has been likened to French-style semi-presidentialism (Bogdanor 1993, 99), but without the bicephalous leadership. This difference is crucial: in France, even

when the president does not have a majority in parliament, there will be a prime minister supported by a parliamentary majority, and effective government may continue (Lijphart 1993, 120).⁵ In the case of conflicting majorities, a French-style "cohabitation" is impossible with a directly-elected prime minister, and conflicting majorities are then likely to frustrate effective government.

It is this possibility of American-style gridlock as the result of divided government that has received most attention as a disadvantage of the reform. Divided government is even more likely to produce gridlock in the Netherlands and Israel than in the US because of the more disciplined and cohesive political parties in these two countries. The risk of divided government is not illusory either: when the reform was implemented in Israel in 1996, divided government was narrowly avoided: ticket splitting was more frequent than expected, small parties fared better in the parliamentary elections, and the plurality party in the Knesset was not the party of the directly-elected prime minister (Mahler 1996). Holding the parliamentary and prime-ministerial elections more or less simultaneously is no guarantee against divided government,⁶ but it is done with the intention of avoiding or reducing the risk (although others have argued that the prime-ministerial election should precede the parliamentary election in order to give the electorate the opportunity to choose between strong and divided government; cf. International Forum 1989, 196; Bogdanor 1993, 98-99). The most recent elaboration of the Dutch proposal states that the two elections would always be held in conjunction, even if early elections for the premiership are needed because of the death of the incumbent (Proceedings of the Second Chamber 1992-1993, 21427:62).

Should a divided government nevertheless occur, a vote of no-confidence is the only tie-breaker, forcing early elections in the hope that the electorate will not return both the prime-ministerial and the parliamentary incumbents. Such early elections may take place if the freshly elected prime minister is unable to form a government, or if his government falls victim to an immediate vote of no-confidence: in the latest version of the Dutch proposal, they could be called as soon as six weeks after the previous elections. In Israel, should the prime minister be unable to find a Knesset majority for his government within 45 days, elections have to be held within 60 days. If the electorate refuses to resolve the conflict, parliament is faced with a choice between incessant elections or allowing the government to survive while voting down its proposals.⁷ In either case, effective government is frustrated. Many Dutch opponents of the reform would agree with Sartori's assessment that "the insertion of a non-removable, popularly elected premier into a parliamentary system is like entering a stone into an engine. If it doesn't break it, it must be a very strong engine" (Sartori 1994, 117). Most of the opponents do not want to take the risk.

Although the reform's potential impact on executive-legislative relations

has received most attention, it is not the only perceived disadvantage mentioned by its opponents, as table 4 shows.

Table 4 Direct elections of the prime minister; the main arguments for and against

Arguments For	Arguments Against
1. voters will be able to influence the political composition of the new government	1. separate electoral mandates of the prime minister and of parliament abolish or at least weaken the parliamentary system of government
2. the period of cabinet formation (and of government by a demissionary cabinet) will be shorter	2. as it is unlikely that a candidate wins an absolute majority in the first round, run-off elections will be frequent, with a risk of political unrest and voter fatigue
3. the position of the prime minister within the Cabinet is strengthened, which improves coordination and puts the Dutch premier on a par with his EU colleagues	3. collegial government as an internal system of checks and balances is weakened
4. voters will be able to choose between personalities	4. a risk of populism and a further impetus to the 'Americanization' of Dutch politics
5. less voter confusion, as the campaign is likely to revolve around two clearly distinguishable alternatives	5. creation of an artificial dichotomy in a more pluralistic political culture
6. more government decisiveness	6. introduction of a majoritarian element into a consociational democracy
7. a weakening of coalition (perhaps even of party) discipline in Parliament, reinvigorating parliamentary debate	7. the risk of divided government and either gridlock or incessant elections
8. reduced risk of drawing the monarch into party-political controversy	8. a further weakening of the position of the monarch

Note: for these and additional advantages and disadvantages, see International Forum of the Israeli Diaspora Institute, 1989; Proceedings of the (Dutch) Second Chamber, 1992-1993, 21427, n.62, pp. 8-9

As Table 4 also shows, there is no denying the advantages of these proposals. Most important among these are that, from the perspective of democratic theory, the Dutch system would meet Schumpeter's criterium. From the voters' perspective, direct elections of the prime minister have popular support that seems to be structural, or at least stable, at between 50 and 60 per cent. And from the perspective of administrative reorganization, a strengthening of the position of the prime minister, long advocated to combat the excessive sectorization in Dutch policy-making, or to put the Dutch prime minister on a par with his colleagues in the European Council, calls for (and is reinforced by) a direct popular mandate for the prime minister (Van Mierlo and Vis 1993).

In the end, however, the politicians apparently felt that the disadvantages outweighed the advantages. The proposals had been discussed at least four times before they were tabled once again by the Deetman Commission: following the report of the Cals-Donner Commission in 1969; after introduction of a private member bill in 1971; on the basis of a government white paper in 1974; and by the Biesheuvel Commission in 1984. Each time, they were rejected by Parliament, primarily because the proposals would transform executive-legislative relations in the Netherlands in the direction of a presidential system. Curiously, the Deetman Commission did not advocate reconsideration of the original Glastra Van Loon proposal, which remains much closer to the parliamentary system of government. Revitalizing the rejected proposals proved a non-starter. The subcommittee in charge of its elaboration did not want to waste time on it, and merely argued that the time that had passed since the proposal was introduced last (1984) was so short that a reconsideration was unnecessary (De Koning Commission 1993, 45). The Deetman Commission then called in external advice, as it felt obliged (or constrained by D66) to give the proposal more serious attention (Proceedings of the Second Chamber 1992-1993, 21427:62), but the idea has since been quietly shelved – at least for the time being.

The parallel proposal for local government, the directly-elected mayor, met the same fate. In the Netherlands, mayors are appointed by the central government, usually from outside the municipality to which they are appointed. For years, proposals to democratize and to decentralize mayoral nominations have been discussed. Although these proposals have not led to formal reforms, the practice of mayoral appointments has gradually been changed to allow for more input from the local council. The Deetman Commission put the proposals for a more radical change, direct or indirect elections of mayors, on the agenda once again, and one of its subcommittees was set up specifically to study and elaborate on these proposals. The Van Thijn Commission (1993) eventually recommended that the mayor be elected by, but not from, the local council, and that the council be given the right to censure the mayor. A special cabinet committee in charge of constitutional renewal did not follow the

Commission's advice, but in line with the gradual change in the appointment procedure, it proposed that the local council should have the right to nominate a candidate for appointment by the central government; that the central government would usually appoint the council's nominee; and that the council would also have the right to propose the dismissal of an incumbent mayor.

4 The German example

Originally, electoral reform has been debated as a solution for the problem outlined above: the inconclusive outcome of parliamentary elections. Although the Dutch multi-party system was not the result of PR (the party system developed under a French-style system of absolute majority), the current system of nationwide proportional representation, with the electoral threshold equalling the electoral quotient (.67 per cent), does little to prevent the fragmentation of the party system. Introduction of a plurality system, or the combination of current PR with districts, or a higher electoral threshold, have all been advocated to reduce that fragmentation, although even complete abolition of PR in favour of "first-past-the-post" would be no guarantee against a hung parliament.

A combination of PR with electoral districts came close to receiving a parliamentary majority in 1971, but in general, undiluted proportionality seems to have become almost synonymous to fairness in Dutch political culture. Any abridgement of PR is vehemently opposed, and not just by the smaller political parties. The Deetman Commission made it clear from the start that any electoral reform should not impair PR. Because of that condition, electoral reform loses most of its potential as a remedy against the inconclusive outcome of the elections, and it is no longer recommended for this reason.

The Deetman Commission's proposals for a change of the electoral system had different goals: to bring MPs into closer contact with their voters, thus narrowing the confidence gap; and to stimulate a more generalist approach among MPs (who, today, are often specialized in rather narrowly-defined policy fields), thus reducing the excessive sectoralization in Dutch government; again, we see the interesting combination of political and administrative arguments. The Commission presented two alternatives for achieving these goals: introducing 5 to 15 electoral districts, that would each elect between 10 and 30 MPs, into the current electoral system; or introducing the Mixed Member Proportional System, as used in Germany.⁸ The proposal to introduce the German electoral system constitutes one of the few new ideas launched by the Deetman Commission. It had in fact been considered by the Cals-Donner Commission in 1969, was rejected at that time, because it would do nothing to reduce the inconclusiveness of Dutch elections (Cals-Donner Commission

1968, 68).⁹ Now that this was no longer the purpose of electoral reform, and after leading politicians of the (then) ruling parties, PvdA and CDA, had publicly announced their support for a switch to the German electoral system, the debate focused almost exclusively on that alternative.

In the German Mixed Member Proportional System, the voter casts two votes; one for a candidate in a single-member district ("Erststimme"), and one for a party list ("Zweitstimme"). In Germany, there are also electoral districts for the "Zweitstimme", but in the Dutch debate it has been assumed that the whole country would form a single district for that purpose. A higher electoral threshold, also part of the German system, was explicitly excluded in the Deetman Commission's proposal. In Israel, where an electoral system very similar to the Dutch one also treats the whole country as a single district, reformers have proposed the German electoral system as well, but with three-member districts rather than the single-member districts used in Germany and New Zealand (Bogdanor 1993, 93; Sprinzak and Diamond 1993, 364). The German system is sometimes erroneously described as a mixed system, but it is a system of PR only. The votes for the party lists determine the distribution of seats on the basis of proportionality. Once the seats have been allocated to the parties, the parties' candidates who won a plurality of Erststimme in their district have first rights to these seats. Candidates from the party list are seated only when the party has won more seats on the Zweitstimme than it won districts on the Erststimme. This is usually the case, even for the big parties, as the number of districts is half the number of seats in the Bundestag. However, it is possible, and it does occur, that a party wins more districts than seats. As candidates who have been elected in districts are guaranteed a seat, extra seats must then be added to the Bundestag ("Ueberhangmandate"). This is the only deviation from PR in the German system.

Internationally, the debate and the literature on the pros and cons of various electoral systems focuses almost exclusively on the direct numerical impact on the translation of votes into seats, and on the indirect effect on the party system and composition of the government (cf. Taagepera and Shugart 1989). In the Netherlands, however, the proposed reform is intended *not* to have any numerical effects, but to change the attitudes and behaviour of voters, and especially of MPs. These questions are, if not completely than at least largely, neglected by political scientists (for an interesting exception, see Bowler and Farrel 1993). Advocates and opponents of the reform, as well as the political scientists called in to offer expert advice, could only make educated guesses about the impact of the German system on the basis of the German experience, and on the basis of analyses made in New Zealand in preparation of the referendums of 1992 and 1993 that would lead to the introduction of the German system in 1996.¹⁰ Table 5 summarizes the most important advantages and disadvantages of the reform as they have been mentioned in the debate.

Table 5 The German electoral system: the main arguments for and against

Arguments For	Arguments Against
1. MPs will pay more attention to the problems of individual voters in their constituency	1. risk of clientelism or even corruption
2. voters will be able to choose between personalities	2a. risk of populism and 'Americanization' of Dutch politics 2b. voters have less choice between personalities as losing candidates enter Parliament on party list, while current opportunity for preferential voting on party list disappears
3. better representation of regional interests in Parliament	3. unnecessary regional particularism in a small country
4. increase in the number of generalist MPs, decrease in the number of specialized MPs	4. two-ballot system is confusing for the voter
5. introduction of districts brings Dutch electoral system more in line with those of other European countries	5. no longer a single electoral system for all types of elections; confusion of the voter
6. opportunity for influencing coalition formation through ticket splitting	6a. ticket splitting offers parties opportunity for manipulation 6b. 'Ueberhangmandate' distorts proportional representation
	7. introduction of districts brings risk of deviation from "one man, one vote" (malapportionment) and political manipulation of constituency boundaries (gerrymandering)
	8. fewer female MPs and MPs from minorities
	9. the system produces two kinds of MPs, on the basis of how they are elected

Note: for these and additional advantages and disadvantages, see Andeweg 1993; Proceedings of the Second Chamber, 1992-1993, 21427, n.62, 17-21; Jesse 1987; Bogdanor 1993, 91-94

An important difference to the arguments for and against a directly-elected prime minister, as listed in Table 4, is that those arguments were accepted as valid by both sides, albeit valued differently. This is also the case with some of the arguments in Table 5, such as increased regionalism and the risk that a Ueberhangmandate distorts proportionality, but with some of the other arguments even their validity is at stake. The criticism that the German system would create two classes of MPs, for example, finds no empirical support in the German experience. The behaviour and attitudes of German MPs hardly varies with their mode of election, as most MPs who are elected on the party list have also contested a district – unsuccessfully. In its turn, however, that fact invalidates the contention that the German system gives the voters more choice of personalities: candidates who are rejected by the voters in a district may still enter parliament by the back door as it were, on the party list, and there is no opportunity to express a preference for a particular candidate on that party list.

Most attention has been given to whether the reform would achieve its stated goals: a closer relationship between voters and MPs, and fewer specialized MPs. Most German MPs do appear to spend a considerable amount of time in “their” district, but “Evidence of a personal vote achieved by a conscientious concern for constituents’ problems is notable by its virtual absence” (Burkett 1985, 121); “Despite all the efforts to communicate with the voters (...), barely half the population knows who their MP is” (Oberreuter 1988, 425); and “with regard to issue cleavages and agenda priorities, the overall link between constituency and deputy is practically non-existent, if not negative” (Kaase 1984, 162). Parties rather than individual candidates dominate the battle for the district vote: it is very exceptional for a party other than the two big ones (CDU/CSU and FDP) to win a district, and ticket-splitting is not caused by candidate popularity, but by coalition loyalty (“the Erststimme for the coalition, the Zweitstimme for the party” is the message to supporters of the minor coalition party).

A more likely consequence of the introduction of the German electoral system is the strengthening of regional (district-level) intra-party bodies (the influence of which most parties currently seek to reduce), and a growth of regional interest representation in parliament. This is not the same as the development of a more generalist approach among MPs, the second intention of the reform’s advocates. There is ample evidence that the regionalist role of German MPs has not prevented “the Bundestag developing into a parliament of specialists, making communication with the voters ever more difficult” (Hesse und Ellwein 1992, 248, translated from the original). It would seem that other aspects of the political system, notably the committee structure in parliament, have more impact on the degree of specialization of MPs than the electoral system.

As far as it is possible to predict the effects of switching to the German system, it seems unlikely that the reform would have the intended consequences. The De Koning Commission rejected the introduction of the German electoral system, primarily because it would not result in a more direct and personal bond between voters and MPs. As with the Commission’s rejection of the elected prime minister, the reasoning was deemed unsatisfactory by the Deetman Commission itself, and it called in outside advice to systematically compare the advantages and disadvantages of the German electoral system (Andeweg 1993; Proceedings of the Second Chamber 1992-1993, 21427:62). The advocates of the reform were not discouraged by the disadvantages that are listed above, some of them welcoming a move towards more regional representation in Dutch politics. At the last moment, introduction of the German electoral system was written into the PvdA’s 1994 election manifesto, probably by the departing parliamentary party chairman Wöltgens.¹¹ When that party became the leading partner in the new governing coalition (with D66 and the conservative-liberal VVD) taking office in 1994, the coalition agreement promised “to study how the electoral system can be changed in order to facilitate a more direct relationship between electorate and elected officials, while maintaining the principle of proportionality”, (my translation).

The Cabinet Committee on Constitutional Renewal that carried out this study rejected the German system, primarily because of the confusion it would create, and it also rejected a combination of PR and multi-member districts as too much of an infringement on proportionality (resulting from the much higher electoral quotient in districts of 10 to 15 members as compared to a nationwide district of 150 members). The Cabinet Committee developed its own alternative, attributed to PvdA’s Minister without Portfolio Pronk (Proceedings of the Second Chamber 1995-1996, 21427:112). It is a mixed system, in which half of the seats in the Second Chamber would be allocated under the existing rules (nationwide PR). The other half would be elected from party lists, using PR, but in five districts (with an average number of 15 seats per district). Note that the two ballots are not related as in the German system: the national party lists are not used to top up the district results to achieve nationwide proportionality. In this respect the Cabinet Committee’s proposal resembles the electoral systems adopted, for example, in Russia in 1993 (Remington and Smith 1996, 166-169, 179-180) or Hungary in 1990 (Agh 1996, 20-22). Through the combination of multi-member districts and nationwide PR, the Cabinet Committee sought to moderate the deviation from PR that is the result of introducing electoral districts into the system. Nevertheless, even this mixed system strengthens the “Matthew effect” at the expense of proportionality. The Committee used the 1994 election results to estimate the effects of its own proposal, clustering whole provinces to create the five districts: the five biggest parties would gain seats or at least remain stable,

while all the smaller parties would remain stable or lose seats, with the curious exception of the extreme right CD. Moreover, this estimate was based on the assumption that voters would not split their ticket, while it is not unlikely that supporters of smaller parties would in fact give their district vote to a bigger party in order not to waste it. This would further weaken national proportionality.¹² In addition, it is hard to see how this reform would result in "a more direct relationship" between voters and MPs: in an 11-million strong electorate, an average district would contain more than two million voters and 15 MPs. Some of these districts group together culturally very different provinces (Zeeland, Noord Brabant and Limburg; Friesland, Groningen, Drenthe and Overijssel).

Eventually, the cabinet withdrew its proposal when it became clear that there was insufficient support in parliament. The junior minister in charge of constitutional reform announced that he would look again at the possibilities for introducing the German system, but in the mean time a decision to strengthen the effect of preference votes (i.e. votes for a candidate on the party list, other than the list leader) seems to be the only tangible result of this attempt at institutional reform.¹³

5 The Swiss example

The Deetman Commission also relaunched a reform that had been proposed by its immediate predecessor, the Biesheuvel Commission: the introduction of an abrogative initiative.¹⁴ In the past, proposals for some form of referendum (sometimes in combination with abolition of the First Chamber) had been repeatedly and soundly rejected as "non-indigenous plants" or "an axe chopping at the roots of democracy" (quoted in Van Holsteyn 1996, 127-9). The main reason for such rejections, in the Netherlands as well as elsewhere, has been that a referendum is a form of direct democracy, and therefore would subvert representative democracy (cf. Butler and Ranney 1994). Other arguments that are raised by opponents of the referendum include: the risk of manipulation arising from the wording of the referendum question (usually with reference to some of De Gaulle's referendums); the risk that low turnout in a referendum election allows a small, passionate minority to get its way (usually with reference to the fact that referendum turnout is usually lower than election turnout); the risk that referendums offer an opportunity for politicians to hive off responsibility for unpopular measures (usually with reference to the referendums on the EU and devolution in the UK), what Finer called the Pontius Pilate function of the referendum (quoted in Bogdanor 1994, 43), although this risk has also been argued to be an advantage (Bogdanor 1993, 103).

The Biesheuvel Commission sought to circumvent these objections with its proposal for a "corrective legislative referendum": once a bill had been accepted by both houses of parliament, promulgation would be delayed for three weeks, during which a minimum of 10,000 registered voters can ask for the bill to be submitted to a referendum (whereby bills on the budget and the monarchy, and bills to ratify treaties or decisions by international organizations would be exempted). The electorate must then be allowed to support this request, and if at least 300,000 do so within six weeks, a referendum must be held on the promulgation or abrogation of the bill within five months. If a majority of the voters, comprising at least 30 per cent of the eligible voters, reject the bill, it dies by popular veto. In this proposal, a referendum supplements rather than subverts representative democracy, as only bills that have been accepted by Parliament can be submitted to a referendum; for the same reason, the proposal does not allow politicians to shunt their responsibility; the wording of the question is not open to manipulation, and the numerical threshold (roughly five times the electoral quotient) makes it less likely, although not impossible, that referendums will be held on questions in which only a small minority is interested.¹⁵

There is no standard terminology and generally accepted typology of various forms of referendum, which makes it difficult to unambiguously classify this proposal. The "corrective legislative referendum" – or referendum-a-la-Biesheuvel, as the proposal has become known in the Netherlands – is an "active-decisive-preregulated-facultative" referendum in Suksi's typology (Suksi 1993, 28-37), because the electorate's role in starting the referendum procedure is an active one (some authors would therefore call it an initiative rather than a referendum), the result of the referendum is binding, it is a standard, regulated instrument, and there is no prescribed set of issues (such as constitutional amendments) on which a referendum must be held. This typology, however, does not differentiate between "initiative" and "referendum" as the terms are understood in the US, or between a "popular legislative initiative" and a "popular legislative veto", a crucial distinction for those who are anxious that a referendum should only complement representative democracy. The term "abrogative referendum" or "initiative" is sometimes used for the popular legislative veto, but some authors reserve that term for referendums or initiatives on laws that have been promulgated, and would classify the Dutch proposal for referendums on bills that have been adopted by parliament, but not yet promulgated, as a "rejective initiative" (Uleri 1996a, 8-14).

Turning from terminology to empirical examples, Switzerland and Italy are the only West-European countries with provisions for an abrogative (or rejective) initiative,¹⁶ but the Dutch proposal is different in important respects (cf. Bogdanor 1994; Kobach 1994; Uleri 1996b; Trechsel and Kriesi 1996). In both Switzerland and Italy it is only one of many varieties of referendum that

is allowed by the constitution. In Switzerland, the threshold is considerably lower (50,000 voters or eight Cantons can demand a referendum within 90 days of the bill's publication), than what is proposed in the Netherlands, and a simple majority of valid votes suffices. In Italy, the threshold is high (500,000 voters or five regional councils, plus the approval of the Constitutional Court), and the referendum is only valid if more than half of the electorate participates, but the abrogative initiative applies not only to new laws, as is proposed in the Netherlands, but to any law, regardless of how long ago it was adopted. What the Dutch proposal has in common with the Swiss and Italian examples is that the initiative lies with the citizens. A comparison with other countries that practice some form of referendum, shows that the frequency with which referendums are held is highest when the voters can demand a referendum.

Although the Second Chamber of Parliament had rejected the Biesheuvel Commission's proposal only a year before, the Deetman Commission recommended that it be reconsidered. Furthermore, such a reconsideration should address the risk of an impasse when dealing with a social problem for which a solution had been agreed upon by the government and a parliamentary majority but which would be rejected by the voters. When it was given the task of studying and elaborating on the proposal, the De Koning Commission warned that such an impasse may even lead to a widening of the confidence gap rather than the intended narrowing. Table 6 summarizes the main advantages and disadvantages mentioned in the De Koning Commission's report and in the subsequent public debate.

Just as with the elected premier and the German electoral system, the intention to link political and administrative reform alerted the proposal's advocates to an additional argument: the Commission speculated that anticipation of a potential referendum would contribute to the quality of legislation. Table 6 is not complete as it lists only arguments that were used in the debate between advocates and opponents of the reform. It should be emphasized that some of the reform's advocates think it does not go far enough, and they particularly criticize the exemptions, such as bills to ratify new treaties. The referendum's restriction to legislation has also been deplored, as in the Dutch system, formal legislation often provides only the framework within which policies are shaped by Orders in Council and other forms of regulation, which would remain immune from the proposed popular veto.

As has already been mentioned, the De Koning Commission was rather sceptical about the Deetman Commission's diagnosis of a legitimacy crisis. Even if such a crisis did exist, it remains doubtful whether a referendum would do much to alleviate the problem, as turnout in referendums tends to be lower than in elections. Interestingly, a majority of the Commission argued that introduction of the referendum would fit with the alternative diagnosis offered above: of citizens turning away from traditional, collective forms of

Table 6 The abrogative referendum: the main arguments for and against

Arguments for	Arguments against
1. citizens are able to influence legislation directly	1. citizens may lack the necessary expertise to pass judgement on complicated bills
2. for today's individualistic citizens, having the opportunity to challenge legislation will increase the legitimacy of representative democracy	2. representative democracy is weakened by incorporating an element of direct democracy
3. the closed circuit of logrolling and compromise within the political class is opened up	3. the risk of deadlock if voters reject a proposal and there is no parliamentary majority for an alternative
4. anticipation of a possible referendum will improve the quality of legislation	4. extra costs in terms of time and money
	5. voters may be motivated by other factors than the content of the bill
	6. as turnout in referendums tends to be low, there is a risk that a small, passionate minority imposes its will
	7. it provides an unnecessary extra instrument to well organized and financed single issue groups
	8. without any opportunity for compromise, it introduces a majoritarian instrument into a consociational democracy

politics, but not from politics as such. It was this majority of the Commission that advocated the introduction of a referendum, but should a parliamentary majority opt for the introduction of a referendum, the Commission was unanimous in recommending the Biesheuvel Commission's corrective legislative referendum, only raising the number of eligible voters who can start the procedure from 10.000 tot 20.000.

While the Commission studied the referendum, the instrument became increasingly popular at the local level (Van Holsteyn 1996); so popular that the town of Vlaardingen held a referendum on holding a referendum, and the city of Amsterdam first decided to have a referendum and then organized a competition to find a suitable topic. Formally, all local referendums are consultative only, as the Minister of the Interior reminded the municipalities in

1995. In practice, however, local councillors will think twice before ignoring a clear popular verdict in a non-binding referendum. When the voters of Amsterdam and Rotterdam rejected the division of their cities in referendums in 1995, the same Minister of the Interior felt obliged to drop his plans to that effect. Although there was at first a great variety of forms of referendum at the local level, the cities and towns that have introduced the referendum seem to converge on corrective referendums not unlike the proposal of the De Koning Commission. The majority on the De Koning Commission recommended a uniform regime for all local referendums.

To introduce a referendum, whether at the national or at the local level, the constitution must be amended. In the 1990 parliamentary study, MPs were asked what they thought of a corrective legislative referendum: only 24 per cent of MPs in the Second Chamber, and 15 per cent of the MPs in the First Chamber regarded such a reform desirable (Thomassen et al. 1992, M671). Although some parties that had long been opposed to the referendum have since become less intransigent (such as the Christian Democrats, and the small orthodox Protestant GPV), there does not seem to be sufficient support for the reform in Parliament. However, after the 1994 elections, no viable governing coalition could obtain a parliamentary majority without participation of D66, and this party used its pivotal position to demand the other governing parties' support for introduction of the referendum. The 1994 coalition agreement included: "The introduction of the possibility of a corrective legislative referendum at both central and local levels will be prepared in legislative proposals for further elaboration and for amendments to the Constitution" (my translation). The conservative-liberal VVD, one of the parties most opposed to a referendum, is thus bound by the coalition agreement to support the introduction of the referendum, albeit "gritting their teeth", as the VVD's spokesman put it. The VVD has been dragging its feet, trying to restrict the referendum as much as possible, but the Cabinet Committee on Constitutional Renewal has drawn up a proposal for a corrective legislative referendum that differs from the recommendation of the De Koning Commission only in that the thresholds for a referendum are raised once again: 40,000 eligible voters can ask for a referendum, and it must be held when this request is subsequently supported by 600,000 eligible voters (Proceedings of the Second Chamber 1995-1996, 21427:133).¹⁷

6 Institutional conservatism revisited

The Deetman Commission and its subcommittees had long been discharged when the Cabinet Committee on Constitutional Renewal was abandoned in 1996. Of the 98 original proposals put forward by the Deetman Commission,

a few have actually been implemented. These are primarily administrative reforms (creation of a general civil service for top-level bureaucrats; a further rationalization of the system of advisory councils, etc.) that have never been very controversial. The yield of political reforms that have been implemented is very meagre (the prime minister has been given the right to put a "dossier" on the agenda of the council of ministers, for example), even if, eventually, the constitution will be amended to accommodate a corrective legislative referendum. As Hans Dijkstal, the cabinet minister in charge of the reform agenda, conceded: "Admittedly, the mountain may have brought forth only a rather small mouse" (at a meeting of the Thorbecke Association, January 13 1997; my translation).

The modest results of this latest episode in the campaign for institutional reform provide further evidence of the remarkable institutional conservatism that seems characteristic of the Dutch political class. This lack of success cannot be attributed to popular opposition: if anything, a reform's chances of adoption and its popular support seem to be inversely related. On the one hand, survey evidence indicates that a majority of the citizens support proposals with limited or no prospects, such as direct elections of the prime minister and of mayors, and referendums. On the other hand, a reform with which the people did not agree, the abolition of compulsory voting, is the only major institutional change that has been adopted (in 1970). For a while, it also looked as if introduction of the German electoral system was acceptable to the political elite, while surveys from the 1970s registered declining popular enthusiasm for the introduction of electoral districts, and only 15 per cent of respondents in the National Election Study of 1986 felt that their interests were best represented by an MP from their own region.

In an analysis of previous attempts at political reform, I attributed their failure to two other factors (Andeweg 1989). One factor was that most of the reforms that were discussed would weaken the position of the major political parties. This is generally perceived as a likely consequence of introducing referendums (but see Budge 1996, 105-132 for a contrary view), but it also applies to a popularly elected prime minister (and mayor), as only candidates who appeal to a wider audience than that of their own party would stand a chance of winning. Introducing geographical representation of some form need not weaken the parties as such, but it will result in a shift of power over the nominations from the parties' national leadership to the constituency parties. It was all very well for Royal Commissions to propose reforms with such consequences, but the proposals were destined to fail when they reached the (party) political agenda. The second factor, borrowed from March and Olsen, is applicable primarily to attempts at administrative reform, and refers to the limited attention that politicians are able to give to such projects: they start a reorganization drive, but will rarely see it through, allowing the reorganization to become a "garbage

can" of bureaucratic hobby horses that they cannot but reject when the project reaches the decision-making stage (March and Olsen 1989, 69-94).

However, the new elements in the Deetman Commission's strategy, mentioned in this paper's introduction, seemed designed to overcome these two obstacles. The direct involvement of party leaders from the start made it less likely that they would mobilize their parties against the reforms at a late stage. And both the composition of the Deetman Commission and the linking of administrative to political reform made it less likely that administrative reorganization would suffer from lack of political attention. This strategy might have worked, had it been carried out completely. The potential for greater commitment by the party leadership was reduced considerably, however, by the fact that the Deetman Commission's remit was to raise points for further discussion, not to produce detailed proposals that could be entered into the legislative process immediately. If the Deetman Commission listed no less than 98 proposals, it was not because the Commission's members were convinced of the viability of each of their recommendations, but because they were able to postpone the elimination of those proposals they did not want to see implemented.

The Deetman Commission entrusted further elaboration of the proposals that survived a first parliamentary debate of the Commission's report to six subcommittees:

- the De Koning Commission for most of the political and constitutional reforms at the national level;
- the Van Thijn Commission, on the (s)election of mayors;
- the Franssen Commission, for proposals concerning decentralization;
- the De Jong Commission, on reforms of the government's system of advisory councils;
- the Scheltema Commission, on the limits of, and alternatives to, ministerial responsibility for the bureaucracy;
- the Wiegel Commission, on the possibilities for creating smaller "core" departments.

These subcommittees were generally made up of outside experts and elder statesmen, not of current party leaders, which made it less difficult for those leaders to distance themselves from the subcommittees' recommendations. The Deetman Commission's ingenuous linking of political and administrative reform was also weakened by its delegation to subcommittees. As can be seen from the list above, the topics of these subcommittees clearly did not cross the traditional division between political reform and administrative reorganization.

We shall never know whether the Deetman Commission would have been able to break through the cycle of the same reforms being proposed and rejected again and again, if the Commission had seen its own strategy through. Even if it had, however, the general direction and the specific contents of the

recommendations would also have worked against their adoption. By this I do not refer to the fact that the most controversial proposals, which we have discussed in this paper, would have meant a leap into the dark. It is true, as we have seen, that there are very few empirical examples on which to base an assessment of the reforms' likely consequences, but if there had been more cases for comparison, there would not have been more "proof" of their institutional effects, as the quote from Weaver and Rockman at the beginning of this paper already indicated. The problem with the Commission's proposals is that they are based on a diagnosis that is, as we have argued, flawed. Even if the widening confidence gap were to exist, it would be doubtful whether a directly-elected prime minister and the German electoral system would narrow the gap. The personalization and regionalization of politics that would result from these reforms do not necessarily produce more trust and participation in politics, if political systems where these features have long been present are anything to go by. And if we take away the diagnosis of the confidence gap, these reforms provide solutions for problems of democratic theory only. The same is not true for the proposed referendum. In general, referendums do not arouse sufficient public interest and involvement to be a solution for the non-existent legitimacy crisis, but they do fit remarkably well with our alternative diagnosis: that of a more individualistic citizenry that is no longer as permanently mobilized in collective organizations, but that still follows politics with interest, and is willing to become active on an ad hoc basis, in the context of a specific single issue. The referendum is only one mechanism to link this individualized and ad hoc political activity to political decision-making that must be collective and permanent. Other mechanisms of elite-mass linkage that may also fulfil this role include the introduction of judicial review, and giving citizens the right to table items for political decision-making (cf. Bovens et al. 1995, 29-32), as the Polish Constitution of 1997 has done, but the search for reforms that address this diagnosis has yet to begin in earnest.

Notes

1. The reader should be aware that the author was involved as an outside advisor to the Deetman Commission. I would like to thank jhr mr W.H. de Beaufort, Clerk of the Second Chamber of Parliament for our discussions in that context. This article however reflects my personal views.

2. The extreme right was not invited, and the three small orthodox protestant parties were represented by the leader of one of them.

3. Visscher, who takes the non-response bias thesis furthest, sees a curvilinear development with political interest rising until 1982, and declining since then (Visscher 1995, 30-34). He points out that even this recent decline is not dramatic,

and that it provides no support for those who proclaim a crisis of parliamentary democracy (Visscher 1995, 39).

4. This mechanism was first introduced in post-war (West) Germany; a vote of no-confidence can only be effective when combined with a parliamentary majority nominating a new prime minister.

5. The French system is usually described as alternating between a presidential and a parliamentary system of government, depending on whether the presidential and parliamentary majorities coincide. Such a diagnosis focuses too much on the position of the president. The system as a whole is more correctly classified as parliamentary system of government; the only consequence of coinciding versus conflicting presidential and parliamentary majorities is that the government is led either by the president or by the prime minister, but, in the French system, the government always has a parliamentary majority (cf. Meny 1991, 113).

6. "More or less simultaneously" because most proposals require an absolute majority for election as prime minister, with a run-off between the two strongest candidates should no candidate obtain such a majority in the first round. There are, however, ways of preventing such a second round even if there is no plurality. In the past, it has been proposed to revert to the current process of post-election cabinet formation if the prime ministerial elections produce no absolute majority for any of the candidates. I have suggested an Irish-type system of single transferable vote to avoid a run-off election (Proceedings of the Second Chamber 1992-1993, 21427: 62).

7. In Israel, a prime minister who fails twice to form a government that has the confidence of a Knesset majority, thus forcing a third round of elections within 120 days, is no longer eligible in that third round.

8. This is the term used by New Zealand's Royal Commission on the Electoral System (1986). The system described here is also known as "personalized PR", or "additional member system", or simply, "the German system".

9. Interestingly, former prime minister Drees once advocated the introduction of the German system precisely to create a closer relation between representative and represented (Drees 1966).

10. Cf. the excellent Report of the Royal Commission on the Electoral System. The Commission primarily discussed the German system's impact on fair representation of the parties, representation of minorities (in particular Maori), the relation between MP and constituency, turnout, legitimacy, government stability, and parliamentary effectiveness (Royal Commission on the Electoral System 1986, esp. 45-63). However, the Commission obviously discussed these effects from the perspective of the then existing single-member district plurality system, which limits its relevance to the Dutch debate.

11. Wöltgens hails from, and is now major of, the town of Kerkrade which adjoins the German town of Herzogenrat. He claims to have become convinced of the German system's advantages from seeing its effects at close range.

12. So called after Matthew 13:12 and 25:29 (but see also Mark 4:25, and Luke 8:18 and 19:26).

13. Currently, the ordering of the candidates on the party list is changed by

preference votes only when a candidate receives a number of votes equal to or greater than 50 per cent of the (listed) electoral quotient. It is proposed to lower this threshold to 25 per cent.

14. At least, the proposal has become associated with the Biesheuvel Commission; strictly speaking, it had already been worked out by the Cals-Donner Commission in 1969, but eventually that Commission decided not to recommend its introduction.

15. The Biesheuvel Committee also advocated introducing Swiss-style legislative initiatives under certain conditions, but that proposal is more open to the traditional objections against a referendum. It hardly played a role in the debate.

16. In addition, all but two of the American states have some form of abrogative initiative (see Magleby 1994).

17. At the time of writing, the Second Chamber had just voted to accept the constitutional amendment, but that does not guarantee its final adoption. It remains to be seen whether a majority in the First Chamber feels bound by the coalition agreement (in the negotiation of which they were not involved). Even if they do, a formidable hurdle awaits the reform's supporters: the procedure for changing the Constitution requires that Parliament be dissolved and that both Houses of the newly elected Parliament adopt the proposed amendment again, this time with a two-thirds majority. At that time, there will be a new coalition agreement, and D66 may not have sufficient leverage to extract the same support for the referendum, if the party is a partner in the new governing coalition at all. And even if the governing parties were obliged by the new coalition agreement to vote in favour of the amendment, the governing majority may fall short of the two-thirds majority needed.

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