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A thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy degree in Political Science

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SHOULD VOTERS DECIDE? EXPLORING SUCCESSES, FAILURES AND
EFFECTS OF ELECTORAL REFORM

(Thesis format: monograph)

by

Nicholas J. Caruana

Graduate program in Political Science

Submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy

The School of Graduate and Postdoctoral Studies

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London, Ontario, Canada

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ABSTRACT

Are Citizens' Assemblies useful tools for reforming democratic institutions and addressing the democratic deficit? Evaluating the utility of using mini-publics to deliberate issues like electoral reform based only on their record of success does not recommend this approach. But this sort of assessment is weakened by a lacuna in the study of Citizens' Assemblies: we do not know whether such deliberative bodies, thanks to their inherent high levels of democratic participation, might have added democracy-enhancing value over and above traditional elite-centric reforms. This dissertation establishes an approach for evaluating whether a particular path to electoral reform has independent effects on the quality of democracy and on the democratic deficit, regardless of whether the proposed change is implemented. Elite-centric and more deliberative processes are evaluated based on their input and output legitimacy (Scharpf 1997, 1999) to determine whether high-input-legitimacy processes, such as Citizens' Assemblies or similar efforts, have a positive effect on the quality of democracy, even in the absence of changed electoral laws. Twelve case studies at the national and subnational levels within the last thirty years are evaluated using a detailed and deeply contextual treatment to determine whether the enhanced input legitimacy of a deliberative process has independent effects that make the Citizens' Assembly template worth using to tackle the democratic deficit. The overall conclusion of the study is that Citizens' Assemblies can fail to have an independent effect on the quality of democracy if the process is abandoned or subverted by elites, and proposed reforms require elite support through to the end in order to have a positive effect. Therefore, Citizens' Assemblies can be worthwhile as tools to reform democracy *if* they receive proper elite support from start to finish.

Keywords: electoral systems, electoral reform, deliberative democracy, Citizens' Assemblies, input/output legitimacy, democratic deficit

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ABBREVIATIONS

ADQ—*Action démocratique du Québec* (Democratic Action of Quebec)

AN—National Alliance (Italy)

AV—Alternative Vote

BBC—British Broadcasting Corporation

BC—British Columbia

CA—Citizens' Assembly

CBC—Canadian Broadcasting Corporation

CBG—Coalition for Better Government (New Zealand)

CDA—Canadian Democratic Audit (Canada), Christian Democratic Appeal (Netherlands)

CEVIPOF—Centre for the Study of French Political Life

COREL—Committee for Referendum on Electoral Laws (Italy)

CRM—Majoritarian Referendum Committee (Italy)

CSES—Comparative Study of Electoral Systems

D66—Democrats '66 (Netherlands)

DC—Christian Democratic party (Italy)

DRI—New Republican party (Italy)

DS—Democratic Socialist party (Japan)

ERC—Electoral Reform Coalition (New Zealand)

FN—National Front (France)

- ISSP—International Social Survey Program
- JSP—Socialist Party of Japan
- LDP—Liberal Democratic party (Japan)
- LN—Northern League (Italy)
- LPF—List Pim Fortuyn (Netherlands)
- MDQ—*Mouvement pour un démocratie nouvelle* (Movement for a New Democracy)
(Quebec)
- MMM—Mixed-Member Majoritarian
- MMP—Mixed-Member Proportional
- MLA—Member of Legislative Assembly (Canada)
- MNA—Member of the National Assembly (Quebec)
- MPP—Member of Provincial Parliament (Ontario)
- NDP—New Democratic Party (Canada)
- NZES—New Zealand Election Study
- PC—Communist Party (France), Progressive Conservative party (Canada)
- PCI—Communist Party (Italy)
- PEI—Prince Edward Island (Canada)
- PDS—Democratic Party of the Left (Italy)
- PM—Prime Minister
- PQ—*Parti Québécois* (Quebec)
- PR—Proportional representation
- PS—Socialist Party (France)
- PSI—Party of the Left (Italy)

PSRD—Social Democratic party (Italy)

PvdA—Labour Party (Netherlands)

RPR—Rally for the Republic (France)

SCEA—Select Committee on the *Elections Act* (Quebec)

SMP—Single-Member Plurality

SOFRES—French Society for Investigative Polls

SNTV—Single Non-Transferable Vote

STV—Single Transferable Vote

UDC—Union of Christian and Centre Democrats (Italy)

UDF—Union for French Democracy

VVD—Liberal Party (Netherlands)

1 PATHWAYS TO DEMOCRATIC RENEWAL

1.1 DEMOCRATIC MALAISE, DEMOCRATIC RENEWAL: WHY DO ELECTORAL SYSTEMS AND REFORM MATTER?

The debate over electoral reform never really goes away. It simply waxes and wanes as time goes by. While the lineage of modern, technically-focused debates over electoral systems (including empirical tests of their consequences) commences with Duverger in the 1950s, a parallel debate regarding the political consequences of electoral systems, and therefore which system ought to make for a better democracy, has been going on for far longer. It goes as far back as John Stuart Mill and Walter Bagehot, who squared off in favour of electing Parliament by proportional representation or the single-member plurality system, respectively (Benoit 2006). To this day, plurality electoral rules like those used in much of the Anglo-American world receive attention from critics and defenders alike (Norris and Crewe 1994, Curtice 2009). They were—and are—debating not just technical details, but in fact the fundamental nature of democracy (Blais 1988). Recent scholarly and popular concerns over the quality of democracy have focused on the democratic malaise affecting established democracies, and have given electoral reform added currency as a political issue. The past decade has seen a novel response to that malaise, namely the advent of the citizens' assembly as an alternate path to reform. It is intended to make elite perspectives on the nature of reform secondary, and render all but irrelevant elite positions on whether reform should happen at all and what it should entail. Deliberative democracy would thus be used to “purify” the process of reform, ensuring that it serves the needs of citizens and not politicians. Can a citizens' assembly really accomplish this?

When introducing his government's own Citizens' Assembly initiative, Dalton McGuinty, then-premier of the Canadian province of Ontario, noted the problem of the democratic deficit, maintaining that electoral reform would be central to his administration's efforts at democratic renewal, and that citizens should be considered as having an important role to play in that renewal. He suggested that among the

motivations for the Citizens' Assembly project, modeled after a nearly-identical undertaking in the western Canadian province of British Columbia, were declining citizen trust in democratic institutions, falling political participation and widespread disengagement. He also made the telling claim that even a process which resulted in the maintenance of the status quo—i.e. keeping the current electoral system—would be worthwhile because it would prompt public deliberation regarding the voting system and democracy as a whole (McGuinty 2004). This new method employs deliberative democracy as a means to determine the shape of institutional reforms made in the name of democratic renewal. Citizens are chosen quasi-randomly from across the polity, representing every electoral district, with the aim of getting an ideal sample of the population's diversity. These citizens are then educated on electoral systems, and tasked with choosing a new one if they determine it is warranted. Conventional wisdom suggests that the important thing about electoral reform is which system is chosen—this determines in large part what the effects on the quality of democracy will be. But initiatives like the British Columbia Citizens' Assembly on Electoral Reform (and its analogues in Ontario and the Netherlands, as well as novel reform projects in three other Canadian provinces) compel a new way of thinking about reform and its potential to influence the quality and functioning of democracy.

On the one hand, we may ask why electoral systems matter at all to how a democracy functions; this is, as noted, a question with no shortage of comprehensive and well-considered answers. On the other hand, knowing that electoral systems do have measurable and sometimes profound effects on how a democracy works, we may turn to reform and ask a question that, so far, has not been considered much: what is important and influential about *how* we accomplish (or at least attempt) reform? The citizens' assembly model, while novel, has so far failed to make it onto the scoreboard of successful electoral reforms in its short history—three attempts, none successful. While the sample of such citizen-centric reform efforts is small, zero is still not an encouraging number. But if the process should have something else to recommend it, some additional effect not previously investigated, it might yet deserve to be the democratic-deficit-slayer's tool of choice. This study introduces a new way of evaluating electoral reform efforts that considers not simply whether the reform process ended in changed or

unchanged electoral rules, but then goes on to consider whether the process itself might have had independent effects on how citizens perceive democracy. Thus, for example, a citizens' assembly on electoral reform might end its work without having its reform proposal adopted, but could have effects from "beyond the grave" by fostering discussion about democratic institutions, encouraging public re-engagement with democracy, and generally restoring confidence that the machinery of democracy is functioning more or less as the public would like. This effect should be possible regardless of any ability elites have to veto the reform either formally or informally, or otherwise influence its support or chances of success. More importantly, if this effect is present, it tells us a lot about whether deliberative democracy is worth the effort based on the additional value that only it can contribute. It tells us, at a fundamental level, whether we can fix democracy with more democracy (Warren and Pearse 2006).

Therefore, I argue herein that the choice of reform process itself cannot be understood as merely an unimportant decision about different ways of changing the electoral system. I hypothesise that it should have the potential to affect democracy in independent ways—beyond merely the choice of which electoral system to adopt—which have hitherto not been considered. After all, with no competing process to which we might compare conventional, elite-centric reform processes, until now the outcome of the process was all that really mattered. Which system we ended up with and whether it was adopted were more important than who came up with it and how. That we now have the option of tasking either elites or citizens with the work of electoral reform means that it is necessary to ask whether the processes themselves have any influence on democracy, and what that influence might be. Especially important is that we confront the easy, common-sense supposition that because a citizens' assembly involves direct citizen participation, it is inherently more "democratic" and thus automatically becomes the weapon of choice for tackling the democratic deficit. While this might be true, it is insufficient to rely on intuition for a question of this importance. The question of how process matters must be scrutinised more methodically, especially in instances where the goal is democratic renewal. This study will show that in fact, despite the seeming potential of using

deliberative democracy to execute reform of democratic institutions, much of the power to decide whether change ultimately happens remains with elites.¹ Furthermore, elites even hold great influence over whether the process itself can have an effect on democracy or whether it simply ends with no effect at all. That in the end elites would maintain this sort of power over the rules under which they attained office seems unsurprising, but it is worth examining the conventional wisdom about those rules, what they do, and how they change. The following section will discuss direct effects of electoral systems, and the subsequent section will situate discussion of the *consequences* of those effects for the quality of democracy within a discussion of the democratic deficit.

1.2 WHAT DOES AN ELECTORAL SYSTEM ACTUALLY DO?

A quick discussion of typology is necessary before the effects of electoral systems can be addressed. Many typologies of electoral systems are possible, depending on the organisational criteria one prefers. While there are myriad aspects of electoral systems—such as presidentialism, primary systems, fixed or variable election dates, institutionalised electoral thresholds, etc.—not directly related to counting votes and translating them into seats, this discussion will focus on those aspects of electoral systems which are so concerned. A typical typology is a continuum model ranging from plurality or majoritarianism² to proportionality; the former includes systems like Single-Member Plurality (SMP), while the latter usually means pure proportional representation (PR), and between the two great variation is possible. Many scholars, such as Duverger (1954), Rae (1971), Rokkan (1968, 1970), and Riker (1976, 1982) use this model. Some authors refer

¹ It is extremely important to note that throughout the dissertation, elite influence is generally discussed in the aggregate, but depending on the context it may refer to different elites. This is because it is not just politicians passing electoral reforms in a legislature who constitute elites. Various intellectuals or public figures they may empower in various capacities (perhaps to staff commissions of inquiry or operate caretaker governments) can also constitute political elites, and the media and various academics involved at various points in the development and reporting of the cases must also be considered a species of elite as well. A central challenge in the study's investigative approach mirrors a central challenge in democratic reform itself: elite influence is virtually impossible to keep out entirely or control for fully. The model introduced in this work, however, does not focus on teasing out that elite influence fully.

² A majority system is similar to a plurality system, though it adds the quality that the winner must have a majority of the votes, not simply a plurality. This can be achieved using multiple ballots, as in the two-ballot runoff, or through preferential voting, as in the Alternative Vote system.

to plurality systems as “strong” and proportional ones as “weak” (Cox 1997). Norris (1997) instead uses three broad categories (plurality, majority, and proportional), whereas Lijphart (1977, 1994, 1999) introduces “hybrid” electoral systems, which have aspects of both plurality and proportional systems, but cannot be properly placed on the traditional spectrum. Cox (1997) adds a number of qualifiers, but does tend to rely on these two main types as a shorthand.

Type, however, does not have a symmetrical relationship with proportionality, i.e. how accurately vote share is translated into seat share. The potential exists for drastic variation in individual instances of electoral systems of a given type. Variations in district magnitude can affect the proportionality of a particular example of an electoral system, and there are numerous other factors that may complicate the picture. Type is merely a descriptor of the broad rule structure in place and does not give a complete account of district magnitude or other pertinent factors. Therefore, it is not entirely adequate to sort systems by type and then sort those types according to proportionality, when what we really want is to see them sorted by proportionality first (Rae 1971, Blais 1988 and 1990, Taagepera and Shugart 1989, Cox 1997). Blais (1988) therefore advances a comprehensive alternate typology, classifying electoral systems according to ballot structure (what voters are choosing, how many votes one has and whether they are transferable through preference ranking, and number of voting events), constituency structure (district magnitude, which is of critical importance, and the nature of districts, including territorial, at-large, and racial/cultural), and electoral formula (the mathematical process for determining who has won). Rae (1971) and Taagepera and Shugart (1989) show that district magnitude is the variable most closely tied to proportionality of vote share and seat share, and point out that as district magnitude increases, party count often does so as well.

Does this variation in systems make a difference politically? More to the point, why does it matter which system is used? Any answer to either question needs to start with Duverger’s Law (1954). While Duverger argued that a main determinant of party proliferation would be the success of social forces in forming parties, his main point is that institutional rules matter. Through mechanical effects, which are purely

mathematical, and through psychological effects, which consist of candidate and voter reactions to the mechanical effects, electoral systems help shape the party system, especially the number of parties. Notably, plurality systems will constrain party proliferation—not every social force or cleavage can find expression through its own political party, and the most likely result will be a two-party system (Duverger 1954, Cox 1997). While admitting the observation of this empirical tendency predated him, Duverger drew attention to it, sparking a flurry of scholarly inquiry. Duverger’s Hypothesis is the other side of the coin, essentially the tendency to multiparty systems in countries with proportional rules. Successive qualifications, including Rokkan (1968), Rae (1971), Riker (1976, 1982), Lijphart (1977, 1984, 1994), and Cox (1997), have shown that a positive effect promoting proliferation is not supported. Stated otherwise, the electoral system acts as a brake, but not an accelerator. *Per* Duverger, electoral institutions modify the expressions of social forces; Cox (1997) and Clark and Golder (2006) show that such modification comes from constraint or permissiveness regarding party proliferation. Proportional systems simply impose a higher ceiling on the number of parties contesting elections and winning representation than do plurality systems. Thus, Duverger’s Law remains the thing to consider when looking at the consequences of electoral institutions.

As noted, Duverger’s Law entails two effects of electoral systems, mechanical and psychological. Purely mathematical in nature, the mechanical effect refers to the direct consequences of how votes are translated into seats. Under plurality rules, for example, the largest party tends to be rewarded disproportionately, and minor parties will only win significant representation if they are territorially concentrated. It is that “winner-take-all” aspect of a plurality system that makes the barriers so high for entry into competition, because only one party can win in a given constituency, and smaller parties or less-popular candidates are unlikely to have sufficient support to beat a major competitor. Cox’s (1997) behavioural account calls this coordination failure—a strong system’s mechanical effect makes it more difficult to coordinate support to challenge the front-runner, because it means that interests that fail to coordinate win no representation at all in that district.

Anticipation of the mechanical effect's punishing consequences for coordination failure has its own consequences. This is the psychological effect, and it operates on elites and voters alike, filtering social cleavages based upon the perception of how likely it is for a party representing such a cleavage to win representation. Groups that do not anticipate success may exit competition or join forces with other groups. In a strong system, such as SMP, it is difficult for a social force to form a viable party. Even if it does form, if it is territorially concentrated, the psychological effect may dissuade it from competing in areas where it has little support, and parties with diffuse support may not compete at all (Cairns 1968). Without concentrated support, the mechanical effect makes it difficult to win districts; the effective threshold for winning is too high. Meanwhile, the most popular party reaps the mechanical rewards of coming in first, whereas runners-up without a regional stronghold of concentrated support receive seat shares that do not reflect their levels of voter support (Spafford 1970, Rae 1971).

The effective threshold is quite distinct from a legal threshold, and varies from district to district and election to election—it is essentially the share of the vote required to win that seat under current conditions of competition. If more candidates compete or if support is divided more evenly among them, this threshold is lower; if one candidate dominates, it will take a lot of support to defeat that candidate, making for a higher effective threshold. Under proportional systems, the effective threshold for a minor party to win seats is lower, given the lessened impact of mechanical effects like territoriality. But under plurality rules, coordination is more difficult and more likely to end in failure. These coordination issues at the district level pile up, and as they grow more numerous they tend to depress the number of parties winning representation, imposing a figurative ceiling on proliferation as Duverger's Law suggests. In short, the psychological and mechanical effects act in turn as filters. The psychological effect filters social forces into the electoral party system, i.e. those parties contesting the election, and then the mechanical effect filters that into the legislative party system, i.e. those parties that win representation (Rae 1971). A new iteration happens every electoral cycle, in a self-reinforcing feedback loop (Amorim Neto and Cox 1997, Cox 1997, Clark and Golder 2006). Ware (1996) and Mair (2002) also note the tendency for party systems to become reinforced by successive applications of the psychological effect.

The overall point is that the party system represents the dynamic environment in which political competition takes place. The electoral system's clear effect on the party system means it strongly influences the nature of political competition in a jurisdiction. Duverger's Law, though not free of exceptions, is the proposition which states the nature of this influence most simply, and which has the most empirical support.³ Through pervasive impacts on the party and issue choices offered to the voters, election after election, electoral systems therefore affect politics in general, and in some cases are even accused of failing to fulfill basic democratic functions. SMP is often identified as contributing to the democratic deficit, offering neither the representativeness nor the accountability expected of it (Curtice 2009) and in fact even failing at some of the things it is supposed to be good at, such as producing clear majorities for the party that wins the popular vote (Blau 2004, Russell 2009).

Duverger's Law, in short, spawned a healthy literature on electoral systems as the independent variable, and a non-stop discussion of their consequences (Duverger 1954, Spafford 1970, Rae 1971, Blais 1988, 1991, Lijphart 1994, Cox 1997). In many ways, the history of this literature is a microcosm of the history of modern political science. While the study of partisanship and strategic voting both owe a debt of gratitude to Duverger, the electoral systems literature itself follows a pattern of repeated formulation and testing of hypotheses. As Riker (1982) notes, from the first assertion of Duverger's Law in 1954, through the long process of refining it, testing it and reformulating it, the history of this theoretical model has been one of scientific inquiry working as it should. Rae's (1971) efforts defended against the possibility that Canada, a frequently-cited counterexample, was fatal to the law, while Spafford (1970) examined the consequences of plurality rules in Canada as a test of the "cube law" of plurality elections, itself advanced to explain the mechanical effect by which plurality rules over-reward some parties and under-reward others. Riker (1976) showed that Duverger's Law, if clarified and refined, could survive a similar test with India as a counterexample. Blais (1988, 1990) joined the many efforts to

³ Exceptions include Canada (see Gaines 1999, Johnston and Cutler 2009), India (Riker 1976, Ware 1996, and Nikolenyi 2009), and potentially even the United Kingdom (Blais and Massicotte 2002, Gaines 2009) and the United States (Blais and Massicotte 2002).

classify electoral systems so that their consequences could be better understood, and Lijphart (1994) contributed much empirical work testing these consequences. Theoretical work on the consequences of electoral systems focused heavily on district magnitude, culminating in Cox's (1997) canonical "n+1" formulation, which suggests the upper bound that "strong" electoral systems should place on party proliferation should be the district magnitude plus one, a theoretical justification for the empirical tendency first observed by Duverger that single-member plurality rules tend to lead to a two-party system. Cox, as noted above, also offered the explanation that strategic coordination among both voters and elites is more difficult at lower district magnitudes, providing an explanation for the mechanism by which Duverger's mechanical and psychological effects operate. Still more recent work by Benoit (2002) and Clark and Golder (2006) tests yet again the findings of previous studies, and the basic conclusions of Duverger remain standing. The literature as a whole offers a deep understanding of how electoral institutions modify social forces and result in a particular partisan landscape. But it does not end with only one school of thought. The work considered to this point deals primarily with the electoral system as an unmoved mover, with its emphasis primarily on the consequences of this or that aspect of electoral design and on the way electoral systems of different types operate in practice.

While such literature is critical to reformers advocating a switch to this or that electoral system, the corresponding seat-maximisation literature, which treats electoral systems as a dependent variable (Lipset and Rokkan 1967, Boix 1999, Colomer 2004, 2005, Benoit 2006), ought to attract similar attention from reform proponents, if for no other reason than the limits to electoral reform that it presents. This school of thought begins with the assertion by Lipset and Rokkan (1967) that, counter to the electoral-systems-as-independent-variable literature, in many European cases proliferation of parties actually preceded the advent of proportional electoral rules. This furnished a serious challenge to the position that electoral rules profoundly affect the political landscape and the number of parties, and Lipset and Rokkan suggest an explanation, namely that the rise of powerful workers' parties after the advent of universal suffrage prompted established parties, until then used to alternating in power, to hedge their bets and change electoral systems to avoid permanent dominance under plurality rules by new

parties rising to power. This thesis has its own intellectual history, with Boix (1999) using it to adduce a seat-maximisation theory showing that elites, if they change the electoral rules at all, will do so in order to maximise their legislative influence. This fit neatly with the common-sense perception that elites will avoid changing rules that work to their advantage, and was refined by Colomer (2004, 2005) and Benoit (2006), who helped codify this second school of thought on electoral reform, which Colomer termed “Duverger’s Laws upside-down.”

To recap, though how it happens is up for debate (Ezrow 2010), the electoral system clearly has effects on the dynamics of party competition and often affects party system fragmentation, as argued by the first school of thought following Duverger. The mechanical and psychological effects of electoral rules affect how difficult elite and voter coordination are to accomplish, and influence electoral behaviour and the party system accordingly (Duverger 1954, Cox 1997). Plurality (and majoritarian) electoral rules and low district magnitudes increase the disparity between popular vote shares and parliamentary seat shares; proportional rules and higher district magnitudes decrease that disproportionality (Rae 1971, Cox 1997). Plurality rules are usually less permissive toward party proliferation whereas proportional rules are usually more permissive, but importantly, electoral systems cannot act as an accelerator of party proliferation, only a brake (Cox 1997). These direct effects may have downstream consequences for the quality of democracy, and in fact electoral systems make frequent appearances in discussions of the democratic deficit.

The other side to the story is the seat-maximisation school of thought, which tends to treat reform as an elite response to a dramatic change in the way parties compete with one another. Barring that, there is no real reason for elites to want to change the rules at all. These actors, therefore, hold the ultimate veto, since they control the ability to change the rules that put them in the position of having such control. Where the democratic deficit is concerned, this school of thought furnishes little more than the unsurprising truism that elites will not change the rules under which they were elected without a very strong impetus, specifically one that puts their future electoral prospects in jeopardy or at least renders them uncertain and difficult to foresee. The interplay between these schools

of thought produces a picture of electoral reform in which reform is rare, but is argued to have profound potential to change the landscape of democracy. Missing for some time was a deeper explanation of the how and why of reform itself, since the first school of thought was adept at showing the consequences of electoral design and the operation of electoral laws, and the second was useful for showing why stasis in electoral laws is the norm, but neither could offer a full description of what finally makes an electoral system change and what might determine how it changes. A third school of thought, exemplified by Norris (1995) and Renwick (2010) would begin the modern effort to understand the politics of electoral reform and explain when and why such reform happens and how it is accomplished, permitting a bridge between a school of thought that suggests systems will rarely change and another devoted to explaining the consequences for democracy of changing them, and a mechanism for moving from a discussion of why reform is resisted to one of how it can happen and what the real effects of reform are.

1.3 THE DEMOCRATIC DEFICIT: WHAT IS IT, AND IS THE ELECTORAL SYSTEM TO BLAME?

It is all too easy to describe the democratic deficit by saying one knows it when one sees it. A more workable definition is a persistent, chronic sense of public distrust in the workings of democratic institutions, or a sort of “democratic malaise” particular to established democracies, in which citizens are increasingly disengaged from democratic politics. The democratic deficit is a dissonance between what citizens expect of their political system and what it delivers—“a misalignment between citizen capacities and demands, and the capacities of political institutions to aggregate citizen demands and integrate them into legitimate and effective governance” (Warren and Pearse 2008, 2). Echoing Blais (1991) on electoral systems, however, there is a value judgment inherent in this calculus; differing conceptions exist of the democracy that “ought” to be. The Canadian Democratic Audit (CDA) series, a scholarly examination of the functioning of Canadian democratic institutions, offers *participation*, *inclusiveness*, and *responsiveness* as guiding values for a democracy, defining them in great detail and painstakingly evaluating the democratic deficit in Canada on this basis. They should be sufficiently comprehensive and nonspecific to serve as a fair and unobjectionable benchmark for the

performance of democratic institutions, and should be kept in mind as we discuss the quality of democracy case by case (Cross 2010).

Nevitte and Kanji (2002) investigate declining confidence in governments among democratic countries, concerned that “dissatisfaction with particular governments might turn into dissatisfaction with the workings of democracy more generally” (2). Their cross-national study finds that while citizen support for the principles of democracy has not weakened, support for its institutions, which “mediate citizens’ evaluations of regime support,” *has* changed (20).⁴ Failures in responsiveness and inclusiveness may spur mistrust and cynicism regarding politicians and political institutions (Warren and Pearse 2008). Falling voter participation, Tanguay’s (2009) “canary in the coalmine,” can result. Echoing Nevitte and Kanji, Tanguay indicates that Canadian voters support democracy but feel it is not operating properly in practice, and that the same pattern holds in many other established democracies. These are the most evident symptoms of the disease. This dissertation will discuss the quality of democracy at length, and it is important to keep in mind that when this happens, these features of democracy and these symptoms of the democratic deficit are the basis of that discussion. A democracy that performs well in terms of participation, inclusiveness and responsiveness should also inspire public confidence and trust in the system—generally, a sense among citizens that their democracy is working the way it should. By contrast, the presence of a democratic malaise or deficit implies poor performance on those measures. Democracies performing poorly in this way may feature widespread dissatisfaction with democratic institutions, disillusionment with electoral politics especially, and the attendant consequences (noted above) of cynicism, disengagement, and the decreased legitimacy that comes with diminished participation. This sort of legitimacy depends in large part upon both participation and upon perception—democracy must not only be legitimate, but *perceived to be* legitimate as well. Thus, the quality of democracy is about things like participation, inclusiveness and responsiveness, but in simple terms, it is very much about whether

⁴ Notably, they conjecture “that public satisfaction with the quality of democratic life might be improved by institutional design” (20).

citizens are satisfied with and confident in democracy, expressing trust in its institutions and their operation.

Unsurprisingly, suggestions for fixing democratic institutions that no longer work or hold the public trust include reforming those institutions. But will performing major surgery on the electoral rules cure the disease? This is where the debate shifts from the characteristics and effects of electoral systems to their long-term consequences, what democratic deficiencies can be blamed on them, and what sort of changes could fix such problems. The well-known effects of electoral systems on party systems mean that if reform is possible, it could alter the party system—the dynamic environment in which political competition takes place—ideally in ways that improve it with respect to the democratic deficit and with a minimum of side effects. The choices of whether or not to engage in reform, and what reforms must be implemented, especially where electoral systems are concerned, are therefore basic choices about the shape and quality of democracy itself (Blais 1991).

To show the link between the democratic deficit and electoral institutions, we will focus on a few political consequences critics often attribute to Single-Member Plurality (SMP). While SMP's territorial basis offers strong local representation and its tendency to produce artificial majorities allows for clear winners and for “throwing the rascals out” when necessary, Curtice (2009) argues that the particular brands of representativeness and accountability that SMP offers are in fact detrimental to democracy, though Norris and Crewe (1994) defend its performance in these respects. Cairns (1968), considering Canada, famously identifies SMP as exacerbating regionalism by amplifying competition over geographical cleavages. Meanwhile, other cleavages are downplayed or ignored because the pattern of party competition solidifies over time through repeated applications of the psychological effect (Ware 1996, Mair 2002, Duverger 1954, Cox 1997). This is entirely aside from questions of the “fairness” of rules that consistently produce artificial majorities and questionable proportionality—such questions can often dominate the debate (see, for example, Henry Milner's 1999 and 2004 edited volumes, or Blais 2008). If a given voting system rewards one type of cleavage and suppresses another, some social forces may go unexpressed while others are overrepresented. Voters

might become disillusioned that their particular interests never seem worth the major parties' attention (Milner 1999, 2004), and in some cases simply stop participating (Downs 1957, Riker and Ordeshook 1968, Blais 2000). Blais and Carty (1990) suggest that plurality rules are consistently associated with lower turnout. Other voters choose the lesser of *n* evils and vote strategically, and even though they are still participating, they may feel dissatisfied that they have to "hold their noses." Accountability is largely reduced either to a local affair or the nuclear option of wholesale electoral turnover when the rascals finally need throwing out, and sitting governments may become very difficult to dislodge, fostering concentration of executive power (Farrell 2001, Savoie 1999, White 2005, Russell 2008). This is a less-than-ideal picture of participation and a consequence of collapsing many decisions (party, candidate, etc.) into one vote choice.

Removing these various institutional pressures is presumed to be an improvement, and so an electoral reform which removes these pressures and allows clearer expression of democratic will is considered, in the reform literature, to be a key method for improving the quality of a democracy that is suffering from problems related to those pressures. If the democratic deficit can be linked to the electoral system, and there is another system available that would not cause or exacerbate those problems, the fix seems easy. But this dissertation argues that there may be more to moving the needle on quality of democracy than just changing electoral laws, even when the discussion is restricted to electoral reform. Aspects of the process through which reform is pursued should also move the needle on the various symptoms of the democratic deficit as well as things like participation, inclusiveness and responsiveness which represent critical properties of a healthy democracy.

1.4 WHEN DO ELECTORAL SYSTEMS CHANGE AND WHY?

Electoral systems have so far been discussed as though they were an unmoved mover, but this is not accurate. A voluminous literature, noted above, treats electoral systems as the dependent variable and party systems (and other considerations) as the independent variable, and has an important upshot, which from a rational-choice perspective is eminently reasonable: electoral reform happens when elites want it to (Benoit 2006, Boix 1999, Colomer 2004, 2005). Stability is the norm until something

changes party competition so fundamentally that elites adapt in part by changing the electoral rules. The key empirical example (Lipset and Rokkan 1967) is the post-universal-suffrage rise of workers' parties in continental Europe; where the typical pair of traditional cleavage parties felt threatened with permanent irrelevancy under plurality rules, they hedged their bets by switching to proportional rules to mitigate their seat losses. Stasis will persist for as long as elites see it to be advantageous, and reform will happen only when something disrupts that equilibrium sufficiently to motivate parties to change rules with which they are familiar and under which they are accustomed to winning. Again, this school of thought falters in explaining reform itself.

The third school of thought, comprising literature on the politics of electoral reform, modifies the debate still further. It is concerned with what permits reforms to happen, given the rational-choice perspective of Benoit (2006), Boix (1999) and Colomer (2004, 2005). Rahat (2004) argues that rational choice is good at explaining why systems stay the same, but that it is less adept at dealing with the instability that can produce electoral change. Norris (1995) notes that many recent reforms that actually changed the voting system have not been grand designs but rather “messy compromises” and duct-tape solutions influenced by the politics of the time. Successive literature (Rahat 2004, Renwick 2010) underscores the importance of veto players, actors who can shut down the process. A reform must navigate many veto points (critical junctures at which the process could fail), where each veto point corresponds to a necessary condition for the reform to succeed and a sufficient condition for it to fail, such as requirements for cabinet, parliamentary, or referendum approval. In other words, successful reforms are often alike, but failed ones are all failed in their own ways, and understanding these successes and failures is important in order to understand the consequences of the reform process itself. Particularly instructive in this approach is the emphasis on understanding veto points and veto players, each of which signifies a potential “game over” state for reform. Veto points are varied in nature, and exist at every stage of a possible reform—in backrooms and cabinet meetings before the go-ahead to research reform is even given, within expert panels tasked with evaluating the need for reform, in legislatures debating approval of expert electoral reform recommendations, or even at the ballot box during a referendum on reform or an election in which the fate of the reformers' party hangs in the balance.

What is necessary in order for a reform to survive such a gauntlet, with only one way to win and many ways to lose? Rahat (2004) notes that elites like predictability and stasis, so there must be some instability introduced into the usual patterns of political competition to make elites receptive to a reform, sometimes coming in the form of a crisis that disperses power even further. Renwick (2010) suggests successful reforms go through three main stages: one in which electoral reform has low political salience or traction, but its proponents produce prior art in terms of electoral design; a second in which some systemic political crisis calls into question the performance or legitimacy of existing institutions, attracts the public's attention, and promotes the view that electoral reform is the solution; and a third in which veto players are shut down, for example by the potential consequences at the next election of being seen by voters as having been part of the problem (see also Shugart and Wattenberg 2001, Rahat 2004).⁵ During this process, power is dispersed. The primary advocates and designers may be different people as the process passes through different hands, with different information and different needs, and thus the final reform tends to feature some continuity along with the change. This way both established elites and reform proponents can feel like they got something out of the process (Rahat 2004),⁶ hence Norris's (1995) contention that a completed reform is often an improvised solution riddled with compromises, "a fudge designed to maintain a loose coalition for enough time to produce reform" (4). From a theory of the consequences of electoral systems to another explaining why reform is rare, we arrive at a third framework which permits the explanation of why and how certain reforms succeeded or failed. The purpose of this dissertation is to bridge the politics of electoral reform once more with the consequences of electoral systems for the quality of democracy, but herein it is the politics of electoral reform, specifically the particular pathway chosen to reform, whose consequences are at issue. As such, a new theoretical understanding of how the politics of electoral reform can affect the shape of democracy

⁵ Shugart and Wattenberg (2001) also establish a distinction between outcome-contingent support for reform, in which the supporter sincerely wants reform to occur, and act-contingent reform, in which the actor either supports or refrains from opposing reform in order to avoid criticism and possible defeat at an election.

⁶ Kingdon's (1995) work on "policy windows" is also instructive on this issue.

(much as electoral systems themselves do) is needed in order to evaluate the methods by which reform can be achieved, now that there is finally a choice.

1.5 A NEW APPROACH TO STUDYING ELECTORAL REFORM: PROCESS MATTERS

If electoral reform is an important step in restoring the quality of democracy, elites interested in being a part of the solution have a critical choice to make, namely which path to reform is preferable now that deliberative democracy is an established alternative to the previous pattern of elite-generated reforms. The aim of this study is to shed more light on which path, elite-centric or grassroots-centric, produces better results in terms of the quality of democracy *independent of the reform's success*, thereby addressing a lacuna in the scholarship on electoral reform. Without this discussion, the choice of which process to use when electoral reform once again lands on the agenda will be made in the dark. But the discussion itself cannot take place in the absence of an analytical approach that treats the full range of ways in which reform process can affect the quality of democracy, and this dissertation aims to build up and provide a qualitative dataset upon the strength of which the discussion can be started.

What distinguishes citizen-driven reform from its elite counterpart? Many reform efforts in various provinces (Wilson 2009) or other countries centre upon something similar to a Royal Commission, a blue-ribbon panel of experts tasked with producing a recommendation *in part* based upon public input. In the case of a Citizens' Assembly like those used in Canadian provinces or in the Netherlands, while the scope and mandate as well as the broad structure of deliberation are all set up by elites, the deliberation itself is done by citizens given a crash course in electoral systems and turned loose to select the most important values that electoral institutions should embody, and subsequently which system does the best job.

The prototypical Citizens' Assembly (CA) is that which took place in British Columbia through 2004 and 2005. It involved quasi-random selection of two citizens from each electoral district in the province, modified for equal gender distribution and further restricted to ensure a mix of members whose demographic diversity matched that

of the province as a whole. Subsequent efforts using this model would not stray from this basic design tenet (Wilson 2009). The CA would meet on weekends at regular intervals, with key goals for each meeting, from establishing procedure and educating the members on the history and logic of electoral systems in the beginning, to discussions of what values and criteria should animate the choice of electoral system and its final design, to answering the fundamental question of whether the Assembly needed to recommend a change (and what exactly it would look like) or the retention of the *status quo* (British Columbia Citizens' Assembly on Electoral Reform 2005). Discussions would take place at the plenary level as well as in breakout groups, and numerous public hearings would also be held. Again, subsequent instances of this model would follow the same template.

The idea behind this process stems from a simple desire to take this critical set of decisions out of the hands of elites, but is more broadly animated by the idea of deliberative democracy. Specifically, the use of the CA model when redesigning democratic institutions involves “reforming democracy with more democracy” (Warren and Pearse 2008). Allowing citizens rather than elites control over the rules that govern elite participation could provide a “purer” result, one better suited to the needs of those citizens, and one that shows that a solution to the democratic deficit can be designed according to processes that are themselves democratic. The theoretical and scholarly lineage of deliberative democracy (Bessette 1980, Fishkin 1991, Gutmann and Thompson 1996, 2004) reinforces this notion, since its most basic principle is that democracy ought to be more participatory. Citizenship should involve more participation in decision-making, and when such civic participation takes place it should be about the free and open exchange of ideas, in the hopes that the best reasoning should win the day and policy should be made upon that basis. That policy, in turn, will enjoy enhanced democratic legitimacy because it was citizens who helped to produce it through public debate and participation. In short, deliberative democracy is about a grassroots, hands-on view of democracy that is intended to produce outcomes with more democratic legitimacy and that conform more closely to “what the people want.” From a normative perspective, adding more democracy and participation to the mix is good in and of itself, and from a practical standpoint, it may produce better outcomes either because they are predicated on more reasoned decisions or because they reflect with more fidelity the will

of the public. When tackling the democratic deficit, then, the appeal of adding more democratic legitimacy to the process while simultaneously keeping it away from elites is clear, and of producing solutions to democracy's problems *as the citizens see them*, is clear, and it is no wonder that "fixing democracy with more democracy" has an intuitive advantage.

A simple analysis might conclude that "more democracy = good" and stop there. While the unprecedented level of participation that comes with a Citizens' Assembly confers a great deal of legitimacy⁷ on the process, there is more to this question. CAs are only a "better" path to democratic reform if that bonus dose of democratic legitimacy actually does something, and if it does, it ought to be separate from whether the proposed reform ever reaches implementation. Depending on who is looking at it, an Assembly could constitute anything from an airing of a democracy's institutional grievances to a sign that democratic debate and participation are alive and well, and that the debate over electoral systems was not cut off abruptly by an unwilling executive but rather given closure by the public itself (or at least a representative chunk of it).

Thus, we are left with a difficult trade-off. Memorable successes in electoral reform in established, stable democracies all seem to be highly elite-driven affairs, while Citizens' Assemblies currently have a success rate of zero. Do we prefer an elite-centric process that gets the job done (some of the time), or a citizen-centric process that in the small sample we have to date has never done so? The choice seems easy until one recognises that any reform process causes ripples and consequences beyond the simple yes-or-no question of "did the system change or not?" A deeper historical understanding of paths to reform would be useful in permitting a more detailed comparison.

What is needed to make this decision easier is a framework for evaluating how the effects of a reform process vary on the type of reform that was used. What follows is a model that allows the outcome of a process—was the reform implemented or not?—to be

⁷ Which, of course, has its critics; non-populists are less sympathetic to the idea that a group of ordinary citizens can make logical decisions about electoral systems. If they supported reform in BC, it was likely because they knew about STV and approved the Assembly's choice thereof (Cutler *et al.* 2008).

separated from other downstream effects. While the veto points affect whether the reform is ever implemented, other effects can get around these veto points and affect the quality of democracy. This dissertation thus contributes a descriptive model that is used as a novel approach for evaluating whether and how process matters, which is necessary to determine whether this or that type of reform process has added value beyond changed or unchanged electoral laws. The key distinction between the types of reform process is, naturally, citizen participation. As they have been discussed in this chapter, process type and citizen participation are virtually one and the same; elite processes are low-participation, and adding aspects of deliberative democracy to the process makes that participation steadily higher, with the CA model representing the pinnacle of citizen participation possible. Any major difference in the downstream effects of process type should therefore vary strongly on citizen participation, but it is important to understand what it is about citizen participation that could make these effects different. Since we are investigating process effects independent of the reform proposal's fate, "did the electoral rules change?" is not the main question to consider here, nor is the question of which system was chosen. Inquiry into the consequences of system choice and design have animated the bulk of the work on electoral systems. Such consequences are noted above and need not be revisited. The point is that the outcome of electoral design, in other words what system is to be adopted, has profound effects on political competition and on democracy, which is a good reason to study it. A traditional analysis would in fact stop here.

This discussion, however, does not hinge upon whether citizens make fundamentally different electoral system design choices than do elites. While this is a valid line of inquiry, and indeed a viable justification for allowing citizens to make these choices instead of politicians, it tells us little about whether a citizen-centric process influences the quality of democracy any differently than does the old, top-down way of doing things. Instead, since the point of this inquiry is to show that electoral reform is about more than a simple choice of voting rules, there must be a way in which citizen participation itself affects the reception that the reform process—whether it succeeds or fails in changing the rules—enjoys, and affects the democratic deficit, citizen attitudes to their own democratic institutions, and the quality of democracy in general. If adding more

democracy into the mix is beneficial *per se*, then in pursuing a deep historical analysis of paths to reform we should see evidence of it, and should be able to learn whether a CA does something special for democracy that makes it worthwhile.

While the various measures of democratic legitimacy are good indicators of trust in and quality of democracy, we may also apply standards of legitimacy to the reform process itself in order to evaluate levels of participation and allow a mechanism by which they may influence other things. In other words, participation levels need a path to the quality of democracy, and they find it through legitimacy: high participation should equal high levels of legitimacy and vice-versa. But this paper offers the important caveat that legitimacy need not refer only to the democratic input into a decision, but also how the public views the decision itself. A discussion of forms of legitimacy is therefore needed to tease out, on the one hand, *how much* democracy we are using to reform democratic institutions, and on the other, how well-accepted the results of using democracy in this way actually are. In this regard, the use of input legitimacy and output legitimacy will be instructive.

The terms *input legitimacy* and *output legitimacy* (Scharpf 1997, 1999; for later applications, see Boedeltje and Cornips 2004, and Sharman 2008) denote, respectively, the level of public/electoral participation in staffing an institution and the legitimacy of that body in terms of the quality of its work and the acceptance of that work. The terms conceptualise the distinction between “government *by* the people” and “government *for* the people.” There is more, in other words, to democratic legitimacy than counting the members of the public who were included in a decision-making process, and that holds for paths to electoral reform as well. While the public participation inherent in a CA seems to be its defining feature, and therefore input legitimacy varies essentially in lockstep with process type, it is not the only way to measure legitimacy, and an important thing to keep in mind is public evaluation of the work done by a reform body (either an assembly or a legislature) and whether the output itself is legitimate and represents a logical decision (Cutler *et al.* 2008; Blais, Carty and Fournier 2008). This, for example, could highlight the nuance in a Citizens’ Assembly with high levels of input legitimacy thanks to the nature of the body, but low output legitimacy because the populace never

accepted that the Assembly could do good work—for example, because the members were too ordinary, or not ordinary enough, or unelected, or coaxed by academics or even politicians. Simply evaluating how much participation there was gives an oversimplified view of legitimacy, but evaluating support for the *product* of the process adds more depth. Moreover, output legitimacy is not simply a twist on the outcome of the design process, but can itself be influenced by input legitimacy. Instead, output legitimacy is a key link to the “aftertaste” left by the reform process, and thus its independent effect on the quality of democracy. Input legitimacy and output legitimacy can both influence whether a proposal survives, but input legitimacy itself can influence output legitimacy when the level of citizen participation affects public perceptions of the proposal and its fate. Meanwhile, both input and output legitimacy can independently affect the quality of democracy, the former by exhibiting how well democratic processes (like deliberation) are working, and the latter by showing that debates over democratic renewal can be met with solutions, and that democracy works.

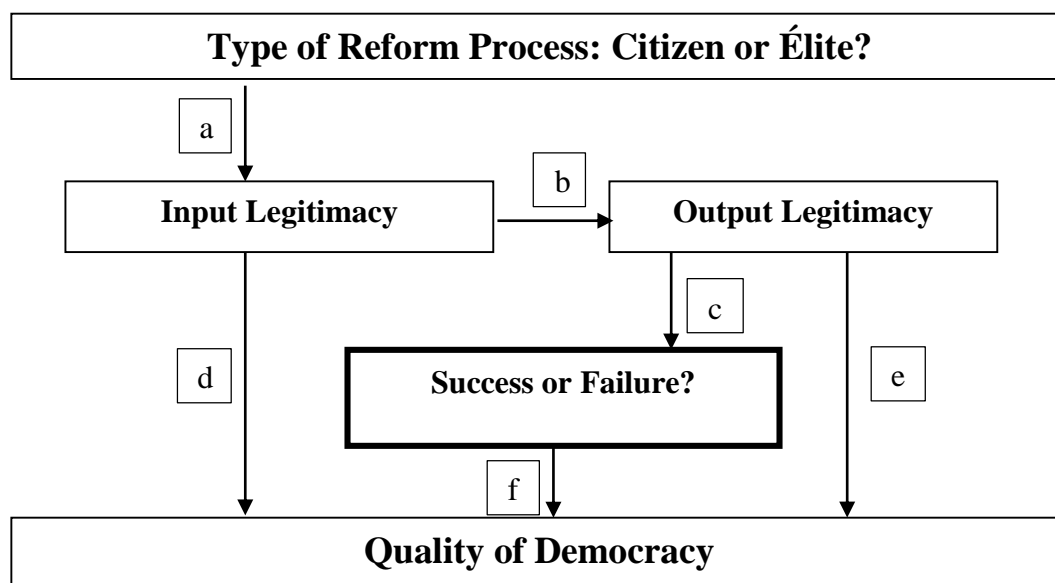


Figure 1: How Reform Process Type Affects Quality of Democracy

The various factors at play in the model and the relationships between them can be refined further. **Process type** (top-down or bottom-up) represents the independent variable of this model. Because the choice of process type is also a choice of how much

participation will occur, process type is very strongly linked to **input legitimacy** (through path *a* in Figure 1). In this model, input legitimacy will represent the degree of citizen input that was contributed to the reform process. We can expect perceptions of how “democratic” the process was to be focused in large part on this aspect. Input legitimacy influences a number of things, including (through path *d*) the democratic deficit and trust in democracy, since simple participatory deliberation can potentially restore confidence in democracy, as well as (through path *b*) the next factor in the model, output legitimacy.

Output legitimacy represents trust in and acceptance of the *product* of the reform process, but not how that product was made. Nevertheless, input legitimacy can in some cases influence output legitimacy by giving people a reason to approve of the product should they not understand it (Cutler *et al.* 2008). Trust in the legitimacy of the body that did the work, in other words, can influence trust in the quality of that work. Meanwhile, output legitimacy has its own influence, in some cases on whether the proposal succeeds (for example, if enough people think the proposal is worth supporting in a referendum, or worth pressuring politicians to adopt), as well as its own independent effect on the quality of democracy through a perception that “the system worked.” (These are seen in paths *c* and *e* respectively.)

Success or failure represents the final veto point of the reform process, and is easy to understand: did the electoral rules change, or did they stay the same? Again, while output legitimacy can have a clear influence on whether a proposal survives to become law, we should note that input legitimacy has no direct effect on it, and can only affect it indirectly by stimulating the public to support the proposal at the ballot box or through pressuring elites to see the reform through to completion.

Finally, the dependent variable is **quality of democracy**, representing citizen trust in democratic institutions and satisfaction with the functioning of democracy (or, conversely, representing a democratic deficit), and influenced by input legitimacy, output legitimacy and success/failure. The last of these is the most obvious, and is the topic of traditional analyses of electoral reform—what did the new voting rules do to democratic politics once they were in place? (Thus, path *f* is well-worn in the literature on the consequences of electoral rules.) The influence of input legitimacy and output legitimacy,

on the other hand, represent the most important novel contribution of this dissertation, in that they are the independent effects theorised to be the result of process type. They are, in the end, how process type independently affects quality of democracy. Input legitimacy is theorised to have this effect by directly influencing attitudes about democratic participation, whereas output legitimacy, if present, can confer a sense that “the system worked” and reassure the public that despite its flaws democracy is still functioning well and can address its own issues.

Noteworthy in the above model is that while success of a proposed reform is subject to veto points, input and output legitimacy as theorised herein have paths to quality of democracy that are free of veto points. This represents a reform process type’s *independent* potential to influence public perceptions of democratic institutions, the quality of democracy, and the democratic deficit in general, and the fate of the reform proposal does not determine this influence. Note that the influence may be for better or worse; it may reassure citizens that their democracy isn’t pretty but gets the job done, or it may solidify an existing feeling that the system is broken. Again, these are the stakes of democratic reform, and this is why it is so important that the choice of reform process be an informed one. The point of a CA is to change the input side of the formula by adding input legitimacy, and this is a worthwhile step to take if it can be shown that the direct influence of that increased input legitimacy upon output legitimacy (and indirectly upon the chances of success), and upon the quality of democracy, is consistently positive. In such a case, democracy can profitably be used to fix democracy.

Veto points, in this model exemplified in the success/failure phase, merit further explanation. As mentioned earlier, the list of veto points constitutes a list of necessary conditions for success and sufficient conditions for failure. Unsurprisingly, the literature on the politics of electoral reform treats veto points in some detail, noting some typical challenges that reform proposals must face (Kingdon 1995, Norris 1995, Rahat 2004, Renwick, Hanretty and Hine 2009, Rahat and Hazan 2011, Hooghe and Deschouwer 2011, Massicotte 2012). These include necessary conditions like initial reform proponents, crisis, dispersal of power, shutdown of veto players, and circumstances of instability, risk, and imperfect information. Potential reform killers include a lack of prior

art, insufficiently acute crisis, loss of public interest, concentration of power, elite indifference to evaluations of the current system, and absence of perceived risk to veto players and elites generally. Structural and institutional veto points are also found where there is constitutional entrenchment of electoral rules, a supermajority requirement for change, a chief executive or cabinet approval requirement, a legislative approval requirement, a judicial approval requirement, a voter approval requirement (usually a referendum), and other constitutional or institutional arrangements (like consociationalism or federalism) that add even more veto players. While this seems like an insurmountable gauntlet, not every factor is present in every case. For example, Britain's electoral reform efforts in the late 1990s and through the 2000s were uncomplicated by federalism or consociationalism. This model is, in effect, an approach for studying the capacity of various reform processes to have an influence that survives those veto points because that extra influence evades those veto points entirely, and a process type that can be shown to have this capacity becomes a powerful tool indeed for democratic reformers.

Finally, the ultimate consequences of the reform effort, successful or not, can be evaluated. This sets aside whether the reform succeeded or failed, as represented by the arrow from success/failure to quality of democracy. That sort of influence represents the direct effects of electoral reform on democracy, which is really the well-worn discussion of the consequences of different electoral systems. That literature is so comprehensive that the direct effects of success in reform and the consequences of the new rules need little discussion here compared to the novel question of what independent effect the process itself may have had. What happened to citizens' trust in their democracy? Was democratic "dirty laundry" allowed to air out? Was there losers' consent (Blais 1993, Anderson *et al.* 2005) in the case of a failed reform? Or were discouraged citizens and supporters of reform doomed to perpetual frustration? Were they turned off of democracy even further by a process they did not see as legitimate, or a result that seemed unfair?

Consider the exposure given to electoral reform as the result of such an initiative. Even a failed attempt at reform can set people talking about electoral reform and democratic issues generally, as we have seen (Skogstad 2009, Wilson 2009). But an elite

process aimed at democratic renewal, yet scuttled for reasons perceived as cynical, could have the effect of increasing dissatisfaction with democratic institutions. On the other hand, a citizen-based process that failed to get reform implemented might still be good for confidence; *i.e.*, “we examined the options and decided that our current system is not so bad after all.” As then-Premier of Ontario Dalton McGuinty (2004) argued at the Dialogue on Democracy conference, foreshadowing Ontario’s own Citizens’ Assembly, even a process which resulted in the maintenance of the *status quo* would be worthwhile because it would prompt public deliberation regarding the voting system and democracy as a whole. Input and output legitimacy help to determine what sort of “aftertaste” is left by the proceedings, and this can have lasting effects on confidence in democratic institutions. This is not to say that the cure for democratic malaise is to bring it out into the open every ten years and not do anything else about it, but it is still important to recognise that reform initiatives can have effects beyond which system is chosen and whether it is adopted. Again, this means that even the process by which reform is pursued must be chosen carefully, and certainly not in the dark. This dissertation will show that the choice may in fact be counterintuitive, as high-input-legitimacy paths to reform can come with their own problems, and are not free of the problems already faced by elite-centric processes. A deep qualitative and historical analysis should be able to uncover the consequences that can stem from a seemingly simple choice of which path to take toward reform. The overwhelming veto power of elites and the rarity with which it is comprehensively stymied remains the fundamental obstacle both to successful reform itself and to the ability of deliberative democracy to live up to its potential to influence the quality of democracy independently. In other words, any path to reform can succeed with sufficient elite support, and any path to reform can fail with sufficient elite obstruction—this includes both the specific group of elites involved in electoral and legislative politics, but also the broader group of elites implicated in some way or other in how reform efforts are communicated to and received by the public. The latter group, in short, contains any elites whose primary role is to mediate how the public engages with and understands the process.

The analytical approach used in this dissertation is intended to increase the understanding of paths to reform in general. But in order to use the model at the centre of

this approach to increase our understanding in this fashion, there must be a dataset of cases to use with it, and a good portion of this dissertation is dedicated to assembling that set of cases. Examining them using the model established herein will show whether this approach has any merit. Each case must be presented in sufficient detail to discuss how the model's variables (such as input legitimacy) worked in that case. Cases varying on both process type and on whether the reform proposal was implemented or not must be examined in order to see how well the model allows us to understand the role and importance of process type, and whether some process types come with added value that can persist independent of implementation. This qualitative dataset is developed in four substantive chapters, and the final chapter features comparisons among these cases and thereby an assessment of whether the model constitutes a valid approach to studying paths to electoral reform. Each case study considers the context of the reform, examines the role that input and output legitimacy played, and concludes with some consideration of the reform process's effects, including upon quality of democracy. These will be the bases of comparison in the concluding chapter, so that if there are patterns in the effects of input/output legitimacy and in the consequences of process type, they can be made clear.

2 METHODOLOGY

How Cases Are Selected and Investigated

2.1 OVERVIEW

This chapter contains an explanation of how the analytical approach used in this dissertation fits together. The variables in the model must be operationalised, and some discussion will also be offered both of what sort of evidence will be adduced for each of these variables as indicators, as well as of what sort of scale can be used to understand levels of, for example, input legitimacy or effects on quality of democracy.

Operationalisation will thus include developing a basic “scorecard” for each reform, through its various stages, with respect to these variables, so that the cases may be compared more easily. Later, case selection will be detailed, and the chapter concludes with a summary of how each case study will proceed as the dataset is constructed.

The analytical approach relies on the construction, over the course of four chapters, of deep and detailed case studies, to be summarised with scores for the variables that make up the model. These scores will aid in comparison of the various cases, but the case studies themselves will offer as much context as possible for the outcome of each process and its lasting effects, if any. Research will focus on materials produced by bodies tasked with reform, if they exist, and coverage of the reform process itself to ensure an understanding of the legitimacy (both input and output) of the process. Public opinion data, referendum results (where applicable), media coverage of the outcome, and other indicators of the state of public confidence in democratic institutions will be sought out as evidence of the quality of democracy. Each case study will be developed to the point at which it can be used within this dissertation’s model—each case will be run through the model to see whether it fits the expectation that independent effects upon the quality of democracy vary with process type. If grassroots projects like Citizens’ Assemblies really have lasting effects that are preferable to those of elite reforms, a pattern should appear in which cases featuring high levels of input legitimacy tend to be cases that ended with positive effects on the quality of democracy.

The cases to be considered are as follows:

- France, 1985-1986
- Italy, 1993
- Japan, 1993
- New Zealand, 1993
- Italy, from the late 1990s through the 2000s (when multiple attempts to complete the 1993 reforms failed)
- Britain, from the late 1990s through to the 2010 electoral reform referendum
- British Columbia's Citizens' Assembly on Electoral Reform, 2004-2005
- Ontario's Citizens' Assembly on Electoral Reform, 2007
- The Netherlands' *Burgerforum Kiesstelsel* ("civic forum on electoral reform"), 2005-2006
- Quebec, from the 1990s through the 2000s
- New Brunswick, through the mid-2000s
- Prince Edward Island, through the mid-2000s

While it is easy to spot some trends in the temporal distribution of these cases, notably the banner year for electoral reform in 1993 and the flurry of electoral reform discussion among Canadian provinces in the 2000s, some cases that are close to one another chronologically are qualitatively different in other ways, such as the methods used to attempt reform. Since this dissertation focuses on the distinction between top-down and bottom-up reforms, that distinction should be reflected in how the cases are sorted, as should the results of the reforms, since care has been taken to ensure that even failed reforms are included. As such, these twelve cases will be classified into the following four categories for analysis: elite success (in which elites designed, proposed and successfully executed reforms), elite failure (in which elites failed to coordinate on a reform proposal, or in which elites designed reforms but could not execute them), grassroots failure (in which a citizens' assembly was used but its recommended reforms were not executed), and hybrid failure (in which citizen participation short of a citizens' assembly was included, but the decision-making body could not coordinate on a reform proposal or its recommended reforms were not executed).

The hybrid classification was made necessary by the number of cases in which seeming lip service was paid to deliberative democracy, but the level of citizen involvement to which elites were willing to commit was less than that of a proper Citizens' Assembly. Quebec, New Brunswick and Prince Edward Island all fit this description, since the number of citizens ever empowered to engage in deliberation was very small in each case. This classification offers the additional benefit of establishing a category of cases with a medium level of input legitimacy, such that if there is a gradient of influence for input legitimacy from "none" to "some" to "comprehensive," some evidence of it should emerge. By classifying the cases in this fashion, the critical issue of selection on the dependent variable (Levick 2013) is addressed, though little can be done about the historical reality that no case of successful electoral reform via Citizens' Assembly has yet occurred. This merely highlights the importance of determining whether, in fact, the deliberative model has more to recommend it than its zero-for-three tally on the scoreboard of successful reforms. The set of cases to be assembled will be the most comprehensive effort possible to investigate and compare the extra benefits process type can offer.

2.2 OPERATIONALISING THE MODEL

Before the model underpinning this dissertation can be put to work using case studies, the various components of it must be operationalised. These components include the two aspects of legitimacy, input and output, as well as the quality of democracy. This will permit the creation of a scorecard for each component to be used for every case study, showing whether legitimacy levels were high, medium or low, and whether the effects on the quality of democracy were evident or not. Obviously, the rating for input legitimacy will vary more or less in lockstep with process type, but the other variables will not necessarily do so.

Some useful distinctions should be made before proceeding with the operationalisation of the specific forms of legitimacy used in this model. After all, legitimacy as a broad definition can unite many narrower definitions such as the ones used below. Broadly speaking, legitimacy covers the notions of procedural fairness and perceived fairness, so that institutions must not only operate fairly, but also be *seen* to be

fair in their operation, in order to be considered legitimate at the most basic level. In some cases, democratic institutions do not require public participation in order to be legitimate in this way; an example might be the judiciary. The public does not participate in the process of adjudication, but a functioning judiciary is necessary as a component of a set of democratic institutions. But in other cases, such as electoral institutions, participation in the process is a critical component without which legitimacy cannot exist. Legitimacy and participation are related, therefore, as concerns their role in democratic institutions, but they are not the same thing and one is not always found alongside the other. Input legitimacy is one intersection of legitimacy and participation, since it is an aspect of legitimacy based directly upon levels of participation. Input legitimacy also covers whether that participatory process included deliberation, which itself is useful to distinguish.

Within this dissertation, numerous cases are considered in which some form of public participation, in the broadest sense, occurred. In many cases, a referendum was held, while in some cases an inquiry such as a Royal Commission solicited public submissions or held town-hall meetings. Public engagement in these processes counts as participation in the most basic sense. But the participation peculiar to an initiative such as a Citizens' Assembly should be distinguished from simple participation that is confined to public submissions or attending meetings. This is, instead, deliberation, and the critical difference is that where deliberation occurs, citizens are given the opportunity to participate in a more official and lasting capacity, and they actually engage in the give-and-take of the decision-making and institutional design processes. Important also is that their decisions stick. This cannot be said of public input to a blue-ribbon panel of inquiry. This distinction is in fact a key reason that the "pure" Citizens' Assemblies, which featured deliberation, are distinguished from the "hybrid" cases in the following chapter, which involved forms of participation much less centred upon this idea of deliberation, or lacking it outright. While even elite cases may include participation, as was true of those that included public inquiries into electoral reform that solicited public input, they do not include anything that can meaningfully be called deliberation on the part of the public.

Finally, output legitimacy as an aspect of the broader definition of legitimacy is closely linked to the notion of legitimacy as based heavily in perception. Since legitimacy requires that an institution be perceived as legitimate, output legitimacy can be understood as being concerned with whether the work of an institution is considered to have been produced well, and fairly, through a process seen as above-board. Participation does not have to be a part of output legitimacy, but in some cases, participation can affect it by influencing the perception of the process and its output (notably, for example, in British Columbia and Ontario). Thus, these connections and distinctions among concepts such as legitimacy and its various aspects and subsets, such as its input and output aspects, participation, and finally deliberation, should be kept in mind as the variables are operationalised for their specific uses in this study.

2.2.1 Input Legitimacy

The twin aspects of legitimacy are operationalised in this study somewhat simply. Input legitimacy is an easier concept to put into operational terms: it denotes first and foremost the level of citizen participation in a reform effort. Broadly speaking, this means how many citizens participated, but it also encompasses the nature of their participation, since direct input into the deliberation of a body tasked with designing an electoral system counts for more than does a public submission to a blue-ribbon expert panel. Thus, a hundred-some-odd citizens working as a group to design an electoral system counts as a high level of input legitimacy, even if another reform process might have received public submissions from many more citizens than that. Also important to input legitimacy is the degree of freedom the citizens had to influence the process—could they determine many aspects of the electoral system, or only a few, or could they only offer opinions on what they would like to see in the work of an elite body tasked with reform? When looking for input legitimacy, therefore, a higher level of it would be present in a CA in which citizens participate directly, in relatively large numbers, and over whose proceedings and output those citizens have the greatest influence. By contrast, proceedings that limit citizen consultation to a few token panelists or to making presentations or written submissions to be reviewed by an expert panel would be comparatively low on input legitimacy, and an entirely elite-driven process that never involved citizen consultation in any form would have no input legitimacy at all. Official

documentation or academic histories and news reports of electoral reform initiatives will provide the information needed to determine input legitimacy. Interviews with participants can be useful, but official documentation will provide the “canonical” standard of what is evidence of input legitimacy. Subjective impressions offered by participants and observers will not be considered evidence of input legitimacy, but these would likely never be needed in an inquiry of this sort since most serious reform attempts are well-documented in this regard.

The scorecard for input legitimacy will break down into three rough categories, though some cases will not fit neatly. These categories are scored as follows:

- **High:** the top of this category requires that the entire decision-making body tasked with electoral design is composed of “regular” citizens and not politicians or handpicked experts. They may be instructed by experts or politicians, but the autonomy to decide on institutional design, and whether or not to recommend it for implementation, should rest overwhelmingly with citizens. Further, at the top of this category, the decision-making body should have more or less total autonomy in terms of altering at least the electoral rules, if not necessarily other institutional constants like election dates, the size of the legislature, etc. Ideally the body will have some autonomy over its own proceedings, the order in which it tackles problems and priorities, and so on. At the low end of the category lie bodies with enough in-person citizen participation (as opposed to written submissions) to be called deliberative, but that may not have total autonomy to change all the rules. For the purposes of this analysis, a deliberative body is deemed to need at least 50% of its decision-makers to be ordinary citizens and not sitting politicians or appointed experts if it is to make it into this category.
- **Medium:** this is a residual category covering deliberative bodies that cannot quite make it into the “high” category, or processes that resemble traditional elite mechanisms for reform but have added efforts made to engage more citizens beyond that which is typical for a public inquiry

(such as the Royal Commission template familiar to observers of Westminster jurisdictions). Some effort should be made to promote the importance of citizen input and participation, again beyond the level of a typical inquiry. Therefore, a blue-ribbon panel that holds public consultations would not qualify for this level of input legitimacy, but one that tasked citizens specifically with part of the decision-making process would qualify. At this level, while the citizens involved cannot be expected to have final veto power, their role should be more than merely advisory and they should take an active role in the design process from the theoretical stage to the practical.

- Low: this category's upper end caps off with a hypothetical expert panel that solicited a great deal of public input, but at no point included citizens brought on board specifically for deliberative purposes. The bottom of this category, meanwhile, would be zero input legitimacy, at which point elites enact reforms on their own with little more than the most basic efforts to explain what they are doing or why. If input legitimacy can be alternately understood through the phrase "by the people," a low-input-legitimacy process would instead be completed by elites almost exclusively.

2.2.2 Output Legitimacy

Output legitimacy is a tougher nut to crack. At the most basic level, it involves whether the body in question was perceived to have produced good work. Obviously, "good work" can cover a lot of ground, and any effort to evaluate whether a proposed new electoral system constitutes "good work" will be subject to the same caveat as any debate over electoral systems—that it is in fact a debate over what sort of democracy is best. While that manner of debate has no place in this dissertation, other considerations also present themselves when discussing output legitimacy. It can also serve to mean the general acceptance that a body's work was good or that it has been successful, or conversely, a general rejection of its work or a sense that it has been a failure. This is easier to determine. Expert opinion, should any be available in the academic literature of the time or should it be published in media outlets, would furnish clues as to the seriousness and quality of the attempt and the result it produced, and naturally, media

accounts ought also to show whether public acceptance of the reform process was forthcoming. The tone (positive, negative, or neutral) of media and academic accounts will also be considered. A caveat, however, is that both the media and academics constitute elites in their own right, and there will always be difficulty in consulting them for an objective and impartial account of output legitimacy. Their ability to mediate the public's experience of the work of a reform body, and therefore their own influence on output legitimacy, in addition to their ability to tell the story of that output legitimacy afterwards, means that in any process, it is impossible to escape at least some elite influence over both output legitimacy itself and how it is reported. Some degree of partiality is inevitable.

Opinions on the electoral system proposed are of much less importance as evidence than are accounts of whether the public generally accepted the reform process and its work, and when possible, this will be determined independently from public support for actually *passing* the reform. For example, even opponents of STV in British Columbia might have agreed that the CA produced a good, worthy proposal for reform and might still be in favour of the process's legitimacy as a whole and consider it a success. As such, contemporary editorials and opinion pieces regarding electoral reform were sought out, but those turned up in this search through relevant media coverage will represent a tricky sort of evidence. While they should not be used to evaluate how appropriate a proposed reform is or how appropriate it is to use a citizen-based or elite-based process, they can be used to gauge public and expert opinion regarding the perceived legitimacy of the process—whether it was run well, run fairly, did quality work (quite apart from whether one agrees with the proposal), and in general, whether the public thought the process itself was a success or a failure. This is, as noted, subject to wariness regarding the interests those observers may have had in stasis or change, since they can affect tone and volume of coverage and may not have a completely disinterested perspective. That said, the ability of elites to help set the tone of public opinion means that our picture of output legitimacy as mediated by those sources is not likely to diverge terribly from the picture that shaped and mediated public opinion at the time.

Official documentation can be expected to present the most favourable possible picture of the reform process, and thus should be discounted as evidence of output legitimacy; similarly, insider interviews might not be objective. Participants could try to put the best possible face on what happened, or, should they have become disgruntled, might try to criticise the process for personal reasons. As such, opinions of this sort do not constitute evidence of output legitimacy. When discussing this, we are concerned with a much broader picture.

The scorecard for output legitimacy will, like its predecessor, break down into three rough categories. These categories are scored as follows:

- **High:** a reform initiative that enjoyed high output legitimacy is trickier to distinguish than one that featured high input legitimacy. Generally speaking, to qualify for high output legitimacy, a case will display some measure of broad public support for the work of the reform body. This could include widespread positive media coverage, strong public interest in the body's operation and recommendations (including a strong turnout in any referendum held), and in general, a great deal of public discussion of electoral reform, suggesting that the need or potential for reform is taken seriously by the public and that the body in question performed a needed function. Specifically, output legitimacy need not entail support for the reform proposal itself. There must, however, be sufficient reason to believe, taking into account that some accounts are inextricable from an elite perspective, that the process and its output were seen as a legitimate operation of a legitimate body. The point of seeking out independent effects of process type is to see whether the mechanism used to generate the proposal is itself respected and supported. Cases that score in this category should have at least one way, be it notable media attention or public interest, in which the response was broadly positive.
- **Medium:** a score of medium output legitimacy should be assigned when reactions to the reform process are muted or neutral, implying that little attention was paid, or that the response was indifferent. (This could of

course also indicate deliberate silence on the part of political and other elites.) A low level of the sort of debate and discussion noted in the “high” category, or a high level of ambivalence or uncertainty in the commentary that was offered, would be evidence of a medium level of output legitimacy. The attitude to the reform body and/or its work is not outright hostile, but it is not particularly enthusiastic or welcoming either.

- Low: cases that score in this category would see public debate or media activity at levels comparable to that of the “high” category, but in this case, the tone of coverage or debate must be dismissive, critical or otherwise opposed to the effort at reforming the electoral system. This could take the form of criticism of an elite project to alter electoral rules for competitive advantage, or of general derision of a deliberative process, to provide two possible examples.

Input Legitimacy Scorecard	
Citizen Participation	
Citizen Participant Autonomy	
Final Input Legitimacy Score	
Output Legitimacy Scorecard	
Public Interest	
Media Coverage	
Volume of Discussion	
Final Output Legitimacy Score	

Figure 2: Sample Combined Input/Output Legitimacy Scorecard

2.2.3 Quality of Democracy

Quality of democracy, the endpoint of the model and of this new approach for studying reform, obviously leaves much room for subjective interpretation. The introductory chapter suggested the qualities of participation, inclusiveness and responsiveness as the positive aspects of a healthy democracy, and noted the various symptoms of the democratic deficit, including cynicism, dissatisfaction with democratic

institutions, and disengagement from democratic participation (especially electoral) and from politics in general. A critical notion is perceived legitimacy, such that if citizens do not feel their democracy functions very well, then this is a good indicator that it does not function well. Moreover, process type does not directly alter institutions, so we should expect it to have a greater influence on public perceptions of democracy than it would upon institutional factors that could in turn affect, for example, responsiveness or inclusiveness.

Herein a restricted view will be taken in order to operationalise this broad concept, and effects of reform (or attempts at reform) on public satisfaction with democracy will be considered. Whether or not the democratic institutions, reformed or not, work more effectively in a technical sense is outside the scope of this study, and at any rate would restrict evaluations more or less to successful reform efforts—at least, it would if we wished to see any results. But since part of the impetus for using democracy to reform democracy is to tackle the democratic deficit, and since part of the purpose of this dissertation is to interrogate whether the CA model is a value-added tool for democratic renewal and whether it is worth the additional cost thanks to its downstream effects on the democratic deficit, a different view is required here. While it might seem circumscribed as opposed to more comprehensive efforts to evaluate the functioning of a democracy, public satisfaction with how democracy works will be the key test of whether a reform process has had an effect beyond whether its proposed reforms were ever adopted. This gives us a quantifiable measure of how entrenched and extensive the democratic deficit may be, and it is of critical importance in evaluating whether democratic institutions are doing their job and maintaining the confidence of the public. This is because public confidence in and satisfaction with democratic institutions is a critical and large component of the democratic deficit, so tapping it will offer an instructive look into the nature of the democratic deficit and the quality of democracy overall.

Gathering evidence for satisfaction with democracy is, on its face, a fairly straightforward task. Simply ask citizens whether they are satisfied with democracy. For the purposes of this study, election studies and public opinion polls asking this question

directly, and in its more-or-less conventional form⁸ are the gold standard of evidence. Unfortunately, in many cases studied, this sort of evidence is not readily available. Election studies and opinion polls that ask such questions, for example, are not frequently conducted at the provincial level in Canada, and no such studies are available for any of the provinces studied in this dissertation at the times of their respective electoral reform initiatives. In other cases, such as in Japan and New Zealand, opinion polls that asks a question sufficiently similar to the conventional form are simply not conducted frequently enough to get an idea of the trend in satisfaction with democracy. In such cases where public opinion data are not satisfactory or not available, alternate (and imperfect) methods must be used to evaluate satisfaction with democracy. In cases that concluded with a referendum, while the referendum result can be used as a very rough proxy for output legitimacy (and one fraught with problems, considering the discussion of input legitimacy above), the referendum's rate of turnout can itself be used to get a general idea of public engagement with the reform process, or attention paid to its outcome. A finding of an extremely tuned-out public as evidenced by low referendum turnout, for example, would need to be checked against interest levels before the process, to see whether the reform initiative itself might have had anything to do with it, but contextual clues must be paid attention to ensure that fluctuations in satisfaction levels or other indicators of public opinion are not attributed *post hoc* to reform proceedings when they could be explained by reactions to other political events (scandals, European integration, economic downturns, and so on). This possibility—that satisfaction with democracy is subject to influence from multiple sources—means that the use of these data in case studies where they are available must be tempered with the recognition that the trend may have received a bump in one direction or the other thanks to events not directly related to electoral reform. When this is so, it will have to be taken into account while evaluating the effects of the reform process in question.

⁸ Words to the effect of “rate how well you think democracy works in this jurisdiction” followed by a scale, typically four or ten points, from “very satisfied” to “not satisfied at all.” Refusals or “don’t know” responses are presented where available, but not all studies included them. Data are weighted when the specific study offers weights and notes they are necessary to use with the data presented herein; these uses are identified in the text, and when no weights are provided or when they are noted as applicable only to specific uses not featured here, they are not used.

Other sources of evidence are similar to those used as corroboration for the level of output legitimacy. Media reports and academic accounts of public reaction to reform events and the mood afterwards will be given circumscribed consideration, as will examples of continued public debate in the media over electoral systems. If present, continued debate, depending on its tone, would constitute “unfinished business” leftover after reform initiatives, suggesting that the process did not smooth things over with the public. In some cases, public reactions to successive democratic renewal efforts can be examined as a test of whether the public continues to have an appetite for talking about democratic institutions, or whether it (begrudgingly or sincerely) considers the matter closed for the time being. Again, a high level of satisfaction with democracy should correlate with a low level of interest in discussing democratic renewal or further reform, and the context should make it clear if this result is instead thanks to a “burnout” of the public’s interest in democratic reform, or simply a return to pre-reform levels of cynicism (should it have been present).

The scorecard for effect on the quality of democracy will permit comparison among cases on the most important point, and like the others it will break down into three rough categories. These categories are scored as follows:

- Positive: much like the “high” category for the output legitimacy variable, a positive score implies an abundance of positive reaction to the reform effort. Since public satisfaction with democracy has been chosen as the chief indicator of the quality of democracy, a major cause for scoring a case in this category will be the presence of an obvious and pronounced upward trend in satisfaction with democracy after the reform is attempted—bearing in mind, of course, that other events could have precipitated it. As noted above, if data on satisfaction are not sufficient, alternate sources that indicate such a boost will constitute lesser cause to push the case into this category. Generally only cases that enjoyed an unambiguous increase in public satisfaction with democracy will be placed here.

- No apparent effect: as with output legitimacy, if the indicators used to score the case in the first category are generally quiet or cannot agree on the topic, or imply that the problem with democracy (such as a democratic deficit) remains unsolved or the debate is either still open or was not resolved to most people's satisfaction, the case will be scored in this category. Satisfaction with democracy data that imply no strong upward or downward trend will be a strong reason to place a case here, as will be cases in which a trend in one way or the other is very evidently linked to some event other than the reform initiative.
- Negative: this category will be used to score cases like those in the positive category, but whose indicators show a downward trend in satisfaction with democracy, again either directly through survey data or indirectly through the alternate indicators noted above. Once more, room will be allowed for other explanations for such a downward trend, but a steady drop in satisfaction with democracy throughout and especially after a reform process will be cause to score the case in this category.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	
Public Reaction	
Media Reaction	
Post-Reform Discussion	
Final Effect Score	

Figure 3: Sample Effect on Quality of Democracy Scorecard

2.2.4 Evidence

Therefore, the best-quality evidence that a reform process did improve satisfaction with democracy will of course be quantitative evidence specifically pertaining to public satisfaction with democracy as measured by conventional survey methods. A noticeable bump in these numbers over the course of a reform process or very shortly afterwards and sustained for a short while (perhaps up to a year or two), if it cannot be explained by any other political events, should constitute evidence that the reform process can positively influence quality of democracy, and conversely, a corresponding decrease would indicate

that the effect was to spur dissatisfaction and negatively influence the quality of democracy. Relative stasis in these numbers most likely indicates that the public is tuned out, and context can offer clues as to whether this level of satisfaction is reflective of political culture, a long-term disengagement from democratic institutions, or the like.⁹

In the absence of evidence of this quality, secondary sources such as the ones discussed above will need to be investigated. Where data on satisfaction with democracy are unavailable, a media search has been used to attempt to uncover some evidence of the public's attitude towards democratic institutions. Direct reporting of the public's impression of democracy before, during and after the reform process will be given primacy, and a substantial change in the reported level of satisfaction will furnish a more qualified form of evidence that the reform process mattered and had an independent effect on democracy. This is, once again, barring any major political events that could cause a similar effect—reporting on the topic is likely to identify whether this is the case, so accounts specific to satisfaction with democracy are the ones to consider here. Finally, the volume, visibility and tone of public debate on democratic institutions and renewal can constitute evidence. A difference in the amount and intensity of debate before and after the process, for example, would be taken as evidence that the issue's salience has changed and thus that the process had some effect on the state of public confidence in and satisfaction with democracy. A more or less constant volume of debate might suggest, on the other hand, that the process didn't solve much, and thus didn't matter much in terms of its effects on satisfaction with democracy. A similar rubric will hold with tone of debate—a marked change in tone before and after will constitute modest evidence that the process had some effect, whereas a generally static tone of debate will indicate that the reform process did little to move the needle and that public perceptions of and

⁹ Political culture is also valuable in terms of its potential to improve and deepen the explanations of the outcome in each case, but since the primary purpose of this dissertation is not to examine and explain those outcomes, political culture is given a secondary role in the analysis and discussed only where pertinent to the evaluation of effects on democracy. Nonetheless, the role of political culture in electoral reforms deserves a place in the literature on the politics of electoral reform, and would likely furnish a fruitful topic for further research into why reforms succeed or fail and how reform processes affect quality of democracy over time. For example, differing political cultures may entail differing theoretical perspectives on political representation, suggesting that citizens whose preferences were formed within these political cultures might make institutional design choices (among other things) informed by their political cultures.

satisfaction with democracy are thus essentially unchanged. In cases where no major change in satisfaction with democracy is evident from any indicator, it becomes much safer to say that process did not matter.

As noted earlier while operationalising the key variables and describing how they are scored, a critical difficulty inherent in this sort of study is that elites can never be fully purged from either the process or its examination, since they have informal ways of influencing certain elements and relationships in the model—most notably, output legitimacy, but also satisfaction with democracy—and since in some ways they play a role in providing the evidence that must be used in this study. Care is taken to extricate as much information as possible without permitting the positions of elites such as politicians or media to contaminate the results unduly, but it is useful to bear in mind that the vast majority of the surviving accounts and information available about these cases must be considered to be mediated to some degree by elites. This reality incidentally dovetails with an interesting finding of this study, namely that the extent to which elite influence can be scrubbed from reform processes (and even their study) is perhaps smaller than previously thought.

2.3 A NOTE ON CASE SELECTION

While the study of electoral reform is evolving from considering a few landmark cases of successful reform to including a much larger population of cases, including historical reforms, failed reforms, and subnational reforms (Levick 2013), this study considers a somewhat smaller population of cases, and as such, some explanation is required for why these cases are important. *Per* Levick,¹⁰ the universe of electoral reforms may become very large indeed depending on the threshold one sets for a failed attempt at reform, and considering that entire universe is well beyond the scope of even this dissertation. A few important criteria have driven the selection of cases to be examined, including relative recency, voluntary reforms in established democracies, the function of the electoral system to be reformed and the offices it is used to populate,

¹⁰ See also Pilon (2013) for a more expansive and comprehensive treatment of the universe of reform cases that does in fact consider pre-war reforms as well as reforms at the subnational level.

serious attempts at reform ending in clear success or failure, and most specifically but perhaps most importantly, reforms attempted specifically to alter how democracy functions (and not to address some fundamental or external political issue). A table of cases (Levick 2013, 8-9) is included to clarify the universe of available cases from which those to be discussed in this study are selected. Usefully, it contains multiple sub-federal attempts at electoral system reform, several of which are treated in this dissertation. (Table is reproduced with the author's permission.)

	Reform Occurs	Reform Does Not Occur		
	Successful Reform	Attempted Reform	Reform Proposed and/or Investigated	Reform Not Proposed or Investigated
National	France (1946, 1958, 1985) Japan (1993) Italy (1946, 1953, 1954, 1993, 2005) New Zealand (1992-1993) South Africa (1994)	Ireland (1959, 1968) Italy (2009) United Kingdom (2011)	New Zealand (2011) South Africa (post-2002) France (1991-1993) France (2008) Italy (1994, 2001)	Canada United States
Historical (pre-1950)	Australia (1918) Ireland (1922)	United Kingdom (1918, 1931)		
Sub-national	British Columbia (1951, 1953)	British Columbia (2005, 2009) Ontario (2007) Prince Edward Island (2005)	New Brunswick (post-2004) Québec (post-1984) Québec (post-2004)	

Figure 4: Levick's (2013) Universe of Electoral System Reform Initiatives

Since the purpose of this study is to evaluate the Citizens' Assembly model specifically as a method of democratic renewal, this model needs to be compared to temporally-similar cases. The deliberative-democracy model acknowledges the growing importance of grassroots politics, and scholarship on the "decline of deference" (Nevitte 1996) and "critical citizens" (Norris 2011) suggests that citizen attitudes in Western democracies have changed to become less accepting of elite authority, so that the

dynamics of historical cases may not compare easily to modern reform efforts. The modern trend of citizens disaffected with democracy and critical of elites is the impetus for reform to be captured here, and this simply cannot be expected to be present in cases situated in the first two-thirds of the 20th Century. It is also largely (but not exclusively) a Western phenomenon, occurring in established democracies, so that it would be much less useful to consider a recently-established democracy choosing its first electoral system, or a divided society altering its entire political system as a result of a historical injustice or deep, intractable social tensions. The cases to be considered should be ones in which the democratic deficit as it is conventionally defined (for example, Tanguay 2009) could legitimately be in play. In addition, some reform sagas listed as multiple cases in Levick's account, such as Italy, New Zealand or Quebec, are instead considered singly here, especially in order to avoid choosing an arbitrary point of failure as an end to one case and the beginning of another, in the same jurisdiction, that would also end in failure. New Zealand is discussed only once specifically because the 2011 reform process was in fact nothing more than a periodic review of the new electoral rules as mandated when they were initially passed in 1993. Conversely, Italy is considered twice in this dissertation specifically because one move to reform succeeded, whereas all subsequent reforms aimed specifically at completing the 1993 reforms seem to constitute one drawn-out, but clear-cut, failure. Discussing repeated clear failures together will serve to highlight the persistent reasons that reform has not gained traction.

These, in turn, relate to the other reasons for restricting case selection somewhat. In order to ensure that the incentives at play in each reform attempt—ideally, an effort, sincere or at least pitched as such, to improve the functioning of the machinery of democracy—are as similar as possible, only reforms to legislative electoral systems are considered. Changes or attempted changes to electoral systems used for directly-elected executives, for example, are set aside, since the electoral systems useful for directly electing an executive are fewer in number than the systems that can be usefully considered for electing a legislature (proportional systems, for example, would make little difference in a presidential election with an at-large constituency). Since representation is an important component of many of the debates on electoral reform to follow, it makes little sense to focus on reforms to electoral arenas where by definition only one group of

voters may achieve representation at a time. This excludes multiple reform efforts in France from this dissertation, as they pertain to electoral rules other than those used to populate the legislature.

As noted above in the reasons for focusing on established democracies, by focusing on voluntary reforms aimed at improving the democratic experience and tackling the democratic deficit, we have the benefit of avoiding reforms catalysed by catastrophic events like civil wars, or other deep forms of social unrest; many incentives could be at play here that simply cannot be compared to those in play during a Citizens' Assembly process such as those executed in British Columbia, the Netherlands and Ontario or during the top-down reforms to be discussed.

One notable example in Levick's round-up of cases that should fit, but does not, is South Africa, and its exclusion from this study merits some explanation. South Africa reformed its system in 1994 as a direct result of ending the historical injustice of apartheid, and has debated further reform since 2002, but the modern discussion of reform does not quite match the criteria established above, for a few reasons. When reform was first floated again in 2002, apartheid had been banished from the ballot box a mere eight years earlier, and indeed the discussion post-2002 continues to be about "democratic consolidation," suggesting that democracy in its post-conflict form, and with universal suffrage, is still sufficiently incipient to make comparisons to the other established democracies herein—all free from recent major internal conflicts—difficult (Chiroro 2008). Furthermore, electoral reform was never the topic of much more substantive debate than backroom discussions, and the small task force asked to research on it produced a technical report that never went further than consideration by the governing cabinet. As such, there is no clear failure since even the seriousness of the "attempt" at electoral reform is minimal. Debate may continue, but it has not approached the level where unchanged electoral laws constitute the sort of failure they have in, for example, Britain, Italy or the Netherlands.

2.4 HOW THIS DISSERTATION IS STRUCTURED

Once the criteria for case selection are applied, we are left with twelve cases that may be usefully considered as examples of serious attempts at voluntary reform of the legislative electoral system in an established democracy, recently enough that both the democratic deficit and the changing citizen values explored by Neviite (1996) and by Norris (2011) can come into play. Four chapters encompassing the twelve case studies, sorted in the categories noted in the previous chapter, follow this one. Each case is treated individually, beginning with some background on what led to electoral reform and how it was—or wasn't—pursued and accomplished, what sort of input and output legitimacy the reform process featured, and finally, the results of the process and their consequences for democracy. The background for each reform will establish what form democratic disengagement or crisis took, and therefore the incentives at play when trying to address that problem using an electoral system reform. It will also establish the stakeholders and veto players (Renwick 2010), the variety of which is noted above, which will be critical to understanding why the reform would eventually succeed or fail. It will consider what type of reform path was chosen, what reforms were designed, and how these decisions were made. Some consideration will be given to Renwick's classification of reforms as elite-imposition (in which elites simply have their way) or elite-mass interaction (in which public input or pressure plays some role and in many cases forces elites to act), as well as Shugart and Wattenberg's (2001) distinction between outcome-contingent and act-contingent support. The latter distinction plays into the former, as a good deal of act-contingent support for reform can be the result of elite-mass interaction, for example in a case such as New Zealand where public support for reform made it virtually impossible for politicians to refuse or even visibly resist change.¹¹

Secondly, each case study will examine and rate citizen influence on and acceptance of the design and proposal of reform—in short, input and output legitimacy.

¹¹ By contrast, a traditional analysis would look at the causes that led to reform, perhaps consider the factors that drove decision-makers to make the choices that they did, and end with whether the new rules were implemented or not; *per* Levick (2013), such an analysis is also likely to have selected its case(s) on the dependent variable, focusing mostly on successful changes to electoral laws or on near-misses.

Since this dissertation investigates the utility of deliberative democracy in democratic reform, a critical point of comparison among cases is whether deliberation actually occurred and how much influence it had, as well as the scope of deliberation permitted. If more citizen involvement is better for democracy even independent of whether the electoral laws change, we should expect the case studies to reflect this. The point of a Citizens' Assembly is to add more democracy to the process, but this analysis is intended to investigate whether that enhanced input legitimacy actually matters, and whether it is worth it. If Citizens' Assemblies cannot live up to the theoretical expectation (established above) that they should enable an end-run around success or failure of the reform proposal and thus an alternate path to democratic renewal by other means, then their enhanced input legitimacy offers them no real advantage over traditional methods of reform. The use of democracy to reform democracy is, in effect, on trial.

Finally, the results and consequences of each reform will be discussed. These begin with whether the electoral laws changed or not, but the fallout from this result is also important. This includes popular acceptance or rejection of the result, and in older cases, some discussion of the long-term consequences of these events. Here is where the reform process's effect on democracy will be seen, and where any value added through process type should become evident. Understanding these consequences will allow us to consider how well the aim of renewing democracy or taming the democratic deficit was achieved, and considering which path to reform was taken will allow a picture to emerge of whether process matters—whether deliberative democracy can in fact have the theorised effect of renewing democracy even in the absence of concrete reforms. As noted, this knowledge is important for would-be reformers weighing the costs and benefits of using deliberative democracy in their planned reforms. If there are functional reasons to use deliberative democracy beyond the simple moral argument that more democracy is better, they should be clear to anyone in the position of making a decision on whether or not to use the CA model in the quest for democratic renewal.

Broadly speaking, each case study will follow the history of a reform process as it passes through the various stages in the model offered earlier. The cases are sorted into chapters based on process type, but as each case is explained, details will be filled in

about its input and output legitimacy and about the final effects (if any) on democracy. Once each case has filled in the various blanks in the model, the cases can be compared to one another and tested against expectations regarding how process might matter. Again, the aim is to develop a qualitative dataset that offers this approach a first chance at understanding the value and importance of process, a key finding that should be useful for those determining what sort of reform process should be the democratic deficit slayer's tool of choice in addressing democratic renewal.

Following the case studies, the final chapter of this dissertation will analyse just how well deliberative democracy has scored in comparison to elite-controlled reform, and more broadly, show how the model fares when used to study the qualitative dataset assembled in previous chapters. Points of comparison among cases will include the following:

- Historical events: whether or not historical contingency (a change in government, a wrong-winner election, an economic crisis, etc.) had a role to play in either stifling reform efforts, or shutting down veto players who could have stopped the process;
- Citizen involvement and success: how the level of input legitimacy, and the use (or not) of a Citizens' Assembly correlates with successful changes made to electoral laws;
- Citizen involvement and legitimacy: how the level of input legitimacy, and the use (or not) of a Citizens' Assembly correlates with output legitimacy;
- Heuristics and support: whether input legitimacy operated as an information shortcut and influenced the public to support or oppose the reform proposal, especially in cases with a binding referendum as a prerequisite for reform implementation;
- Endgame conditions: whether the use (or expectation) of final, binding public consultation (usually in the form of a referendum) correlates with the public attitude to reforms at the end of the process and the ultimate effect on satisfaction with democracy.

These comparisons are organised as simple charts sorting cases by input legitimacy and/or by use (or not) of a Citizens' Assembly and neatly displaying how they vary in terms of other components of the model.

	Electoral laws changed	Electoral laws unchanged
Major event	Italy (I), Japan, New Zealand	BC, Quebec, New Brunswick
No major event	France	Britain, Italy (II), Ontario, Netherlands, Prince Edward Island

Figure 5: Sample comparison table correlating the presence of major historical events with whether electoral laws changed.

Quite apart from the higher success rate of elite reforms in getting the electoral laws changed, we will also see that deliberative democracy does not always deliver on its potential to drive democratic renewal by other means. While British Columbia's reform process offered some degree of closure, that of the Netherlands did not, ending with a report shelved to gather dust indefinitely, and Ontario's experience showed just how powerful apathy can be in forestalling reform. The hybrid processes show a similarly spotty record, none really succeeding in generating any lasting renewal of confidence in democracy so much as ensuring a return to apathy or disillusionment with democracy. Notably, the power of the "silent veto," or the simple act by elites of ignoring a reform proposal in the hopes that it will go away quietly, is used in several cases to end meaningful discussion of reform, and can in fact lead to a perception that the entire process was pointless. The analysis thus finds little evidence that the Citizens' Assembly, or deliberative democracy and citizen involvement in general, is the tool of choice for the democratic reformer.

More to the point, the explanations for each individual failure teach us a more important lesson: no matter whether reform is elite-driven or largely dependent on deliberative democracy, the attitudes of elites matter perhaps more than anything else, and process type is not the key factor in determining whether they matter enough to scuttle the reform. Even if large portions of the reform design process are farmed out to a Citizens' Assembly, and even if elites must in the name of political survival refrain from

direct criticism of or opposition to reform, they can often still find ways to prevent a reform if they are not fully on board with it. Only in the most extreme cases—notably, all elite-driven in the first place—are they so comprehensively denied their veto power (for example, by public pressure) that they are forced to accept a change in the electoral laws that they would rather avoid. In short, we will see that deliberative democracy is not sufficient to deny completely the influence of elites. Conversely, that some elite processes succeeded in changing the electoral laws *in spite of the wishes of most elite veto players* shows that the choice between a traditional or grassroots process is not the deciding factor in limiting elite influence. If, in the end, there remain reasons to choose a citizen-centric path to reform as opposed to a top-down process, the potential of deliberative democracy to shut down elite veto players or excise them from the decision-making process cannot be one of them, and therefore, the justification for choosing deliberative democracy must be something other than its inherent potential to affect democracy independently of the reform proposal's fate. That particular outcome is still intimately tied to the quality of democracy after the process has ended, and as such, while process may matter, the quality of democracy is not the reason why it matters. This dissertation's conclusion is that deliberative democracy as a tool for democratic renewal must stand and fall on its own merits, since its results give no reason to think it promotes better consequences than elite efforts or has a strong functional advantage over those methods. A search for tangible results must instead focus on the cooperation and support of elites for reform.

3 THEY COULDN'T LOSE

Elite Success Cases

This chapter will present case studies of successful elite-driven electoral reform initiatives one by one. The cases to be considered here are instances in which electoral reforms were, by and large, designed and promoted by elites, with public involvement in the design process that was little more than incidental; they will generally score “low” on input legitimacy. Per Renwick’s (2010) typology, these would be considered elite-imposition reforms, though as we will see, in many cases a substantial component of public pressure (if not input regarding design) was present, and indeed necessary to see the reforms to completion and implementation. This pressure is, as Renwick notes, often critical to quelling obstructionism among elite veto players who have lost the taste for reform, or never acquired it in the first place.

The electoral reforms instituted in France in the 1980s (and subsequently repealed by the very next administration) will form the first case. From there, we will move on to consider the three cases that constitute 1993’s electoral-reform trifecta: Italy, Japan, and New Zealand. It will become clear that the specific impetus behind reform in each case is different, and not always obviously related to the quality of democracy or addressing the democratic deficit. In other words, these cases were not all instances in which governments specifically wished to tackle democratic malaise and citizen participation through electoral system change (though they eventually might have been forced to do so). Nevertheless, loss of trust in democratic institutions, for one reason or another, became sufficiently bad in three cases to warrant calling the situation a crisis, and electoral reform was seen as at least a partial remedy to the specific problems causing that lack of trust.

It is instructive to examine these cases first, as they can be expected to conform most smoothly to the model established in the previous chapter, and indeed to the conventional wisdom about how electoral reform is supposed to work: elites identify a problem, design a solution, and implement it, like any other policy. It seems, at first blush, that when elites want to engage in such a process, that they cannot fail; all the

power rests with them. The succeeding chapter on elite failures, however, will show that differences in the initial situation can result in a different reform experience; reform is not necessarily as simple as the conventional wisdom would suggest. It is also not nearly as tidy: “electoral systems are rarely designed, they are born kicking and screaming into the world out of a messy, incremental compromise between contending factions battling for survival, determined by power politics” (Norris 1995, 4). Norris contends that the politics of reform are easily as important as the mechanics thereof, but receive far less attention. The case studies to follow are framed in such a way as to devote much-needed attention to the political context of the reforms in question, which were not achieved without difficulty, resistance and acrimony. The notable exception is the French case, to be treated first.

3.1 HEDGING BETS: FRANCE, 1986

3.1.1 Background

The French legislative electoral system had been changed on several earlier occasions, but the outcomes it tended to produce had remained stable for some time before the Socialist Party (PS) changed both these things. First, the PS toppled an electoral dynasty in the 1981 legislative and presidential elections, and then it altered the electoral rules a few years later, on the verge of the next parliamentary election in 1986. Knocking the Gaullists right out of power after 23 years on 14 and 21 June 1981 (the election was held under two-ballot runoff rules), the PS secured a rare absolute parliamentary majority of 270 out of 491 seats. President Mitterrand, elected earlier that year after defeating incumbent Giscard d’Estaing, appointed Pierre Mauroy Prime Minister (Scammon 1981). Interestingly, French politics to that point had been animated by a well-known assumption among politicians and the public alike that the system could not work properly if the President’s party did not also secure a legislative majority. This and the “coattail effect” resulting from Mitterrand’s popularity helped the PS secure 54% of the popular vote, catapulting them into absolute-majority territory (Criddle and Bell 1981). Jacques Chirac, leading the remnants of the previous ruling coalition on the right, had relied during the campaign upon the expedient argument that allowing multiple branches of government to fall under the control of the same party would concentrate

power unacceptably, a reversal of his typical position (and that of other politicians) that his party needed to control the executive and legislature to ensure stability (Criddle and Bell 1981).

While the legislature had previously been elected using a majoritarian two-ballot runoff system, the PS administration, after winning power for the first time ever, opted in 1985 for a list-PR system to be used in the legislative elections of 1986 (Scammon 1986). Of the elite successes considered herein, this reform seems the most opportunistic, often regarded superficially as an attempt to gain seats. It might more accurately be seen as an attempt to hold on to seats in the face of an anticipated electoral drubbing, as well as a fulfilled election promise (Frears 1986, Criddle 1992). Logic and conventional wisdom suggest that a situation in which a ruling party—which is by definition capable of winning under existing rules—would be willing to risk switching electoral systems in order to press its advantage even further would be fairly rare.¹² The converse, a situation in which a ruling party hedges its bets by adopting a system in which defeats are less catastrophic, as opposed to a strong plurality system in which victories are more dramatic, seems much more likely. We can narrow down the specific sort of power-maximisation going on here along theoretical and empirical lines.

Is there any theoretical justification for the idea that the PS adopted a new electoral system for defensive rather than offensive purposes? There is some evidence that legislators are frequently unmoved by criticisms of the system under which they operate, even if (perhaps especially if) they alternate in power with another major party or coalition (Massicotte 2012). It might be difficult to persuade them to give up a system with which they are familiar, and under which they are used to winning as well as losing, even if the alternative is a system that seems to offer unqualified gains but has its own learning curve. The sunk-costs fallacy can be hard to overcome. Loss aversion

¹² Massicotte (2012) furnishes a reminder: even if the view that elites will never change rules that permitted their ascendance is too simplistic, the seat-maximisation school exemplified by Boix, Benoit and Colomer is still largely correct in saying that when things do change, they will do so more or less as elites want them to. Elites may in fact start the process themselves if there is an advantage in so doing. It is simply less likely that elites will willingly initiate that change without very specific threats to stability, since that change is such a risk to their positions and ability to compete for those positions in the future.

(Kahneman and Tversky 1979) might also, as noted previously, play a role; “[a] salient characteristic of attitudes to changes in welfare is that losses loom larger than gains” (279). In the case of agents deliberating electoral reform for the sole purpose of maximising power (by increasing vote share and seat share, for example), we might expect caution and circumspection, whereas agents considering electoral reform for defensive purposes might be less risk-averse.¹³ In other words, when political conditions appear to be stable, the devil one knows is preferable to the devil one doesn’t. When political conditions are changing and a loss of some sort (an electoral defeat, or even a potential persistent reduction in seat share) appears imminent, the spectre of that loss can make the devil one doesn’t know look less threatening, perhaps enough to take a chance on reform. The political context in mid-1980s France shows evidence of just such instability.

There is empirical justification for such thinking, as well, demonstrated dramatically by Lipset and Rokkan (1968). Their work shows how European countries abandoned plurality electoral rules in favour of proportional rules around the advent of universal suffrage, because the rise of a large working-class segment of the electorate—and parties organised specifically to represent it—meant doom at the ballot box for the traditional bourgeois parties. This laid the groundwork for the Boix, Benoit and Colomer school of thought that tells us that in large part, electoral systems change when and how elites want them to change. The question that should be considered here is whether the PS was hedging its bets as the old-line European parties did almost a century ago. Literature detailing the reform generally argues that the switch from majoritarian rules to proportionality was intended to have twin effects (Saksena 1986). First, it would minimise seat losses in the case of defeat. Second, it would promote a split in the right-wing vote thanks to increased relevance under PR for minor candidates and parties; some of these, such as Jean-Marie Le Pen and the FN (National Front), were becoming more

¹³ As a result, since Kahneman and Tversky note that gains and losses are perceived with respect to a reference point, and not in terms of final totals, party members accustomed to winning a certain number of seats when they do win office might look disfavoured on a possible new status quo where their typical majority is smaller, even if they would continue to win frequently under such a system. Two questions are likely being considered: “How often will we win under the new rules?” and “By how much?”

popular at the time (Saksena 1986). It will be instructive to see how the decision fits into the model.

As noted before, the many veto points in the electoral reform process require a few conditions to be in place if a proposed reform is to get past them. One critical ingredient is the presence of some sort of systemic crisis that can be linked somehow to the electoral laws (Renwick 2010). If there was a crisis in France in 1985, it was not one of democratic legitimacy as in New Zealand, Japan, or Italy. Instead, it seems to have been a strictly electoral crisis for the PS, facing defeat after only one term as the parliamentary majority. By Renwick's logic, it is a case of elite-majority imposition; put otherwise, it is a textbook case of power-maximisation as discussed by Benoit, by Boix, and by Colomer. The PS simply did not want to lose.

As a result, the last phase in the model of why process matters, effect on the quality of democracy, does not directly come into play here. It is unlikely that the state of democracy as a whole weighed heavily on the minds of reformers seemingly preoccupied with avoiding disaster in the next election. Responsiveness and representation would not have been major concerns in choosing a new set of rules. This case is therefore unusual compared to the majority of others considered in this dissertation, in which the quality of democracy was central to reform efforts, or at least central in sound bites offered in explanation of the reforms. Moreover, while the process in all other elite cases was still initiated and run by elites, this is the only successful one that could be considered elite-majority imposition. Since we will not need to trace it directly to the end, except perhaps to note the opposition's outrage over the reform that spurred a quick repeal the next year after power changed hands, we may end the analysis at implementation.

Overall, we might expect this case to fit the model as follows. The process type, as established, is elite-driven; specifically it is elite-majority imposition. The outcome was a list-PR system, which was most advantageous—or least disadvantageous—to the electorally-threatened PS. We should expect to find zero input legitimacy in an elite-majority imposition reform, and potentially very little output legitimacy, since anyone not directly given an advantage by the reform could (and did, in the French case) cry foul. This corresponds to a “low” score in terms of legitimacy. The reform process bypassed

the typical veto points through sheer brute force, as a legislative majority gave the PS all the power it needed to alter the electoral laws (and, of course, gave the successive administration the power to change it all back). This saw the reform through to implementation, but the swift change back to two-ballot runoff shows that acceptance was lacking. A reform that failed to stick and achieve acceptance, and did not survive an alternation of parties in power, can be said in only the most superficial fashion to have passed through all veto points successfully. Thus, while this is technically a case in which elites succeeded in getting what they wanted, they were not able to hold on to it for long.

At this point, we should look at what precipitated the reform, though in this case no reasonably comprehensive answer will really have to go further than the PS's chances in the next parliamentary election. While they had come to power in 1981 with a stunning electoral victory, marking their first time in power, a noteworthy absolute majority, and the first displacement of the centre-right Gaullist tendency in more than two decades, their support eroded quite quickly once in power as they were forced to execute a decidedly un-socialist policy agenda in the face of economic crisis (Saksena 1986). With parliamentary elections not too far away and an ongoing massive drop in support both for the PS and their most natural coalition partner, the Communist Party (PC), Mauroy and his party were in a tight spot, as indeed was Mitterand, who was faced with the prospect of *cohabitation*, in which the executive and legislative branches are controlled by ideologically-opposed administrations (Saksena 1986, Scammon 1986, Criddle 1992). This appeared to be as good a time as any for a tactical reform of the electoral system, which at the time was of interest to nobody beyond politicians and of benefit to nobody beyond the PS (Frears 1986).

Widespread calls for reform of the electoral rules were nowhere to be found, and even the initial core group of reformers found in each of the other elite success cases was absent. To be fair, the PS had promised to change the electoral system if elected in 1981, and were as good as their word (Frears 1986). Interestingly, Mitterand had run in the 1981 presidential election advocating alternation in government (Criddle and Bell 1981). It is not likely that electoral reform as a project of democratic renewal was contemplated seriously very far in advance of the conditions that prompted the change; the lack of

pervasive advocacy seems to bear this out. As noted above, this is not a case of elite-mass interaction, but rather elite-majority imposition, so the causal chain can be considered to start more or less at the moment the elites in power decided that electoral reform was a workable and publicly justifiable solution to their popularity issues. Precedent was established thanks to the presence of electoral reform in their platform, as well as a curious history of altering French electoral rules for tactical purposes (Knapp and Wright 2006). In France, politically-motivated electoral reform is a weapon fired so frequently that the public no longer flinches at the sound. An electorate that simply could not care less about elite-initiated electoral reform saved those elites the trouble of having to come up with much justification at all for the move (Frears 1986).

Because the mechanical effects of electoral systems are fairly well-understood, it would have been clear from the start that switching from majority rules (which, like plurality rules, over-reward the largest party and tend to punish the runner-up) to proportional rules would ensure less decisive elections, shrinking the winning party's typical margin of victory. Because minor parties fare better under proportional rules—a feature not lost upon voters who might support such parties, but under plurality rules abandon them for more popular ones—there was also the clear possibility that Jean-Marie Le Pen's FN might split the right-wing vote. This would be to the further advantage of the PS, who could expect a second-place result were majority rules to be left in place (Knapp and Wright 2006). It is clear that this was a survival move for the PS, who by 1986 had experienced a massive erosion of the popular support they had pulled from the Communists only a few years before and who were campaigning in the face of almost certain defeat (Saksena 1986).¹⁴ From this perspective, complicating the task of building a legislative coalition on the right by introducing the FN factor—since it was hoped that some centre-right factions would be disgusted at the prospect of aligning with the openly racist party—would help compensate for the dramatic fall-off in support for the Communists, the most logical coalition partner for the Socialists. In fact, centre-right

¹⁴ Even their election slogans focused on warning voters of the inevitable resurgence on the right.

parties might even be persuaded, under such circumstances, to coalesce with the PS, or so went the reasoning at the time (Saksena 1986).

While changing the electoral rules could be expected to affect parliamentary elections, and while the legislative wing of the PS appeared to be headed for serious trouble on that front, the electoral rules actually rested outside their direct control. Thanks to Mitterand, however, the rules were not entirely beyond their reach. The party's control over both the legislative and executive branches of government allowed the change in electoral laws to be made despite the partisan controversy it stirred up (Fears 1986). As such, none of the elites with an interest in opposing the reform posed any serious threat as veto players; the power was well out of their hands, at least for the moment, and the worst consequence for exercising that power would be losing an election, which seemed increasingly likely. In such a case, the PS would change as much as they thought they could get away with changing. Given the immediate reversal of the change by the next administration, "how much they could get away with changing" was not much at all.

The reform itself was simple. Two-ballot runoff, a majoritarian system, was replaced with a fairly standard list-PR system. While many systems were available, "pure" proportional representation would be an easy change, and a party seeking to cut its losses or hedge its bets would naturally want maximum proportionality. Such a reform would also be consistent with the Socialists' stated aim of achieving electoral reform, makes sense in the context of a party that had extreme difficulty winning power under majoritarian electoral rules, and in fact is well within the parameters of France's traditional fluctuation between majoritarian and proportional tendencies in its electoral system (Fears 1986, Knapp and Wright 2006). Thus, while switching to plurality rules or some other type of majoritarian system would have been pointless or even counterproductive, PR hybrids and variants like MMP or STV would also have missed the point. No effort really needed to be put into couching the reform in terms of improving democratic institutions, regardless of whether or not the reform were actually aimed at such improvement. Since the French electorate had seen opportunistic electoral reforms before and had never made a big deal of them, this one did not require any more "marketing" than the others did (Criddle 1992, Knapp and Wright 2006, Renwick 2011).

The PC did support the switch to proportionality, both for egalitarian reasons espoused by both the major parties of the left at the time and because it enabled both parties to stop making lopsided electoral deals under two-ballot runoff rules (Frears 1986).

On a similar note, while later attempts at electoral reform grew increasingly transparent—witness the sheer volume of internal materials posted online or otherwise made available during the British Columbia Citizens’ Assembly on Electoral Reform—this was essentially an executive decision, with no real need to publicise or explain whatever deliberations occurred leading up to it, and the deliberations themselves need not have involved much more than an easy decision to switch to the system France had typically used whenever its electoral rules went proportional (Knapp and Wright 2006). Given their election promise, the PS could easily claim to have a mandate for change and not worry too much more about it.

Time	Event
1981	PS wins both legislative and presidential elections
1981-1985	PS reacts to economic crisis by shifting ideologically, loses support
1985	PS unilaterally changes electoral system from runoff to list-PR
1986	PS defeated in legislative elections by RPR and UDF
1986	RPR executive begins process of restoring runoff elections
1986-1988	Period of <i>cohabitation</i> (RPR/UDF legislative majority, PS presidency)
1988	PS wins legislative minority (under runoff) and presidential election

Figure 6: Timeline of Electoral Reform in France

3.1.2 Legitimacy

Since this reform occurred well before the modern trend of citizen ratification of voting system reform through referenda, and since no public opinion was even sought regarding the change, the mechanics behind it are rather simple. There was no power dispersal to speak of; since the PS had control of the executive branch in addition to its absolute legislative majority, veto points were temporally displaced, in that they would only really come into existence after an alternation in office, itself a rarity until this era in French politics (Saksena 1986). Without a Citizens’ Assembly, any sort of blue-ribbon

panel or arm's length body of experts, or referendum, this section is necessarily rather short. The reform in this case essentially begins and ends with Mitterand's decision to change the electoral rules, which opposition parties could decry but could do nothing to stop while they lacked a legislative majority.

Public pressure, by contrast, is simply not a factor in this case. The literature consistently notes the indifference of the French voter to opportunistic manipulation of the electoral system, and indeed this reform prompted loud protests only from opposition parties (Frears 1986, Saksena 1986, Criddle 1992, Knapp and Wright 2006). Changing electoral rules as the mood strikes appears simply to be part of the game. We should remember, though, that the PS was elected on a platform that included electoral reform (specifically a change to more proportional rules) among its promises (Frears 1986). It is hardly surprising that a party traditionally relegated to opposition benches would have supported electoral reform while in opposition, but it is interesting to note that the PS was not in power long enough for its views on the merits of proportionality to change.¹⁵

One important aspect of input legitimacy is the sense of popular consent (or at least indifference) to the proceedings. Obviously a reform process with plentiful public participation would be seen to have more such consent and legitimacy, but in the case of a truly unpopular reform, we might expect to see much more commotion regarding what many observers can fairly argue to be a reform executed for cynical and opportunistic reasons. But the literature on French electoral politics shows that the public pays little attention to moves like this (Criddle 1992, Knapp and Wright 2006). A French public inured to a custom that would likely be considered the height of sleaze and crass political opportunism in other jurisdictions means that a subdued or even uninterested public response need not be read as opposition so much as a tuning-out of a political game that has been played out many times before (Knapp and Wright 2006).¹⁶

¹⁵ See Pilet and Bol (2011), "How Time in Government Affects Support for Electoral Change."

¹⁶ "French electoral laws, which have frequently been changed in the course of the twentieth century (usually as a function of a narrow but inept calculation of self-interest on the part of the incumbent parliamentary majority), have generally selected one of two main options, the two-ballot system or *proportionale départementale*" (Knapp and Wright 2006, 169). See also Criddle (1992), who notes that "a

Based upon their worsening electoral fortunes throughout the majority of their term in office, the PS would most likely have been defeated in 1986's legislative elections under any electoral system, so it would be foolhardy to view that electoral result as a rejection of the party solely on the basis of the reform (Saksena 1986, Scammon 1986). Their economic policies had simply alienated too many voters. They did manage to secure a plurality of 212 seats in the now-577-seat legislature, but not enough support from potential coalition partners (the Communists had sunk to 35 seats). Furthermore, the change failed to boost the far right's legislative representation, thus failing to complicate coalition formation. The Rally for the Republic (RPR) and Union for French Democracy (UDF), with 286 seats between them (291 once a series of independents rounded out their voting bloc), coalesced to form a government that combined the Gaullist and non-Gaullist tendencies on the French right wing, shutting out the far right entirely (Frears 1986, Scammon 1986). Once power changed hands, the reformed system held no appeal for the victorious coalition under Prime Minister Jacques Chirac, who switched back to majority rules without delay.

While the new electoral system functioned perfectly, in that it filtered the shift in popular vote exactly how it might have been expected to do, the effect was simply insufficient to allow the PS to hang on to power (Scammon 1986). Frears (1986), on the other hand, notes that the particular species of proportionality (the highest-average method) implemented for the 1986 vote tends to favour the largest parties, and the RPR and UDF reaped the benefits thereof. And indeed, the eventual electoral defeat of the PS despite their best efforts at electoral engineering recalls Rae (1971): "[t]he effect of electoral laws upon the competitive positions of political parties in legislatures is marginal by comparison to the effect of election outcomes" (84).

tradition of tampering with the electoral system as a means of marginalising opponents in a polity traditionally lacking in consensus has ensured that no electoral system has enjoyed complete legitimacy, but has been seen rather as an instrument for securing partisan advantage" (108).

Input Legitimacy Scorecard	
Citizen Participation	None
Citizen Participant Autonomy	None
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	Low
Media Coverage	Low
Volume of Discussion	Low (public tuned out, as is typical)
Final Output Legitimacy Score	Low

Figure 7: Legitimacy of Reforms in France

3.1.3 Effects

While with other examples, we might at this point discuss how well the case fits the theory, with the French reforms of 1985 we may instead consider how simplified this case was compared to the others. It could be viewed as the old idea of a textbook reform: the elites got exactly what they wanted (for a time, anyway). As such, the French case is useful mainly as a contrast to the trend of increasing concern about democratic legitimacy (both as a justification for reform, and as a guideline for the processes of reform) which developed later on and culminated in the Citizens' Assembly model. The spectacle of elites openly and brazenly throwing their weight around and changing the rules for their own benefit will not be seen again in the cases to come. This is not to say that elites do not act in their own interests in the other cases, but simply that they must be thoughtful regarding backlash.

Centre d'Étude de la Vie Politique Française (CEVIPOF) data gathered by the *Société Française d'Enquêtes par Sondage (SOFRES)* during the 1988 French presidential election show a public with a more-or-less favourable view of their democracy (Platone 1993). 8% of respondents thought¹⁷ democracy in France functioned

¹⁷ The question (Q7) was phrased as follows: "Do you think that at the moment democracy in France functions..." with the categories listed above as possible responses.

very well, 44% fairly well, 34% not very well, and 9% not well at all, with 6% reporting no opinion; viewed otherwise, 51% took a favourable view to 42% who took an unfavourable view, and should those respondents with no opinion be excluded, the split becomes 55%-45%, suggesting no obvious crisis of confidence in French democracy at the time. To the contrary, these results are consistent with a public impression that this is how the game has always been played. Eurobarometer (European Union 1995-2010) data¹⁸ furnish a much more long-term view, as follows.

Date	Very satisfied	Fairly satisfied	Not very satisfied	Not at all satisfied	Don't know
11/1980	3%	33%	32%	18%	12%
10/1981	5%	48%	27%	7%	13%
05/1982	2%	42%	30%	12%	14%
10/1982	5%	40%	32%	14%	9%
04/1983	3%	33%	37%	17%	10%
11/1983	7%	39%	30%	13%	11%
04/1984	4%	36%	34%	18%	8%
11/1984	4%	34%	38%	14%	10%
04/1985	5%	39%	35%	13%	8%
11/1985	3%	36%	33%	18%	10%
03/1986	4%	45%	28%	11%	12%
11/1986	6%	44%	28%	10%	12%
05/1987	4%	48%	31%	10%	7%
11/1987	3%	39%	34%	15%	9%
04/1988	5%	46%	32%	10%	7%
11/1988	8%	34%	43%	10%	5%
03/1989	4%	50%	33%	9%	4%
07/1989	7%	49%	29%	9%	6%
11/1989	5%	49%	28%	12%	6%

Figure 8: Satisfaction with Democracy in France in the 1980s

These results present variation in the short term, but over the span of a decade, the trends appear fairly stable. A remarkable bump for satisfaction with democracy occurs between late 1985 and early 1986, but this is easy to attribute to the defeat of the

¹⁸ Data reproduced in this form with permission (European Union 1995-2010).

unpopular PS government. Otherwise, these data appear to reflect a public whose attitudes are what we would expect given the history above—their satisfaction with democracy hinges on things other than electoral reform, and perhaps more ephemeral. There is no strong evidence of a period of notable dissatisfaction leading up to the reform. If the 1985 reform had had a positive effect, we would expect to see it as a bump starting after the reform in late 1985 but before the first election held under the new rules in 1986, and holding from there. But neither rule change appears to have produced much of an effect at all. Other events in French politics, and perhaps random variation, appear to have a much stronger influence on satisfaction with democracy than electoral reform ever did.

The legislative electoral system was restored by 1988 from proportional rules to two-ballot runoff once more, and while the rules by which the President is elected would, after a proposal in 2000 by Valéry Giscard d'Estaing, be altered in order to eliminate cohabitation,¹⁹ the legislative electoral rules would remain resistant to change (Frears 1986, Saksena 1986, Criddle 1992, Knapp and Wright 2006). President Hollande's administration by 2012 proposed introducing some proportionality to legislative elections, and the report of the *Commission de Renovation et de Déontologie de la Vie Publique* (roughly, Commission on Renewal and Ethics in Public Life) led by Lionel Jospin has echoed this recommendation, though the system would be parallel, not compensatory, and the fraction of the legislature elected under proportional rules could be as low as 10% (Mac Cormaic 2012, *Commission de rénovation et de déontologie de la vie publique* 2012). This follows on the prior suggestions of the *Comité de réflexion et de proposition sur la modernisation et le rééquilibrage des institutions de la V^e République* (Committee for Reflection and Propositions on Modernisation and Rebalancing of the Institutions of the Fifth Republic, or “Balladur commission,” for the sake of brevity) report of 2007, Proposition 62 of which regards the introduction of a “dose of proportionality.” The proposal takes the form of 20 to 30 seats set aside for parallel

¹⁹ The length of the presidential term had in fact been among the terms of reference of the 1992 Vedel commission, and Mitterand's decree forming the commission noted the public debate and variety of positions on the topic; the Vedel commission did not, however, consider the rules for legislative elections.

election using proportional rules and is justified in terms of better representation of smaller parties operating at a disadvantage under two-ballot runoff rules (Balladur Commission, 2007). This amounts to about 5% of the seats in the legislature at the time the Balladur Commission reported, so the Balladur proposal is a more modest antecedent to the 10% floated by Hollande and by the Jospin commission. Efforts at reform more serious than the simple creation of commissions to study potential reforms are, however, unlikely until elites in power once again find themselves with a legislative majority, some influence over the presidency, and a strategic incentive to change systems. If this does happen, it is not very probable that the public will pay it much heed. Far from affecting the quality of democracy, electoral reform in France by any process seems to be mere background noise.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Variable short-term, stable long-term
Public Reaction	Indifference
Media Reaction	Not evident
Post-Reform Discussion	Not evident
Final Effect Score	No apparent effect

Figure 9: Effect on Quality of Democracy in France

3.2 THE WHOLE SYSTEM IS OUT OF ORDER: ITALY, 1991-1993

3.2.1 Background

While reforms such as those in Japan and New Zealand were, as we will see, focused on restoring perceived democratic legitimacy that had been damaged in ways reformers—and eventually voters—sought to blame at least in part on electoral systems, Italy's reform process in 1994 was a reaction to an abrogative referendum result that itself had accomplished half the electoral reform already (Katz 1995, 2001). Leaving the job unfinished would have, for structural reasons, made Italian democracy all but incoherent. Having already jumped out of the plane, so to speak, they had little choice but to pull the ripcord before it was too late. Thus, we have another elite-driven success, but this is the first one in which systemic crisis, one of Norris's (1995) and Renwick's (2010)

key ingredients, was present, along with dispersal of power (Norris 1995, Rahat 2004, 2005).

The change we will focus on here started as a simple deletion of a portion of the election laws, but the ensuing upheaval was so massive it is referred to as the transition between the First and Second Republics (Bardi 1996) and even the electoral system itself was viewed as partially responsible for the tattered state of democratic accountability at the time (Donovan 1995). Proportionality was blamed for the strength of Italian parties at the time, which had contributed to the systemic crisis of confidence; *partitocrazia* was the usual term used to describe the dominance of powerful and entitled political parties over the workings of the political system (Koff and Koff 2000). But aside from perceptions of the quality of democratic institutions and the utter pervasiveness of corruption, there was a very real technical problem at work, too, in that the alterations made to the electoral rules via referendum left the system in a precarious state. These considerations should each be dealt with in turn.

By the late 1980s and early 1990s, public sentiment in Italy had begun to turn against parties (Bardi 1996), and much concern was devoted to widespread corruption and the inefficacy of democratic institutions in general (Donovan 1995, Katz 2001). Interestingly, when surveyed, Italian voters seem fine with political parties in principle, but are not fond of them at all as they operate in reality (Koff and Koff 2000). The fragility of governing coalitions under Italy's particular instance of proportional representation²⁰ was not so much a concern as was the dominance at virtually all times of a centrist coalition, with no alternation in power; public tolerance for this party system was at an end, and the party system was thrown into realignment so comprehensive it can fairly be termed a collapse (Mershon and Pasquino 1995, Koff and Koff 2000). In a way, the entire political class lost credibility; Katz (1995) terms it a decapitation. It is difficult to overstate the breadth and depth of scandal that gripped Italy through 1992 and 1993 as the so-called *Mani Pulite* (Clean Hands) investigations of corruption dragged on and on,

²⁰ Corbetta and Parisi (1995) describe the switch from one system to another as from "theoretically 'mixed' but actually proportional to one that was 'mixed but primarily majoritarian'" (75).

implicating ever more public figures (Economist 1992b, 1994b, Mershon and Pasquino 1995). Corruption, indeed, could be seen as the primary motivator of the crisis, but throughout, it was still seen as connected to the electoral rules through the clientelism they were seen to promote, and eventually some began to blame the electoral system outright, though it is possible that in some cases this was merely displaced rejection of the party system (Economist 1992b, Koff and Koff 2000).

For several decades, the Christian Democratic party (DC) and the Communists (PCI) had been electorally dominant, but differences of principle ensured that the PCI never entered a governing coalition; this left the DC as the primary partisan force in government, supported by whatever allies it found convenient (and with a “hyper-proportional” electoral system, minor kingmaker parties were never in short supply) and virtually impossible to dislodge (Koff and Koff 2000). As frustration mounted at the inability to hold governing parties accountable, regional sentiment grew and began to express itself in the party system, encapsulated neatly in the rise of the *Lega Nord*, or Northern League (LN), a regional protest party that approached the status of electoral juggernaut, shaking up the already-moribund party system with its angry rhetoric regarding the perceived economic exploitation of the northern half of the country. More notably, the LN, under its leader Umberto Bossi, was populist and antipathic to the old parties—in many ways it represented a protest against several aspects of the existing political system of the First Republic at once (Economist 1992a). The eventual rise of Silvio Berlusconi’s *Forza Italia* (Go Italy!) “unparty” would furnish more evidence of the same rejection of traditional partisan dynamics (Economist 1994b, Koff and Koff 2000). The key piece of evidence that the old order had been shattered was the election of 1992, in which several old parties, most notably the DC and PCI, simply collapsed; the government that subsequently formed under Giuliano Amato united shards of what was left of the establishment parties and was for all intents and purposes a caretaker government (Koff and Koff 2000).

Aside from the broader effects of electoral institutions on the operation of Italian democracy, one small factor became the final cause for reform. A referendum on some minor changes to electoral laws, prompted by popular initiative in 1991, foreshadowed

another in 1993 which would become the catalyst for this round of reform. As a result of the latter, a small deletion was made in the rules for electing the Senate, which caused cascading change for two reasons. First, Italian law provided that legislation amended through referenda could only have portions deleted in this way, not added, and second, the bicameral Italian parliament used a dual-confidence system (Corbetti and Parisi 1995, Katz 1995, 2001). As we will see, this committed such elites as remained to some unspecified set of reforms that would nonetheless need to be completed before the next election in order to avoid complete parliamentary incoherence; previously, both chambers had used virtually identical electoral rules because similar partisan composition in both houses was required to ensure the dual-confidence parliamentary system did not result in deadlock (at best) or continual defeat of governments. With different electoral systems in place in the two houses, even one electoral event would see the mechanical effects of the two systems return different partisan distributions to each chamber, making governing under the dual-confidence rules nearly impossible (Katz 2001). As a result, the reforms we see here are not attempts at maximising legislative power, but rather a desperate scramble to get something together that would not cause a total failure of Italian democracy.

This case will fit into the theory in a manner not quite like the others, since the process started with citizen input, but was finished—including the constructive aspects of design—by elites. As a result, the process passed at least one major veto point, public approval, before it even started. The referendum result *forced* elites to act, but left the details up to them. Thus, the veto points that remained had much less to do with public approval than they normally would. And there was another condition that needed to be satisfied, or the entire endeavour would have been in vain: the electoral rules used to populate both chambers would have to be more or less commensurate, i.e. they would need to ensure similar party seat shares in both houses. Therefore, the outcome in terms of system design was also constrained from the beginning. Output legitimacy, of course, would have to wait until the country saw its way out of the crisis. If the new system failed to forestall disaster, then clearly it was not an example of good work.

The portions of the model pertaining to veto points, implementation, and quality of democracy also work differently for this case. After all, given the nature of the crisis, the veto points were comparatively easy to bypass, and the quality of democracy—indeed, the future of the country’s democratic institutions—depended on successful implementation. The consequences of failure would not have been simply an erosion of democratic legitimacy, but the outright collapse of Italy’s political system. While one might be tempted to think that a rupture of this magnitude would allow for much more comprehensive change, this was in fact one of those cases where, as noted by Norris (1995), the crisis atmosphere and the many interests at stake resulted in a solution that was essentially duct-taped together at the eleventh hour.

When discussing causes of this reform, we should distinguish between the immediate cause, i.e. the referendum result, and the various other causes that led up to it. Even without the referendum, the systemic crisis of Italian democracy would have required some sort of reform as a solution, but the initiative that led to the referendum solidified public opinion behind the notion that electoral reform was the way out; the connection between the electoral system and the collapsing party system would have been crystal-clear to any informed observer, and connecting the party system with corruption would not have been much of a stretch (Corbetta and Parisi 1995). We should therefore bear in mind three components of the crisis which befell Italian politics in the early 1990s. First, radical change in the party system—indicated by the rise of the *Lega Nord* and other upstart parties, and the disintegration of the old parties—evinced a fundamental electoral realignment and spurred questions about the appropriateness of existing democratic (especially electoral) institutions. Second, the ubiquitous corruption scandals that effectively decapitated the political class (and were seen to be related to the party system) were eventually also blamed in part on electoral institutions, which had promoted the static party system that fostered first clientelism and then outright graft and bribery. Third, there were actual mechanical problems that would have resulted from using different rules in the two chambers post-referendum (Corbetta and Parisi 1995, Katz 1995 and 2001).

The scene was set by the 1992 election, which very nearly destroyed the old party system in its own right, a job which would be finished by the coming scandals and the electoral reform that followed them (Economist 1992a). Corruption had only just begun to become an issue by the time this election happened, but already the PSI (Party of the Left) noted its support waning, and the DC suffered huge losses to the upstart *Lega Nord* under Bossi. Former bright lights like long-serving former Prime Minister Giulio Andreotti of the DC and Bettino Craxi of the PSI no longer had the personal or party support to govern, and both were headed for complete disgrace in a year or so anyway as their involvement in corruption—and in the case of Andreotti, with the Mafia—became known (Economist 1992a, 1992b). Segni, for his part, had declared the old politics dead, arguing that the traditional four-party governing coalition of the DC and its longtime allies the PSI, the Liberal party, and the Social Democrat party, could not be expected to reform. Within a year, he would leave the DC outright. Meanwhile, the ascendant LN would not agree to coalesce with any other parties. Socialist Giuliano Amato's coalition would patch together remaining elements of the DC and the PSI with the Social Democrats (PSRD) and the new Republicans (DRI). It was quite clear that this government would not last long, possibly not even long enough to respond to the coming referenda in 1993 on, among other things, electoral reform (Economist 1992b). By this time, talk of the electoral system as one of the culprits for the mess Italy now faced was common. It had led to a dysfunctional party system and *partitocrazia*, which contributed to the corruption problem that almost destroyed the country's political system entirely.

Partitocrazia had stemmed in part from the lack of alternation in power, so that parties had less incentive to distinguish themselves electorally in terms of platform and were compelled to engage in clientelism. With their positions in the legislature more or less stable, the parties were in it less for office, seats or votes, and were playing the political game mostly for other benefits for themselves as opposed to acting like political institutions; the DC in particular had become the Italian party of pragmatism and brokerage, while the PSI became increasingly personalised under its leader, Bettino Craxi, and seemed bent only on promoting his personal brand and winning at any cost (Koff and Koff 2000). Mario Segni had in fact quit the DC in disgust over problems such as these, and would go on to become the leader of the Committee for Referendum on

Electoral Laws (COREL), a non-governmental organisation that would keep alive the push for electoral reform much like the Electoral Reform Coalition (ERC) did in New Zealand throughout the late 1980s and early 1990s. Meanwhile, Craxi would be one of the more prominent politicians to be targeted by the *Mani Pulite* investigation, along with a disproportionate number of his PSI colleagues. The close relationship between the party's brand and his own meant that his fall from grace effectively destroyed his party, forcing the left to realign under Massimo D'Alema's Democratic Party of the Left (PDS) and removing the traditional kingmaker party from play. While partisan opportunism on its own was enough to upset Italian voters in the elections leading up to 1992 that saw the ever-quicker erosion of the old party system, the clientelism promoted by electoral and partisan dynamics had also led to a system in which bribery was a way of life, and the reaction when this was uncovered was explosive.

The extent of the corruption revealed in 1992 and 1993 cannot be overemphasised. Coverage of the unfolding scandal was constant and pervasive, and every few days it seemed a new public official, company head, or other well-known figure was implicated. Testimony was reported every day of more and more incidences of bribery, vote-buying, influence peddling, and even Mafia connections, which were eventually found to be so rampant in the south that the public would feel its government had all but come under *Cosa Nostra* control (Mershon and Pasquino 1995, Koff and Koff 2000). Parties had apparently adopted bribery as a standard operating procedure, since nearly all of them were engaged in it as a matter of course, earning the scandal the nickname of *Tangentopoli*, or "Bribesville." By January of 1993, 110 politicians and corporate executives, in some cases including party leaders or company heads, had been arrested under the investigation, with many more to come. 19 had committed suicide rather than face the charges. By 1994, just shy of a third of parliamentarians had come under the scrutiny of the *Mani Pulite* investigations, and even venerable former prime ministers (like seven-time PM Giulio Andreotti and an astonishing four others) had faced investigation as well (Economist 1994b). Public distaste for one-party dominance and the unrepresentativeness and unaccountability of modern parties turned into public outrage and disgust at corruption, and reached an intensity not frequently seen elsewhere. Alternation in power would be one solution (and was identified as a goal of electoral

reform under the Ciampi government), but it would eventually take the near-total destruction of the old parties to assuage the anger of the Italian electorate (Economist 1994a, Mershon and Pasquino 1995).

On 19 April 1993, the abrogative referendum on the Senate's electoral rules was held, registering 77.1% turnout. 82.7% of those who cast a ballot voted yes (Salvato 1995). An overwhelming victory for the reformers indicated the depth of public anger over democratic institutions, the party system, and corrupt politicians. On 22 April, PM Amato resigned, replaced on 26 April as President Scalforo appointed Carlo Azeglio Ciampi,²¹ former chief banker, as the new Prime Minister and tasked him with forming a government that could repair the electoral system and get a budget passed (Donovan 1995). Within two days, the first non-partisan head of government in Italian history had appointed an administration that was also mostly non-partisan and technocratic, and on 6 May, he announced that electoral reform would be its primary objective (Mershon and Pasquino 1995). By January of 1994, Ciampi would begin his exit after having accomplished both the major tasks given him (Economist 1994a).

The legitimacy problem faced by the Italian political system as a whole in 1993 furnishes an interesting analogue to modern discussions of waning trust in democratic institutions in the context of the democratic deficit. In effect, this crisis is what could happen were the democratic deficit to reach unmanageable proportions. It might be problematic, however, to suggest that the majority of voters seized upon electoral reform as a solution so much as they took the first opportunity given them to change something, the opportunity being in this case the referendum spurred by a popular initiative; the threshold of signatures required to get the proposal onto a ballot surely does not constitute the bulk of popular opinion (Corbetta and Parisi 1995). Instead, this appears to be a case-specific analogue to Renwick's (2010) first requirement for a successful reform, namely a group of committed initial supporters literate in the field of electoral systems

²¹ The Italian constitution provides for the appointment of ministers from outside the legislature, so that non-politicians without existing formal party ties (though they may quickly develop them) can become members of the cabinet with no real pressure to secure a legislative seat (Baranger and Murray 2013). Ciampi led what was essentially a caretaker government which was not supposed to survive past the completion of its critical objectives.

and design. Katz (1995) supports the idea that some legwork had already been done prior to the referendum, and indeed prior to the decision about what should be proposed for deletion in that referendum. That the proposed reform, again a mere deletion of a clause requiring a 65% electoral threshold to win a territorially-elected seat (otherwise the proportional and compensatory rules of the system would kick in), made it to a referendum was sufficient to make it a flag around which dissatisfied voters could rally (Corbetta and Parisi 1995).

But what does the simple removal of an electoral threshold have to do with corruption, one-party dominance, and a broken electoral system? This particular threshold was not the sort normally discussed in electoral reform literature, the kind that imposes restrictions on the minimum popular vote required to permit a party to win its first seat, thereby excluding fringe parties from parliamentary representation. In this case, the threshold was triggered by winning a certain share of the vote and would result in the non-application of “proportional” compensation—the idea is that if a party could do well enough on its own, it did not need the assistance of the electoral system in topping up its seat share. If a party did do poorly in a territorial district, however, topping-up would occur on the basis of that party’s overall share of the popular vote. The threshold, then, actually made the system less majoritarian and more proportional, unlike an electoral threshold as conventionally conceived. The 65% district threshold was infrequently reached even by popular politicians, and this meant the rules for seat redistribution could be abused. A popular tactic for parties was to run candidates even in hopeless districts in order to boost the party’s share of the overall popular vote, i.e. the basis for any calculations of how many extra seats that party should get. This would grant them more opportunities to trigger the proportionality rules, and net them extra seats once those rules became active. As a result, the system was “theoretically ‘mixed’ but actually proportional” (Corbetta and Parisi 1995, 75). The perception was that politicians would “game the system” under these rules, with the largest party using its reach and resources to run candidates in every district, soaking up popular vote share and triggering many applications of the proportionality rules until it became nearly impossible to dislodge from power. This would lead first to one-party dominance with a fragmented opposition, and then to corruption. Since Italian voters could do little more than delete, they

responded overwhelmingly to the opportunity to delete that critical portion of the electoral law, whose removal might result in the institution of rules that could produce alternation in power, at the risk of complete political collapse if the reformers were not sufficiently deft.

Thus, we have a history in which the root causes of reform had been building up for some time, and that buildup eventually brought matters to a head in the form of a referendum the success of which meant reform had to be successful to avoid the disintegration of the entire political system. All this had to be accomplished with many of the old players banished from the political class by scandal. The events in Italy in the early 1990s adhere more closely to the description advanced by Shugart and Wattenberg than to that preferred by the Boix/Benoit/Colomer school; while to a small extent this reform represents electoral rules adapting to a new landscape of party competition, the fact is that systemic political crisis had created a sort of “perfect storm” for reformers. Established democracies do not often get the chance to start over with their institutions. Also of note is that the changes to the system were, on paper, fairly subtle, thus reinforcing Norris’s (1995) and Rahat’s (2004) contentions that many electoral reforms are imperfect compromises with enough change to satisfy reformers but also enough continuity to satisfy the old guard, or whatever was left of them in Italy at that time. Power maximisation could not have been far from the minds of those who were dragged into the reform process, but their curtailed ability to act as veto players meant that this never became an important underpinning of the new system. This adds to the impression that this is a “Shugart and Wattenberg”-style reform, not a “Boix/Benoit/Colomer”-style reform. The role played by public pressure, however, highlights similarities to Renwick’s (2010) elite-mass interaction model, and in fact Renwick does list this case as such.

We are left to determine what the veto points and potential reform killers were in this case. The Italian reform hit all the major points. Drawing upon scholarship that deals implicitly or explicitly with veto points and other barriers to reform (Kingdon 1995, Norris 1995, Rahat 2004, Renwick 2010, Hooghe and Deschouwer 2011, Massicotte 2012), we may put together a list of the sort of factors that the reformers in France (see previous section) did not need to spare much attention. Potential reform killers in this

case include system constraints, noncooperation of elites, public disapproval, and time. The constitutional arrangement might not permit easy change of the electoral system or might empower certain groups with a veto. As usual, elites with a vested interest in continuing to play the game according to familiar rules might be expected to object or otherwise attempt to block reform. Given rules requiring public approval, the reform might get no further than this stage if the public is not onside; even if there are no such rules, public pressure can motivate elites to take positions for or against reform depending on how they think they will profit from it—or pay for it—at the ballot box. Finally, time is the great killer of reforms; attention may simply shift to other, more pressing matters as the public loses interest or as legislated time limits for reform expire. In Italy in 1993, each of these items was sidestepped thanks to the nature of the crisis at hand, just as we would expect (Norris 1995, Rahat 2004, Renwick 2010).

System constraints are dealt with in a peculiar manner in this case. After all, the work of reform had already begun once the referendum results were enacted, and at that point, reformers had no choice but to produce a result that made the electoral rules for both houses commensurate. The popular initiative and then the referendum had together dealt with most of the system constraints at hand, and elites had a ticking time bomb to defuse, so to speak, and had to cooperate to get further reform passed. The referendum allowed the public no clear way to indicate what they might have preferred to see replace the old rules (Corbetta and Parisi 1995). Nevertheless, the strong referendum result and the prior proposals advanced by Mario Segni and COREL made for a rallying point in terms of electoral design. Even so, the various party caucuses each advanced their own proposals for reform, with debate hinging primarily on what the mix of plurality and proportionality should be (Koff and Koff 2000). Reformers were fortunate that Italian electoral law is not constitutionally entrenched, so that a simple act of Parliament is sufficient to reform it. The main systemic constraint reformers had to confront was simply that their hands had been forced by the referendum. But this means that the veto points mostly lay within the parliament, in the form of the parliamentarians themselves. Their cooperation was more or less ensured, as we will see, especially given the remarkably clean scent of a non-partisan and technocratic government contrasted with the parliamentary remnants of once-great parties fallen from grace.

Noncooperation of elites seems like an expected behaviour based on a rational-choice explanation, and indeed Rahat (2004) notes that rational-choice frameworks work best during the periods of stasis when veto players may successfully stymie any change. Nevertheless, when they are unable to do so, change is possible, and in fact a successful reform may depend on veto players' being shut down (Norris 1995, Rahat 2004, Renwick 2010). Thanks to the *Tangentopoli* scandal, many politicians' heads had rolled already, and those who remained knew they could easily suffer the same fate given the intense public dissatisfaction with the institutions of Italian politics and the elites who operated within them. Therefore, in this case, the potential costs of noncooperation were quite high in comparison to those in, say, New Zealand, where the crisis was still profound but not as dire. Elites knew what was at stake in terms of both the remaining considerations, i.e. public opinion and time.

Public disapproval operated in a couple of ways in this case. Most obviously, it precipitated the decapitation of the political class and the abrogation of the threshold rule in a direct repudiation of the way things had been done before. By the time elites understood that the public had lined up behind electoral reform as a solution to the crisis, reform had been forced on them by the referendum results. Essentially, they had been given pre-emptive approval, but two factors made this less liberating than one might expect. First, the reform would have to produce—and quickly—an outcome capable of preventing the collapse of the system, and it would be expected to address problems like one-party dominance that helped ensure the demise of the First Republic. Second, assuming the survival of the political system in some coherent form, voters would be quite aware of who had cooperated in the reform process and who had obstructed it or attempted to co-opt it. Elites were in a precarious position.

Time only added to the pressures on elites. Frequently, as we will see in the case of failed reforms, if the process drags on for too long, the crisis atmosphere so critical to ensuring change will fade, and both public and elite interest will turn elsewhere. In this case, the process had a time limit, in effect, with stiff consequences for failure. Unreformed, but with the Senate's threshold removed, the electoral rules as a whole would not be able to produce a government that could avoid constant loss of confidence.

Fortunately, in terms of saving time, a solution was available that was convenient both technically and politically: copy and paste the Senate reform in the lower house. The advantages of doing things this way will be detailed below, but for the moment it suffices to note that this possibility ensured that reform could happen in a timely manner, with no drawn-out wrangling over power-maximisation concerns or accusations thereof (Katz 1995, 2001).

As noted above, this seems a clear case of elite-mass interaction, or what Shugart and Wattenberg (2001) would note as a process fueled by outcome-contingent elite support—elites were essentially mousetrapped into supporting the reform process and had a vested interest in reaching a compromise, to avoid electoral punishment at best and the collapse of democratic institutions at worst. Though an elite-driven process, this one represents not simply interaction but in fact an instance in which the public had its say much earlier than they did in other processes. This earlier public input constrained elites both in terms of the binding referendum results and the attendant consequences for electoral design, but also made it clear that the public wanted something to change, with the looming hint that corruption and one-party dominance ought to be major issues addressed by the new design.

The constructive part of the design process involved only elites; within days of the referendum, Ciampi's non-partisan administration took over with the express goal of creating a new electoral law. This represents the closest analogue this case has to a blue-ribbon panel, though as with other cases of successful reform, prior art did exist, and parties had expressed positions on it (Renwick 2010). Dedicated reformers had been attempting to popularise the issue for years, and had in fact achieved success in bringing about the referendum of 1993, in addition to another one two years prior which had altered the electoral law to remove open party lists. Pre-1991, limited preference ranking on party lists was allowed, so that voters could to a small extent re-order lists composed by parties, but the 1991 reform deleted provisions allowing for open lists. Mario Segni's COREL was in large part responsible for furnishing the intellectual ammunition of the reform movement as well as bringing the public onside with the idea that electoral institutions could be altered to combat clientelism, corruption, unaccountable

government, and *partitocrazia* (Koff and Koff 2000). The outcome, as we will see, was a system that seems to fit Rahat's (2004) contention that a successful reform must feature a balance between change and continuity with the old system; both reformers and opponents need something to show for their efforts.

Without the old threshold rule in place, three quarters of the upper house would be elected using single-member districts and plurality rules, and the rest would be populated by list-PR; in other words, after the deletion of the threshold rule the system could be expected to operate like MMP, only heavier on the plurality side (Katz 1995). Seats allocated under proportional rules would be distributed using the d'Hondt quota method in the Senate, and the Hare quota method in the lower house. Again, as Corbetta and Parisi (1995) note, the reform resulted in a shift from a system that was "theoretically 'mixed' but actually proportional to one that was 'mixed but primarily majoritarian'" (75). Pushing the system towards the majoritarian end of the spectrum was a step towards establishing bipolar competition in the party system (Katz 2001, Gambetta and Warner 2005). But this was only the beginning of the reform. Given that this new arrangement had already received the best possible endorsement from the public, an expedient and publically-acceptable solution seemed to be simply to copy-and-paste the rules from the upper house to the lower house. This "photocopy solution" would ensure that reformers were more or less following the spirit of the reforms the public had already approved, while simultaneously keeping the rules of both houses similar, and therefore doing the same for their expected partisan composition, assuaging the worry that differently-composed houses would not be able to coexist in a dual-confidence system (Katz 1995).

The result was a set of electoral rules that would allow the Italian parliament to operate without constant threat of governmental collapse, while raising the entry barriers to small parties and encouraging both coalescence and increased competition, the goal being alternation in power (Koff and Koff 2000). Another electoral system could have achieved this goal; indeed, instituting a purely majoritarian or plurality system could have achieved these results in spades. But for a number of reasons, the reform in Italy could not have been too major a departure from the First Republic's rules. With the party system already unstable, reformers would have had to bear in mind that it could become

even more so (and almost unrecognisable) if the rules for party competition were to change too radically. But that is a minor consideration; more important are that continuity with the old system is needed to satisfy reluctant reformers or opponents (per Rahat 2004), and that straying too far from the admittedly limited impression of the people's will furnished by the 1993 referendum would have meant electoral doom for any reformers perceived as responsible. As it turned out, the first election under the new rules saw a huge proportion of incumbents defeated, though we should bear in mind that both public dissatisfaction as well as more pluralitarian rules (which facilitate parliamentary turnover by making incumbents easier to unseat) could have contributed to this. Whatever the case, it is clear that there was pressure on the caretaker government tasked with rewriting the electoral rules to make the process and result appear as untainted as possible by partisan or other considerations, meaning that the simplest and smallest possible change that could achieve the desired results would be preferred. This probably holds for any case of reform, but the consequences for changing too much in this case would have seemed especially dire to politicians who escaped the *Tangentopoli* scandal but were still waiting for the hammer to fall.

Alternatively, it could be the case that this is one of Norris's "messy compromises" that got especially messy before it was through thanks to the instability caused by the collapse of the party system and the previous political order. Minimal change may not have been a conscious goal so much as a result of the near-explosive dispersal of power and influence over the process, all during a time of major political crisis and with the options for reform restricted immensely by the referendum results; this led to what Donovan (1995) calls "institutional engineering with one's hands tied" (57). The simplicity of the "photocopy solution" stems, in this view, from how difficult it was to get any change to happen at all, rather than any minimalist intentions on the part of reformers, and the outcome cannot be viewed as a "meditated blueprint" (Donovan 1995, 57).

The two explanations need not be incompatible. While elites might under normal circumstances hope for minimal change to the rules they know and understand, the high stakes of reform and the need to get it right the first time as well as the high level of

instability and uncertainty caused by an ever-unfolding super-scandal might also have prompted reformers to settle on the simplest, quickest and safest reform that could get them the one result that mattered: a functioning parliament that would not be rendered useless by two chambers populated in such a way that they could not work together under a dual-confidence system. The question of whether this was what Italian voters wanted is somewhat ambiguous to answer with the evidence at hand, as will be seen when we examine some of that evidence below, but we may at least discuss whether the 1993 reform had some input legitimacy.²²

Time	Event
1991	Abrogative referendum makes minor alterations to electoral rules
1992	Party system begins to collapse in legislative elections
1992-1993	<i>Mani Pulite</i> investigations, <i>Tangentopoli</i> scandal; Segni resigns from DC
April 1993	Abrogative referendum alters Senate's electoral rules; PM Amato resigns
May 1993	PM Ciampi's caretaker government announces goal of electoral reform
January 1994	Ciampi prepares to end caretaker government post-reform
1994	Berlusconi's <i>Forza Italia</i> party wins power in legislative elections

Figure 10: Timeline of Electoral Reform in Italy

3.2.2 Legitimacy

This case has a unique sort of input legitimacy to consider, once again as a result of the seemingly unorthodox order in which events took place. Input legitimacy was granted before the reform took place, and before its final configuration was decided, while the design process itself was executed by a caretaker government with no public input. One question to consider here is whether the referendum result constituted pre-emptive approval for whatever proposal the elites tasked with reform managed to

²² One other interesting feature of the system chosen is that it also weakens parties by fostering intraparty competition; constituency candidates must compete with list candidates (Katz 1995).

generate, or whether it was merely a last resort to make sure something changed and thus does not count for much in terms of input legitimacy.

Italian voters were playing the constitutional hand they had been dealt. Again, the political system had provisions for abrogative referenda, but no other way to influence the process (especially since this was before the more recent spate of reform attempts that featured public input as a central and organising premise of the entire endeavour). Clearly, they helped create the pressure that allowed existing reformers to advance their ballot initiatives, and they continued on to vote in great numbers to change the system, with 77.1% turnout and an 82.7% yes vote (Salvato 1995). This constitutes a striking level of support for a reform whose nature was hitherto unknown, though Mario Segni had been calling for a less hyper-proportional, less *partitocrazia*-prone system for some time, and this cannot have escaped the notice of voters motivated in large part by Segni's efforts with COREL (Koff and Koff 2000). We should not underestimate the effect of the crisis atmosphere and the extreme dissatisfaction with Italian political parties on both turnout and the result; the message sent in the referendum vote can be read many ways, as we have seen.

Thus, whether voters were approving change in advance or simply crying out for a change to anything but the status quo is less important than whether we can consider pre-emptive approval—for whatever reason it was given—in the same light as other forms of input legitimacy. After all, in many other cases, citizen approval is given through a referendum that follows the design process, and in cases where a citizens' assembly is used, the public plays a critical role in the design process. It is clear that the Italian process does not enjoy the same level of input legitimacy as does a citizens' assembly, leaving us to compare it with a "typical" elite-driven process such as New Zealand's, where public input in the design process was minimal but referendum approval followed rather than preceded design. Either sort of reform lacks input legitimacy in the design process, but the Italian reform appears to have a peculiar sort of legitimacy in that the reform took place more or less on terms set by the public. The initial electoral-reform supporters were instrumental in getting ballot initiatives started and gathering sufficient support to take these reform proposals to the referendum stage.

Nevertheless, while it is clear the electoral system was among the scapegoats for the widespread rot under the surface of Italian politics, it is not entirely fair to say that every voter who supported reform did so purely out of a conviction that electoral reform would improve Italian democracy.

We must leave some room for voters who may have voted as they did to express their anger and dissatisfaction in a rare way; they voted not in an election that was a symbolic referendum on the government of the day, but rather in an actual referendum that on paper concerned one rule, but which was symbolic of the political system as a whole and went beyond the government of the day. And even then, many voters would have been aware that this sort of pre-emptive approval was the only way they could get reform started given the structure of their political system. As such, we can suggest that in terms of the presence of a referendum, the Italian case has as much input legitimacy as would another case of elite-designed reform put to the people for approval, such as that of New Zealand. In terms of public input on the design process, however, it appears that since the referendum result constrained reformers and since voter realignment and rampant public pressure on politicians helped to distribute power over the design process and shut down or constrain veto players, the Italian case has, oddly enough, a little more input legitimacy than other elite reform cases that featured a public-approval component.²³ Since the Italian case is qualitatively different from the norm in elite-driven reforms, though, “more” is probably not as appropriate a descriptor as “different.” And in the end, the question of whether voters (or indeed, elites) got what they wanted is best answered in the following section.

In evaluating the reform’s output legitimacy, we would ideally consider whether the reform worked the way it was intended to, and whether the public approved of the result (as distinct from merely participating in the process). Unfortunately, the haphazard nature of the entire reform enterprise makes it hard to say for sure what the intended aims

²³ While other cases ended with referenda that were very specific about the new rules, it is precisely because the Italian referendum happened before the design process that input legitimacy can be considered greater in this case. It was citizens who constrained the choices made by politicians, not politicians offering a circumscribed choice to citizens. In the end, though, the difference is not that great and is a matter of nuance.

of the reform were, since so many conflicting interests were in play that traditional power-maximisation approaches to analysing the decision do not work as well as one might like (Norris 1995, Rahat 2004).

One way to gauge public acceptance for the reform is to look at voter enthusiasm for further reform. Multiple attempts at continuing the reform process over the next several years show that Italian elites, at least, were not quite content to rest on their laurels after 1993; indeed, Renwick, Hanretty and Hine (2009) argue that the result in 1993 left nobody particularly happy, again suggesting that this was one of Norris's compromises in action, only even messier than usual since it was complicated by an unprecedented degree of scandal and disgust with the entire political system. On the other hand, we can look at how the public responded to these continued efforts at reform for an alternate perspective. Successive referenda through the end of the 1990s and into the early 2000s were defeated, but more notable is that their turnout rates did not break 50%, and in fact, fewer than one in three voters turned out in the 2000 referendum (Katz 2001, Katz 2001, Gambetta and Warner 2005, Renwick, Hanretty and Hine 2009). That public interest in reform evaporated over the next few years may indicate that the electorate was satisfied with the reforms, though we should bear in mind that it may also indicate fatigue, or simply the passage of time and the simmering-down of the legitimacy crisis. It might be less an indication that the public got the system they wanted in 1993, and more that they simply could not be bothered to go through another round of reform.²⁴

²⁴ Donovan (1995) provides an interesting note on the nature of the abrogative referendum and how it can be read as an indicator of public preference, suggesting that the referendum result can be read as more than a simple abrogation of a minor rule, but as a decisive rejection of proportionality in principle, and to some extent an intent to institute plurality rules, or at least rules that relied much more on plurality. This reading is, of course, predicated on the assumption that voters were sufficiently sophisticated and inclined to blame proportionality for the problems plaguing Italian democracy, and to want plurality to replace it.

Input Legitimacy Scorecard	
Citizen Participation	Low/hard to categorise (citizen initiative and referendum occurred <i>before</i> actual reform took place)
Citizen Participant Autonomy	Low (abrogative referendum can only delete)
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	High (disgust with scandals was prominent and pressure for reform relentless until it was complete)
Media Coverage	High (crisis atmosphere persisted until reform complete)
Volume of Discussion	High (generally receptive to the “photocopy solution”)
Final Output Legitimacy Score	High

Figure 11: Legitimacy of Reforms in Italy

3.2.3 Effects

How, then, does the Italian reform of 1993 fit our theoretical expectations? As this is an elite reform, we need not look for the two forms of legitimacy as an end-run around typical veto points in a reform process. On the other hand, this was absolutely not a case where elites decided they wanted something, and then got it. The causal order implied in the model is rearranged by the existence in this case of a referendum that forced the hand of elites and made them into unwilling reformers. Still, the model is of some use in analysing the Italian reform.

As noted above, this case is a curious variant on Renwick’s (2010) elite-mass interaction; in this case, the mass pressure on elites actually had a legally-binding component that came into play before the reform and design process started in earnest. Initial reformers had a tool that they might not have in a different jurisdiction, namely access to citizen initiative rules that could put electoral reform on a referendum ballot, with the stipulation that changes could be deletions only. Thus, in a way, the process had two main stages, one before the referendum and one after. Public legitimacy concerns, outcome, and even implementation came into play with the result, and again after. The

initiative process constituted the first stage of design, in which reformers decided what to propose deleting, and public pressure to get it on a ballot and then the overwhelming response at the ballot box show the first stage of input and output legitimacy in this case.

After the referendum, Italy had half an electoral reform and a ticking clock on the other half of it. The design process resumed, still firmly in the hands of elites. These politicians, however, were operating under the threat of losing their positions and scrambling to put together a compromise that would minimise the damage to their own interests. With as much input and output legitimacy as the reform would ever have already in the bank, reformers were left to design whatever system they could actually get implemented, and ended up opting for the “photocopy” solution rather than any grand new design. Fear for their jobs was a likely factor in making sure the reform hit the implementation stage before it was too late, but enough intransigence remained among those unhappy with what the new rules would do to their chances to ensure the compromise was still somewhat haphazard. In the end, the effect on the quality of democracy was at least the aversion of a total collapse of democratic legitimacy and accountability in Italy, and a more charitable outlook suggests that the new electoral rules did enjoy public legitimacy, or at least were good enough that the public could not muster up the wherewithal to try changing them again. Eurobarometer results spanning from late 1991 to mid-1995 showing satisfaction with democracy among the Italian public offer a glimpse into the highs and lows of the reform process as pressure built up in the years before 1993, and after matters came to a head that year (European Union 1995-2010).²⁵

²⁵ Data reproduced and presented in table form with permission.

Date	Very satisfied	Fairly satisfied	Not very satisfied	Not at all satisfied	Don't know
10/1991	2%	18%	45%	33%	3%
04/1992	2%	19%	45%	31%	4%
10/1992	1%	11%	40%	44%	4%
04/1993	0.7%	11%	38%	48%	1%
11/1993	0.7%	12%	40%	45%	3%
05/1994	2%	17%	44%	33%	3%
06/1994	4%	21%	42%	31%	3%
12/1994	2%	24%	48%	25%	1%
06/1995	2%	17%	50%	29%	1%

Figure 12: Satisfaction with Democracy in Italy, 1991-1995

These data suggest that satisfaction with democracy, unsurprisingly, reached its nadir around the time of the reform in 1993, and while profound dissatisfaction rose approaching the pivotal 1993 referendum and then abated once reform was complete, interestingly, moderate dissatisfaction dropped before the reforms and then fairly steadily increased. During the interminable *Mani Pulite* scandals and investigation, there may have been little room for tempered dissatisfaction with Italian democracy, whereas after reform was enacted, opinion seems to have grudgingly returned to more or less benign disgruntlement—at least, by Italian standards, which it seems involve a crushing majority of the public dissatisfied with democracy at all times.

This shift from extreme dissatisfaction to moderate dissatisfaction may be the best that electoral reform could accomplish, but it is important to remember that reform was seen largely through the lens of the scandals and crisis of legitimacy. While there was an effect, the possibility does remain that whichever reform people seized upon as the proper response to *Tangentopoli* would have decreased extreme dissatisfaction once completed, since the most dissatisfied people would see that at least something had been done about it. A shift to full plurality rules in 1993 or the years immediately following may in fact have caused a larger bump, especially thanks to the notion that alternation in power was the eventual goal of reform, but it is impossible to know for sure. That extensive a reform

might still only have received the same bump, a grudging acknowledgement that at least something was changed.

In the end, though in many respects this was a typical elite-mass interaction, the inclusion of a critical public-participation component near the beginning of the reform process makes this case somewhat more like the citizens' assembly cases, in that we can question whether input and output legitimacy, normally not factors in elite-driven reforms, might have had their own independent effects on the quality of democracy. The problem in evaluating that proposition with this case is that the alternative to a successful reform was outright collapse. With trust in the system at rock bottom, it could only move in two directions. So the apparent increased satisfaction with democratic institutions—or at least the public's unwillingness to open up the rulebook again—does not tell us very much other than “the public prefers this option to systemic collapse.” Still, it is interesting that the “interaction” component of an elite-mass interaction reform could give it the potential for an end-run around typical veto points, as it is hypothesised that grassroots reform processes have. Because the public was consulted at the beginning and not at the end, public anger might have been near its peak, and the possible “airing of grievances” function of public participation in reform might have taken place then. It is not possible to test whether that airing of grievances had an independent effect on quality of democracy, of course, since a failed reform process would have meant the end of the political system entirely. And in all respects aside from timing, this case remains typical of the format established by Norris (1995) and by Renwick (2010). As such, it is merely a hint at the independent effects process type might have on the quality of democracy, whether the problem in question is a mere democratic deficit or a system-wide crisis threatening the legitimacy of democracy itself.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Bottomed out at peak of scandal, then extreme dissatisfaction steadily replaced with moderate dissatisfaction
Public Reaction	Rebounded from extremely negative to simply negative
Media Reaction	Onlookers mainly satisfied that crisis averted
Post-Reform Discussion	Mostly tuned out and occupied with other political issues
Final Effect Score	Positive

Figure 13: Effects on Quality of Democracy in Italy

3.3 CURE FOR CORRUPTION: JAPAN, 1993

3.3.1 Background

The potential of endemic corruption to weaken the foundations of democratic legitimacy was also seen in Japan; at the same time the *Tangentopoli* scandals were raging in Italy, similar problems with clientelism and corruption were ruining trust in Japan's democratic institutions, and once more, the electoral rules would be seized upon as a contributing factor in the ensuing crisis. As in Italy, the change in Japan came at the end of a long-established partisan dynasty and marked a realignment within the party system; in this case, the predominant Liberal Democratic Party (LDP) had ruled for 38 years (Reed 1996). And once more, that long spell of unbroken one-party rule was widely identified with corruption; indeed, the decade leading up to the 1993 reform saw political news dominated by reports of scandals and corruption, capped off by the dramatic defeat of the LDP by a coalition of opposition parties.

The LDP had for almost four decades represented the peak of pragmatism and brokerage, more so even than Italy's Christian Democrats—they were by the 1980s virtually free of the sort of ideological content that could distinguish them from other parties, and since they were so electorally dominant that they were essentially a permanent government, they did not need to change this (Economist 1988). One reason the LDP was ideologically unremarkable rests in the unique organisational dynamics that have underpinned Japanese party competition almost since the inception of the current

political system: political organisations referred to as *kōenkai* play a central role in Japanese electoral competition, and as such must be discussed below if any broader discussion of the electoral situation in Japan is to make any sense. For now it suffices to say that *kōenkai* rendered Japanese politics intensely personalistic and clientelistic, and may themselves have been an adaptation to the exigencies of competing under SNTV rules (Krauss and Pekkanen 2011).

The Liberal Democrats traditionally held an absolute majority in the Diet, facing a fractured opposition across the aisle. LDP was for many years the only party big enough to pick up more than one seat per electoral district under SNTV. Ironically, the comparatively low effective electoral thresholds of SNTV districts tempted many opposition parties to go it alone, resulting in widespread coordination failure. Adding to this, LDP tended to clean up in rural constituencies, where its popularity was greatest and which were overrepresented in terms of representation by population (Krauss and Pekkanen 2011). With unmatched constituency-level organisation, LDP was virtually unassailable for decades.

By 1988, LDP's main adversary on opposition benches, the Socialists (JSP), had begun to fall apart, with defectors switching sides or bolting to form their own parties, such as the Democratic Socialist (DS) party and *Komeito*. Nevertheless, while new parties proliferated, their coordination was only increasing; dissatisfaction with the LDP's dominance and its way of doing things, equated more and more with pork-barrel politics and sleaze, had emboldened opposition parties to take advantage of the public's mood for change and make a concerted effort to kick LDP out of office (Economist 1989). Interestingly, the sheer diversity of these parties would later leave them little in common when it came time to set an agenda—electoral reform would be the one project capable of uniting them (Krauss and Pekkanen 2011).

The Japanese reform appears, then, much like a parallel to what happened in Italy, only without the citizen initiative and referendum that altered the typical order of events. Japan, however, did have other factors that led to the crisis of democratic legitimacy and the identification of the electoral rules as a reason behind it. Without a referendum that focused attention squarely on the electoral rules as culprit, public pressure could not bring

force to a point and demand electoral system change (Renwick 2010). Pressure, however, was still there, only loosely targeted at the system as a whole, whose legitimacy was nonetheless tarnished by clientelism and corruption. It would be up to parliamentary reformers elected in 1993, however, to seize upon electoral reform as a solution, and with parties able to agree on little else and mounting frustration over previous failed efforts at getting electoral reform through parliament, the time had come.

A key reason why the electoral rules were blamed for corruption problems is the incentives they set up; much as in First Republic Italy, the rules promoted a clientelistic approach to politics (Economist 1994c, Reed and Thies 2001, Krauss and Pekkanen 2011). Japan had been using the Single Non-Transferable Vote, or SNTV, a comparatively rare system, and its effects can be highlighted with a simple review of what makes this system different from the Single Transferable Vote (STV). Even though it means no more than the absence of preference ranking, that “non” covers a lot of ground in terms of consequences. Candidates cannot encourage their supporters to rank their partisan colleagues as subsequent preferences, and cannot subdivide constituencies into “their own” territories and compete for first preferences only in those zones. As a result, intraparty competition is high under SNTV as candidates are not afforded the luxury of going easy on their compatriots. Carey and Shugart (1995) note that SNTV is the electoral system most prone to promoting highly personalised politics, much in the fashion just discussed. The consequences of this effect in Japan included a tremendous degree of such personalisation of politics, resulting in a high premium placed on constituency service and a need to offer “goodies” to distinguish oneself from competitors within one’s own party (Reed and Thies 2001). This is also the set of pressures which fostered the development of *kōenkai*, permanent political networks based not upon partisan allegiance but rather on personal loyalty to a single politician (Krauss and Pekkanen 2011). These networks took many years to set up and were incredibly intricate, and the sheer cost of establishing and maintaining them was staggering and forced Japanese politicians to raise funds whenever and however they could (Economist 1988, 1994c, Krauss and Pekkanen 2011). The path from this perverse incentive to clientelism and then corruption is clear: politicians desperate for money would trade favours for favours, sometimes more concerned with getting funding than where it came

from. Cultural tropes of duty and mutual obligation helped foster the attitude that this was simply how one did business in Japanese politics (Economist 1988). The late 1980s and early 1990s saw this practice taken to the breaking point.

Disgust with the personalisation of politics and its attendant raft of corruption scandals—the massive “Recruit” scandal broke in 1988 and was still making fresh headlines, with a prominent LDP figure on trial for tax evasion—motivated Japanese voters to return a hung parliament on 18 July 1993, removing the LDP from office and allowing opposition parties, including some newly-formed ones specifically interested in reform, to take power as a coalition and force the LDP into opposition despite its plurality of 223 seats (Economist 1993b, Inter-Parliamentary Union 1993, Lin 2006). A proximate factor provoking this response both by voters and opposition parties was the failure of LDP, in June of that year, to get its own electoral reform proposal passed; LDP Prime Minister Miyazawa Kiichi could not even get the proposal past his own caucus, so riven was it by factionalism (Economist 1993a, 1993b, Krauss and Pekkanen 2011). After the election, LDP found itself losing members left and right, with these defectors joining other parties or starting their own. JSP, too, was hammered both at the ballot box and from within, as prominent members left to populate the ranks of the DS and Komeito parties. It rebranded itself as the Social Democratic Party, but failed to stem the bleeding; by the end of 1993 it had a mere 14 seats in the 511-seat Diet (Economist 1993b, Inter-Parliamentary Union 1993). Meanwhile, LDP defector Hosokawa Morihiro’s Japan New Party, with 35 seats, became the linchpin of a coalition that included the remnants of the JSP (70 seats), the Renewal Party (55 seats), Komeito (51 seats), the Democratic Socialists (15 seats), the New Party Harbinger (13 seats) and the Social Democratic Federation (4 seats). Hosokawa would take power as Prime Minister on 9 August (Inter-Parliamentary Union 1993).

This realignment was seen even by those newly-victorious parties as very likely to be temporary; the party system was still in flux, and if they wanted to do something about corruption through institutional reform, it would have to be done quickly. Indeed, some of the former opposition parties now in power had formed in response to corruption and featured former LDP members who had crossed the floor. With proposals for electoral

reform still floating around after a decade of discussion, and with much public and partisan frustration over recent failures to get anything done on that score, reformist parliamentarians had prior art to build upon and plenty of motivation to do so, and were able to start their reform efforts in short order (Economist 1993c). Any new system aimed at ending clientelism would have to address the problems of one-party dominance as well as the intraparty competition fostered by SNTV. These pressures, coupled with the political context of the reform, resulted in the adoption of a Mixed-Member Majoritarian (MMM, but known by many nicknames, including “parallel voting”) system, which is much like Mixed-Member Proportional (MMP) except that the two different election methods are unconnected to one another (that is, the seats elected by proportional rules are not used to “top up” seat totals of parties underrepresented after the allocation of plurality-rules seats). The myriad factors that fed into this design choice are detailed below.

The Japanese reform process of 1993 should be, like the case of New Zealand, a typical example of what happens when elites initiate electoral reform out of necessity, not preference. The critical ingredients (Norris 1995, Renwick 2010) of initial reformers and prior art, crisis, and then shutdown of veto players are all there. As such, we will not be looking for ways in which the process type in question permitted bypassing of veto points; the veto points were all addressed head-on, and the reform succeeded anyway, in the way typical of a successful elite effort motivated and constrained by public pressure. Interestingly, in this case elite motivations were likely a mix of act-contingent support and outcome-contingent support; some parliamentarians genuinely wanted reform, while others simply saw which side their bread was buttered on and acted accordingly to avoid future electoral defeat (Shugart and Wattenberg 2001).

In essentially every respect, this case took a typical path through the model of how process matters. Elites came to a workable compromise that they and the electorate that pressured them could live with, which was successfully implemented and furnished a way out of a crisis of democratic legitimacy. There is really no input legitimacy of which to speak here, since nothing more than public pressure and the voting behaviour of the electorate during the 1993 parliamentary election could possibly count as public input.

Similarly, as to output legitimacy, we can count little more than apparent public satisfaction—or lack of appreciable dissatisfaction—with the new system. And in any case, neither of these factors would be expected, in a case of elite-driven reform, to have any appreciable effect on the quality of democracy. The major effect on quality of democracy would be that public trust in democratic institutions did not collapse as it was threatening to do. While the situation was not as dire as that in Italy, where systemic collapse was possible, in Japan there was still widespread and deep dissatisfaction with the machinery of democracy. In a way, this dissatisfaction and the electoral realignment it caused led to the adaptation of electoral rules to the new political reality.

While the long-term cause of reform was, as in Italy, a crisis of democratic legitimacy spurred by scandals, no binding referendum forced the hands of legislators, unless the toppling of LDP after 38 years counts as a referendum on the dominant party. This reform, instead, was a Shugart-and-Wattenberg-style (2001) reform, but with shades of the Benoit/Boix/Colomer school, in that elite enthusiasm for electoral reform was one of the reasons the reform process got off the ground. Electoral reform did make it onto the political agenda swiftly after the 1993 election after years on the sidelines, but why? Previously, the public had not seized on electoral reform as a panacea for the political problems that had caused their growing disillusionment—but by 1993, citizens and elites alike were thinking reform (Economist 1993a, Krauss and Pekkanen 2011). It is clear that the public wanted something to change, as in Italy that same year. But to understand what drove the new governing coalition to choose this as the opportunity to push reform, we must understand that this possibility is what drove them to form a coalition to defeat LDP in the first place. Again, they had essentially nothing else in common, but would now take the opportunity to beat the LDP at what it had proven itself incapable of earlier that year (Krauss and Pekkanen 2011).

Corruption and subsequent electoral realignment constitute two critical contextual factors. LDP's dynasty came to an end as the party was beleaguered by internal divisions and external accusations of corruption and entitlement. As the public became fed up with LDP, they turned to opposition parties. Some of these were newcomers, and some were staffed by ex-LDP partisans; by this time, the LDP was essentially hemorrhaging

members as its caucus grew tired of endemic corruption (Economist 1993b, 1994c). These new parties were willing to form a coalition thanks to a combination of their distaste for LDP and the sense that this was their big chance to topple the ruling party; the electorate, in deciding to support these parties, threw the rascals out. Many of the parties were openly pro-reform as concerned electoral institutions, and may in fact owe some of their support to that (Economist 1993c). After the 1993 election did not return any party to the legislature with a majority, the former opposition parties saw this as their moment, and formed the government as a coalition. The existence of a hung parliament would in fact help ease the passage of a reform package, and it is likely the new governing coalition knew that this dispersal of power made circumstances ideal for a reform of this sort (Rahat 2004). And besides, they had nothing else they could hope to get done by working together; indeed, shortly after the reform succeeded, the coalition collapsed, and by 1994, Japan had had three prime ministers within a year (Economist 1994d).

Parliamentarians elected in 1993 knew what was at stake in terms of electoral reform. The result was more or less the same as in other cases: it became political suicide to oppose reform. Three likely motivators for reform include the linked factors of reformist parties in power, a vocal and fed-up public with a taste for reform, and the last-chance atmosphere these parties perceived. While opposition parties had proposed electoral reforms before, none of these proposals had gone anywhere; the LDP would seemingly have had little interest in changing a system that had kept them in power for decades, but even they had tried and failed to change the system in response to the anger over corruption (Krauss and Pekkanen 2011). The more fervent supporters of reform, however, were now in power, and newly-elected reform enthusiasts had their own supporters in the electorate to consider; the electoral realignment would have made it quite clear to them that failing to go through with reform would be looked upon darkly by voters. Finally, the governing parties acted quickly because even in the face of unprecedented electoral realignment, the sense remained that an opportunity like this might not come along again anytime soon, and indeed, Japan was back to something approaching politics-as-usual with respect to the position of the LDP within a few years (Economist 1996a, 1996b, Reed 1996). As a result, something would have to be done

quickly, but again, this was quite feasible given the proposals that had already been advanced in previous years.

The list of potential reform killers thus includes the usual suspects: system constraints, noncooperation of elites, and time (especially in light of possible waning public interest) could all have defeated this initiative, much as in Italy. Nevertheless, each of these factors operated differently in Japan than they did in Italy. System constraints did not pose much of a threat, as no supermajority would be required, nor would any constitutional or judicial hurdles need to be overcome; an act passed by the parliament would be sufficient. Therefore, getting past this veto point really meant getting past elite noncooperation, though this would not be exceedingly difficult under the circumstances. As might be expected, the crisis atmosphere and public anger made opposing reform a very risky thing to do, and again, power was quite distributed in the sense that a hung parliament made it very difficult for one faction to block the reform. Even LDP united could not block it, and reformers were able to bring some LDP legislators (who doubtless wished to keep their jobs) onside, shrinking the pool of potential opposition. Lin (2006) also suggests that patronage might have been an option to bring some otherwise recalcitrant parliamentarians aboard. Veto players, predictably, were shut down thanks to concern about the electoral consequences of opposing reform.

Time played a different role in this case than it did in Italy. While there was no threat of a looming election that, if held before reforms could be enacted, would result in an utterly dysfunctional parliament, there was the usual possibility that sufficient removal from the crisis atmosphere would cause public enthusiasm for reform—and thus a main source of pressure on elites—to dwindle. But as in Italy, time worked instead as a motivating factor for elites. While Italian reformers knew there was only a limited period before the end of the electoral cycle, Japanese reformers worked with a sense of urgency because they knew it was unlikely they would ever get another shot at this kind of project. Earnest reformers who did not believe they would get a second chance were faced with unwilling opponents who were nevertheless in no position to make any real fuss, especially given the sort of uncertainty that follows an electoral shakeup like that of

1993 (Rahat 2004). Grudging cooperation was likely the best strategy for anyone in that situation.

The reform process itself was confined to elites, but as noted, this case features an interesting mix of unwilling reformers offering act-contingent support and earnest reformers offering outcome-contingent support (Shugart and Wattenberg 2001).²⁶ The significant constraints and motivation furnished by public pressure suggest this should be considered an elite-mass interaction. To the extent that earnest reformers got what they wanted, there are shades of the Boix/Benoit/Colomer school to be found here, but the earnest reformers were much less likely to be the ones interested in seat-maximisation in comparison to members offering act-contingent support. As such, this case fits the Shugart and Wattenberg model a little better, with the presence of a crisis and concomitant public pressure rounding out the necessary ingredients for reform. Instead of elites simply getting what they wanted, this was a case of new elites taking the only chance they thought they would ever get to try for what they (and everyone else, it seemed) wanted; the circumstances that made this reform possible might not line up in quite the same way again, and reformers knew it, as we can expect the public also did.

For all the public's pressure on the government to do something about the endemic corruption vexing them, there was next to no substantive input from the public regarding electoral design. Since the corruption crisis had been building for close to a decade, though, the idea that reforming electoral institutions might address some of the clientelism problem had been advanced before, and with it, various proposals for electoral reform (Lin 2006). The design process itself was less an effort at creating a new system from scratch, and more like a cobbling-together of bits and pieces of older projects. In this way, the governing coalition was able to hack together a new set of rules with Rahat's (2004) ideal mix of change and continuity (or at least close enough to that ideal mix to get passed and implemented, which in a way is what counts for a reform like this). As far as the goal of addressing clientelism and corruption, any new system would

²⁶ Recall that *act-contingent* support is support for doing *something*, and is often furnished because resistance would mean electoral defeat, whereas *outcome-contingent* support is support for achieving specific reform aims.

have the twin objectives of stemming one-party dominance and curtailing the politics of pork and personality at the constituency level; oddly enough, this would lead Japan to a solution much like what was used in Italy that same year.

Previously, Japan had been using SNTV, the consequences of which for Japanese politics are noted above. The inability to rank preferences on ballots led to intense competition between candidates running under the same banner; to distinguish themselves, they were forced to rely on the cult of personality and on patronage and other “goodies” promised to the constituency (Scheiner and Tronconi 2011). This level of emphasis on the ground game of electoral politics ensured dependency on the *kōenkai*, which (as previously noted) took enormous amounts of time and money to cultivate, forcing politicians to work miracles with respect to fundraising, or simply accept dirty money (Krauss and Pekkanen 2011). The indispensable nature of *kōenkai* organisations ensured that any successful politician would have to play that game, especially if a member of the LDP, which was more reliant on *kōenkai* than any other party.

The LDP’s hitherto-unshakeable dominance of the centre of the political spectrum kept it in power for long enough that little effort would need to be taken to distinguish its brand from its competitors, so that intraparty competition would be most of what mattered to the vote choice of an individual citizen, or at least most of the information available for making a choice at all (Krauss and Pekkanen 2011). The combination of an unassailable partisan dynasty with perverse incentives at the riding level led to the clientelistic politics that culminated in the scandals of the 1980s and early 1990s and the electoral earthquake that threw the rascals out for the first time since their initial victory in the 1950s (Reed 1996). As in Italy, the dynamics of partisan competition were shattered, at least temporarily. Politicians faced with the task of institutional reform would need to compromise between addressing these larger problems in Japanese politics and making sure that this election would not be the only time they would ever defeat the LDP. (There is an interesting irony in that the rules would prove to have unexpected, but not negative, consequences for LDP’s electoral performance.) In order to foster alternation in power, they would need to nudge the rules from the quasi-proportional SNTV to something closer to plurality rules, but in doing so, smaller parties would need

to keep in mind that this could affect whether they would ever gain representation in government—or even the Diet—again (Lin 2006). But more importantly, despite the reform's having removed SNTV's perverse incentives to rely on *kōenkai*, politicians accustomed to the support of these organisations were less than willing to give it up, and indeed could not afford to while there remained the possibility of their opponents' continued reliance on them (Krauss and Pekkanen 2011). *Kōenkai* were not a sufficient condition for electoral victory, but remained a necessary one in the eyes of many candidates—and what politician would risk giving up a tool that none of his or her opponents would give up? No electoral design could on its own break the historical inertia of this particular model of politics, at least not immediately.

The design process was more haphazard than one might expect given the presence of so many deliberate and committed reformers; Reed and Thies (2001) suggest that virtually any system would have worked so long as it did not contain significant dealbreakers capable of turning off a large number of elites. It was clear that some sort of locally-based representation (as under plurality rules) would have to remain, but the hodgepodge of parties in the governing coalition had diverse interests, and were kept on task mainly because this was about the only thing the coalition could expect to get done (Krauss and Pekkanen 2011). Opposing reform was tantamount to political suicide, so it would not be worth the cost of obstructionism unless the consequences of the reform were themselves tantamount to political suicide. What, then, made MMM (or parallel voting) the system of choice? Dispersal of power plus a situation of uncertainty and imperfect information caused the consensus to shift over time, as smaller parties failed to make accurate predictions of what would happen to them under MMM and changed positions to support it (Reed and Thies 2001). LDP could not maintain a united front against it, having neither the numbers to do so nor the internal cohesion, never mind the stomach to face voters who were already sick of LDP's antics. And on the surface, anyway, the non-compensatory nature of parallel voting would have appealed to reformers concerned with alternation in power, as parallel voting is somewhat closer to simple plurality than is any proportional or even quasi-proportional system and, from the perspective of its supporters, ought to have resulted in bipolar competition (as was the goal in Italy) without also wiping out the smaller parties. The seats elected through

proportional rules would at least give these small parties some opportunity for legislative representation, which may explain their support for a system that, in practice, did not work the way they had expected it to.²⁷

The effects of the change ended up strengthening LDP once more, allowing the party to get back on its feet (Economist 1996a, 1996b, Reed 1996, Lin 2006). Decreased intraparty competition and the exigencies of plurality rules were enough to get disaffected LDP members back under the tent once more, coordinating together to keep their party in power (Giannetti and Thies 2011). While constituency contests were generally two-party, superficially suggesting that alternation in power and a two-party system were not far behind, elite coordination efforts ensured that parties did not have to commit constituency-level fratricide against their preferred coalition partners; many of these contests, district after district and election after election, involved the LDP (or its coalition partner, *Komeito*) and their main competitor, the newly-formed Democratic Party of Japan, under which banner much of the opposition united after the previous main opponent to LDP, the New Frontier Party, was itself discredited by corruption scandals and lost members (Economist 1994c, Reed 1996, Scheiner and Tronconi 2011). Again, many smaller parties elected in 1993 overestimated their chances under MMM and overlooked the tendency of plurality rules to over-reward the largest party—in the end, while the electoral rules changed the party system somewhat, the attempt at achieving alternation in government was a failure (Lin 2006). No opposition party or alliance could hold together quite the way LDP did, and indeed it would not be until 2009 that it would go down to a decisive defeat (Krauss and Pekkanen 2011).

²⁷ They may also have overestimated the permanence of the partisan realignment of 1993.

Time	Event
1988	Parties proliferate, JSP loses members and seats; Recruit scandal
June 1993	LDP cannot coordinate on an electoral reform to propose
July 1993	Legislative elections result in hung parliament, first LDP loss in decades
August 1993	Hosokawa becomes PM, leads coalition government
End of 1993	Coalition prepares and implements new MMM electoral rules
1994	LDP becomes coalition government leader
1996	LDP wins first legislative elections under MMM

Figure 14: Timeline of Electoral Reform in Japan

3.3.2 Legitimacy

In the most basic terms, the public did not have a say in the design process; parliamentarians designed the new system. That the process was carried out by democratically-elected representatives who in many cases won office thanks to a commitment to reform supported and rewarded by voters is the closest this case gets to input legitimacy as far as electoral choice. It should be noted, however, that public pressure was responsible for getting democratic reform (as a response to corruption) on the agenda and lending support to calls for electoral reform once they appeared. Indeed, public discontent was sufficient to toss the ruling party out of office, without which circumstance reform would most likely not have happened (Economist 1993a, 1993b). Oddly enough, as happened in Italy, the initial wave of public anger was what permitted the reform to happen at all, though elites took it from there. But beyond satisfying a necessary condition (pressure) for most any reform, public input was nonexistent. And once more, as in Italy, it seems almost as though the public would have accepted virtually any reform offered so long as change happened. As noted above, the path to change followed the same lines as the attempts at reform that had gone before, so that elite efforts of one sort or another were behind all of it. Without a referendum component either before or after reform, it is difficult to claim any input legitimacy at all to the design process.

The elite-driven process was essentially the only option on the table for Japanese voters who wanted change, and no requirement existed for post hoc public approval

through a referendum or other means. The voters would be stuck with the reform they got from the parliament they staffed to do it. That said, voters did not specifically want electoral system change to the same degree as was the case in Italy, so it would be even more difficult to discuss what they wanted out of a new system, beyond something to solve the corruption and clientelism problems (Renwick 2010). Blaming the electoral system for these ills was mostly the province of political pundits and other observers, as well as those earnest reformers who had their own reasons to support electoral system change. In this case, then, much of the noise made about what we would regard as output legitimacy was in fact generated at least in part by elites who were at long last dissatisfied with business as usual. But did the process satisfy anyone?

Certainly those elites who experienced what happens when electoral change backfires were not satisfied, though the LDP had reason to be happy with the new rules (or at least not particularly hostile to them), since one way or another, they returned to their winning ways, at least until 2009 (Reed and Thies 2001, Krauss and Pekkanen 2011, Scheiner and Tronconi 2011). Intraparty competition was notably dampened, and parties were forced to distinguish themselves with clearer policy platforms, and exercise stronger central control over party operations, as might be expected in a switch to more plurality-centric rules (Scheiner and Tronconi 2011). That said, one-party dominance remained the norm for five successive parliaments after the reform, and personality and patronage still have a central place in Japanese electoral politics because minor electoral rules, including the allowance of dual candidacies in both plurality and PR contests, ensure that candidates still maintain an inordinate focus on constituency-level politics and the giveaways and pork that come with such a focus (Scheiner and Tronconi 2011). *Kōenkai* are still around, and not likely to disappear outright in any real hurry. Meanwhile, public disappointment in the 1993 reforms, mainly aimed at the dual-candidacy rule that permitted “zombie” politicians who had been defeated in a single-member-district contest to win list seats in the same election (effectively allowing them to run twice), was insufficient to motivate further wholesale change (Reed 1996, Krauss and Pekkanen 2011). It may not be fair to say that no parties involved got what they wanted out of the reform, but virtually everyone got something unexpected, and not always pleasant.

Input Legitimacy Scorecard	
Citizen Participation	None
Citizen Participant Autonomy	None
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	High (public visibility of and disgust with scandal had reached near-crisis levels and blamed electoral rules)
Media Coverage	High (scandal received constant coverage and observers also settled on the electoral system as the cause)
Volume of Discussion	High (focused on the need for institutional reform to end clientelism and therefore control corruption)
Final Output Legitimacy Score	High

Figure 15: Legitimacy of Electoral Reform in Japan

3.3.3 Effects

This case fits into the central model of this dissertation about as well as one might expect of yet another elite reform riddled with imperfect compromises and fudging (Norris 1995). Once again, we do not need to seek evidence of how the process by its very nature bypassed veto points and had an independent effect on the quality of democracy, because this is an elite-mass interaction case. The reform successfully ran the gauntlet of veto points to a successful implementation, but as in Italy, the connection between that implementation and the quality of democracy is debatable. One factor to consider is that the public did have a chance to hold LDP accountable for their literally scandalous actions, but this was done in 1993, ironically under the old rules that furnished the perverse incentives to such behaviour in the first place. Post-reform, it took those voters 16 years to sour on LDP once more, though given the sheer volume of unintended consequences in this case, it is possible that voters simply did not anticipate how much harder it could be to hold LDP accountable under the new rules. Alternately, it simply took them longer to learn how to do so than it did for LDP to learn how to avoid

being held quite so accountable as fed-up voters might have liked (Scheiner and Tronconi 2011). Elites showed, however, that they too could be disastrously wrong about the possible consequences of electoral reform, and both elites and voters were susceptible to coordination failure in Japan throughout most of the 1990s and 2000s.

Public satisfaction is difficult to tap, since only a few surveys around that time asked direct questions aimed at measuring satisfaction with democracy, and many studies of this era have never been translated into English. 1996 data from the Comparative Study of Electoral Systems (CSES) and the International Social Survey Programme (ISSP) tell more or less the same story, respectively (Comparative Study of Electoral Systems 1996-2001, ISSP Research Group 2009). While comparison with a 1993 (or prior) baseline is not feasible, these numbers should at least furnish a clue as to whether the profound crisis of confidence in Japan's democratic institutions continued past the electoral reforms. CSES (1996) data show 5.2% of respondents very satisfied, a massive 58% fairly satisfied, 28.9% not very satisfied, and 7.9% not at all satisfied. The ISSP response categories²⁸ are slightly different, with each category respectively indicating that democracy works well and needs no changes (11.4%), works well and needs some changes (62.1%), does not work well and needs a lot of changes (23.1%), or does not work well and needs complete change (3.4%). In both cases, moderate satisfaction with democracy carries the day, scoring a notable majority in both surveys, and a little over one-third (in the CSES data) or one-quarter (in the ISSP data) are actively dissatisfied with democracy's workings. It would be difficult to argue that the Japanese public was widely disappointed with the change, or particularly lacking in confidence in its democracy at all. Again, with no ready baseline, it is difficult to say whether this is out of the ordinary for Japan, but given the comprehensive crisis weathered in 1993, it seems safe to say that the public came up satisfied with the changes.

The point remains that, while the rule change may not have had the consequences it was expected to, the reform succeeded and elites got what they thought they wanted. In that respect, this is a typical elite case with respect to the framework used in this study as

²⁸ "Don't know" is not noted as a response category in the dataset; data are not weighted in these cases.

well as those of Norris (1995) and Renwick (2010). Through having their feet held to the fire, elites came onside and executed a reform that they thought they could live with during the brief “policy window” in which it was possible to do so (Kingdon 1995). While elites may have wanted reform, it was the politics of the time that demanded change, as in Shugart and Wattenberg’s (2001) conception of reform. The set of veto points particular to this case, however, prompted elites to take a convoluted path while relying on imperfect information, so that they ended up implementing a system the potential consequences of which they did not fully understand or anticipate. With no “photocopy solution” available, MMM became the mixed bag of reforms most likely to contain something for everyone (Rahat 2004, Scheiner and Tronconi 2011, Giannetti and Thies 2011).

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Generally high after reform (caveats noted above)
Public Reaction	Subsided after corruption crisis over
Media Reaction	Not evident
Post-Reform Discussion	Not evident
Final Effect Score	Positive (from bad to acceptable)

Figure 16: Effect on Quality of Democracy in Japan

3.4 TOPPLING THE ELECTED DICTATORSHIP: NEW ZEALAND, 1993

3.4.1 Background

New Zealand constitutes the canonical case of electoral reform in an Anglosphere country with a Westminster parliament. The 1993 switch from the Westminster standard, Single-Member Plurality (SMP), to a Mixed-Member Proportional (MMP) system is often credited at least proximally to Prime Minister David Lange’s accidental promise of electoral reform (made in the heat of the moment during a campaign debate in 1987). But when a broader view of the politics of New Zealand’s reform process is taken—including

wrong-winner outcomes in 1978 and 1981 as well as a seeming bait-and-switch in 1984²⁹ from a government that deviated sharply from its campaign promises—it becomes clear that this change was no accident. Mounting concern over the concentration of executive power (a familiar complaint within the context of Westminster systems) earned New Zealand descriptors like “elective dictatorship,” while reformer extraordinaire Geoffrey Palmer, the Minister of Justice who set up the 1984 Royal Commission on the Electoral System (and who would later become Prime Minister), popularised the persuasive turn of phrase “the fastest law in the West” in his 1979 book, *Unbridled Power*. Another attendant problem was the difficulty in holding governing parties accountable or sending them a message at the ballot box under SMP without recourse to the “nuclear option” of wholesale electoral change; under plurality rules, disapproval is hard to express subtly when voting is the mechanism of expression. Therefore, when voters throw the rascals out, they throw them way out. Even when Kiwi voters did that to the National Party in 1984, the ideologically-opposed Labour administration which then assumed power proceeded to embark upon an austerity agenda (nicknamed “Rogernomics” after government minister Roger Douglas) seemingly ripped from the playbook of its conservative adversary (Jackson and McRobie 1998). Even dramatically rebuking the previous administration was seemingly not enough to escape its policies. Dissatisfaction with the operation of democratic institutions had not pushed New Zealand to Italy-like levels of crisis, but the potential for erosion of democratic legitimacy was there, and public appetite for change was increasing.

In the 1978 general election, and again in 1981, Robert Muldoon’s National Party had been edged out by Labour in terms of popular vote, but had won a parliamentary majority and formed government anyway. In 1978, National had secured 39.8% of the popular vote, but won 51 of 92 seats; Labour received 40.4% of the vote, but only won 40 seats. In 1981, the race was closer, as National took 38.8% of the vote and 47 seats, while

²⁹ While the Labour administration elected in 1984 would turn to austerity in its economic program, abandoning its more left-of-centre campaign platform, its Minister of Justice would not abandon his personal commitment to getting electoral reform on the agenda, a priority that ironically gained additional public support thanks to the economic flip-flop of his own government.

Labour took 39% of the vote and 43 seats. The Social Credit Party was woefully underrepresented, winning 16.1% of the vote in 1978 and 20.7% in 1981, but winning only a single seat in the former contest and two seats in the latter (New Zealand Electoral Commission 2013). Though these data seem to indicate little real change in party support, Vowles (1997) finds evidence that around 40% of voters in 1981 were “volatile,” having shifted support between parties because they were frustrated with politicians’ and parties’ inability to adapt to a changing social landscape; Geoffrey Palmer would go on to argue, in the 1987 edition of his book, that “the electoral system supports a two party system more than voters do” (Palmer 1987, 244, Jackson and McRobie 1998). The extent of the change is detailed in Colin James’s 1986 *The Quiet Revolution*, and echoed in Palmer’s work. Postmaterial issues, decolonisation, the Crown’s history with the Maori and the current state of Maori representation in New Zealand politics, the changing economy, and the general growth of the country into something other than a homogenous colonial frontier society were all spurring change, and the failure of the party system and electoral rules to keep up was becoming more noticeable and prompted a general discontentment with the established parties.

The problem had grown worse in the years leading up to the change; thanks to plurality electoral rules, voters continued to have difficulty in removing Labour and National administrations that had increasingly come to resemble one another and which relied upon exaggerated adversarialism and ever more extravagant promises to distinguish themselves from one another in order to win elections (Palmer 1987, Denmark 2001). These promises were far too good to be true, and the parties making them were in no position to fulfill them. While it is common in other jurisdictions for politicians to promise voters the moon, in New Zealand broken campaign promises are taken very seriously and are often a source of intense anger (Vowles *et al.* 1995, Jackson and McRobie 1998). When, in June of 1984, Prime Minister Robert Muldoon called a snap election while inebriated (Gustafson 2000), the public had had enough, and National suffered a decisive defeat. Those hoping for change, however, would be disappointed, as the left-wing Labour party under PM David Lange was forced to deal with the deepening economic crisis in the country by executing a welfare-state retrenchment agenda. The Rogernomics era had begun, “[t]he public mood was one of betrayal,” and “changing

governments had little effect” on the policies to which the public was subject, “[h]ence blame fell on the electoral system” (Jackson and McRobie 1998, 316).

Finally, New Zealand’s party system had begun to feature more proliferation, thumbing its nose to some extent at Duverger’s Law; this increased party fragmentation highlighted the poor job SMP does with respect to minority representation and evinces both increasing volatility and dissatisfaction with adversarialism (Palmer 1987, Vowles 1997, Denmark 2001, Nagel 2004). Far from simply hopping onside with electoral-reform boosters in the midst of a crisis, however, Kiwi voters had supported electoral change for some time, with support coalescing in the citizen-driven Electoral Reform Coalition (ERC) movement, which championed the pro-reform report of the 1986 Royal Commission (Jackson and McRobie 1998). Thus, voters were already familiar with the argument that the electoral system was at least partly to blame for their least-favourite features of government, and gave the argument enough credence that they were willing to lend impressive support to the push for reform. While the turning point may have been a simple slip of the tongue during a debate, with all the ingredients in place for a successful reform, New Zealand would likely have seen electoral system change even if certain politicians had stuck to their scripts. Two wrong-winner elections while the party system was still bipolar, followed by increasing vote distortion after the emergence of a viable third party, compounded by woefully inadequate Maori representation, and capped off with a party system that featured unresponsive and interchangeable main parties, had furnished voters with a rude awakening regarding the infelicities of the SMP system, and they seem to have had precious little remaining tolerance for such effects. In the eyes of fed-up and reform-minded voters, whose numbers were ever-increasing, SMP appeared to be wearing a rather prominent bullseye and furnished a convenient rally point for public disaffection. As such, this is an elite-mass interaction, in Renwick’s (2010) terms, and tends to fit Shugart and Wattenberg’s (2001) historical-contingency model somewhat better than the Benoit/Boix/Colomer seat-maximisation model, even though the emergence of a multiparty system before a change in voting rules is precisely what the latter school of thought predicts.

This elite-driven reform will fit into the model of this dissertation much as did the Japanese case. While input and output legitimacy need not be examined closely for their independent effects on the quality of democracy, since none is expected here, we will look at the path the reform process took in order to overcome the various veto points and hurdles that formed barriers to implementation. Once more, these are the usual suspects where possible reform failure is concerned. Personal politics (including individual quests for reform and claims of misread cue cards) will come into play, as will imperfect predictions like those that informed the Japanese reform process. These various contingencies will all be shown to have smoothed the path to a successful reform, as Shugart and Wattenberg (2001) suggest historical contingencies frequently do in the case of successful system change.

As in Japan, we will notice a mix of outcome-contingent and act-contingent support among elites, since the legislature was staffed with a mix of ardent reform supporters and opponents alike; at the same time, power dispersal unlike that in any other elite success case came in the form of two successive referenda on the topic and a convenient, highly-regarded package of prior art in the form of a Royal Commission's recommendations (Rahat 2004). Thus, elites who were not enthusiastic about reform were nonetheless pressured into supporting it by a vexed public and constrained in their design choices by the Royal Commission, even though its final report was not binding *per se*. The presence of the Commission and the two referenda will also permit some discussion below of what sort of input legitimacy this process can be said to have included.

Wry observers might like to point to Labour Prime Minister David Lange's accidental endorsement of electoral reform during a televised debate in 1987, when he misspoke and promised that the recommendations of the RCES would be put to the people in a binding referendum, as the moment things really changed. The gears of the reform machine, however, had been turning for much longer (RCES 1986, Palmer 1987, Vowles *et al.* 1995). As in other elite success cases, the seeds of reform were sown years before as voters grew increasingly dissatisfied with the operation of democratic machinery and looked for someone or something to blame; first crisis, and then compromise, as Norris (1995) reminds us. Indeed, without this groundwork, Lange would

have had nothing to promise, since his offhand remark committed him specifically to referring the 1986 RCES report on electoral reform—which had recommended MMP—to a parliamentary committee for review and ultimately to a referendum (RCES 1986, Denmark 2001). It will become important later to note that many of the unwilling reformers who nonetheless acquiesced to the whole process did not believe the public would vote for reform, and as such considered the referendum a barrier to reform that would permit them to be seen supporting it while expecting it to fail (Nagel 2004).

Personal politics played a critical part in the reform. Geoffrey Palmer had supported some form of electoral system change for years, but had not committed to a particular system before the RCES reported. Time and again he played his cards perfectly; initially, his star was not rising quickly enough within Labour for him to be seen as a threat, but once he became an MP in 1979 he was able to draft policy proposals for his party unhindered, and few within a party burned twice by wrong-winner elections were hostile to the idea of blaming the electoral system. When Lange became party leader and then Prime Minister, he promoted Palmer in order to keep the central figure of a rival faction within the party inside the tent, so to speak. Palmer's work in creating the Royal Commission was not given much attention; while it played within the party like a sop to reform-minded voters, Palmer was deadly serious about it, and went on to appoint a shockingly qualified (and refreshingly non-partisan) panel. Meanwhile the government, composed in large part of neophyte parliamentarians, was distracted by the economic crisis, or indulged Palmer's little bugbear (Jackson and McRobie 1998). Electoral reform simply was not on anyone's radar at the time; government had other things to do. As a result, Palmer was able to staff an arm's-length expert commission of nonpartisans and give it a surprisingly broad mandate to investigate virtually any aspect of New Zealand's democratic institutions, from the electoral system to Maori representation to campaign financing to literally anything else the Commission felt had an impact on the quality of democracy (NCES 1986, Jackson and McRobie 1998). This was not to be a Commission that would simply report back with an answer the government wanted to hear. Finally, when Lange mistakenly promised a referendum on the RCES's recommendations, Palmer doubled down the next day, endorsing the position enthusiastically even though he knew it was articulated by accident.

While Palmer was committed to getting things right, his efforts at making the recommendations of the RCES go anywhere were stymied again and again (Jackson and McRobie 1998). Even when he became Labour leader and therefore Prime Minister in 1989, he could not convince his party to support the proposal. It would require a number of other factors to line up “just right” for reform to succeed, and these are not separable from the politics of reform and the contingencies of the time.³⁰ The Electoral Reform Coalition’s tireless efforts would ensure that the RCES report could not simply be tossed aside and permitted to collect dust as the party caucuses wished; again and again the ERC would bring up electoral reform and past promises to take it seriously as an election issue. And the pattern of electoral reform sneaking up on a preoccupied government would repeat itself years later when a National administration focused once again on economic issues had little attention to spend on the electoral reform file and was by and large dragged along with the current.

Years later, Lange’s mistake and Palmer’s own shot at being Prime Minister had failed to produce any meaningful change, but neither major party could avoid taking a position on electoral reform, pressed as they were by the ERC and the public. Private members within the legislature had introduced two separate bills to compel the government to act on the 1987 promise; neither succeeded. By the 1990 election campaign, both Labour and National were stuck on a path neither wanted to be on, with Labour promising an indicative referendum on the RCES’s recommendations and National (in an attempt to steal the issue from Labour) promising a binding referendum (Jackson and McRobie 1998). National won the 1990 election in part on the strength of a platform that included an end to the austerity that National itself had started years earlier and that Labour had continued in the Rogernomics era, but would shortly abandon this promise and continue the neoliberal trend still further. To manage public anger over yet

³⁰ Nagel’s early (1994) account of the change foreshadows later discussions of the politics of electoral reform: “[e]nacting reform against such resistance, one might think, should require either external intervention or a massive popular uprising... the unexpected opportunity that channeled [voters’] discontent into electoral reform resulted from a subtle combination of competitive dynamics, principled leadership, persuasive analysis, determined grassroots advocacy, accident, miscalculation, and traditions of fair play” (525).

another broken promise, National had to scramble to keep as many others as it could, including the pesky electoral reform promise. National decided not to endorse any particular system, opting to leave the job of selecting one to the eventual indicative referendum they would need to hold for just that purpose. Yet neither party's caucus seemed to think that the reform process would survive the referendum component, so there was no real sense of panic about what was happening.

While National devoted what little attention it could to trying to make sure the reform file moved along in an orderly fashion, it had to operate within institutional constraints; it could not go to the public with a binding referendum offering either the status quo or many alternatives, since the Electoral Act of 1956 required any binding referendum on changing the electoral law to be a choice between two clear options (Jackson and McRobie 1998). A multi-option referendum would have to be indicative, and therefore would have to be held before the binding referendum, and a public faced with two referenda on the topic can hardly be blamed for viewing this as a delay tactic. In addition, time eventually ran out on National and they were not able to hold the second referendum well before the election of 1993 as they had wanted to, so the binding referendum was held simultaneously with the election. This ensured that the major parties, despite how opposed they were internally to reform, could not campaign against it for fear of harming their chances in the election. The "no" side resorted to forming the Coalition for Better Government (CBG) to campaign against reform, but the optics of a largely business-funded elite organisation outspending the ERC eight-to-one backfired and offended the Kiwi sense of fair play (Levine and Roberts 1997a, Jackson and McRobie 1998, Nagel 2004). It did not help that the CBG refused to open its books during the campaign. Even its later attempts to avoid being seen as anti-MMP as opposed to pro-other-reform failed, but they did prompt the ERC to come out swinging harder than ever, since official government materials presented all systems neutrally and did not even compare them to one another (Jackson and McRobie 1998). In the end, the race was close in its final days, and the 6 November 1993 binding referendum saw 85.2% turnout and an MMP win over SMP of 53.9% to 46.1% (Levine and Roberts 1997a).

By contrast, a number of things could have gone sufficiently wrong to derail the reform process. Elite intransigence numbers among them, but it is in fact the way that elites chose to act on their intransigence—agreeing to a referendum they thought would settle the matter in their favour—that helped the reform proposal survive. Possible reform killers in New Zealand included institutional requirements that three-quarters of the legislature assent to change or that public approval of the change be secured through a referendum (Jackson and McRobie 1998). This would have permitted elites the comfortable option of choosing either to block reform themselves or to refer it to the public. Time, a concern in other cases of reform, seems less important here given that the crisis of democracy was only deepening over time and would likely continue to do so until something changed. That a “happy accident” for reformers gave them a chance to go ahead cannot be credited with the success, since reform was not achieved until many years after Lange’s slip-up. Rather, if anything gave the sense that time was running out, it was that both major parties had serious credibility issues after breaking so many promises, and needed to do something to set things right before the party system was changed radically by even deeper electoral dealignment.

Thus, while declining public interest in reform might not have been as much of a threat as in other cases, since the crisis was less acute, there remained the possibility that public interest would still be insufficient to effect change. Indeed, the National Party was counting on this when it executed its referendum strategy. This strategy did not work out as they had expected, and public support did turn out to be sufficient to defeat the last barrier to reform and ensure implementation. Jackson and McRobie (1998) suggest that lingering outrage over Rogernomics was no small motivator. One important consideration is that the structure of the referenda put together by National seemed prone to encourage coordination failure among voters; therefore, such failure deserves mention as a potential reform killer. Also, the select committee that had prepared the referendum was stuck recommending a 99-seat legislature for the SMP option as compared to a 120-seat legislature for the MMP option, prompting accusations of bias—the new, unknown option would also be saddled with the potentially-unpopular proliferation of politicians (Jackson and McRobie 1998). Nevertheless, included in the list of things that went right with this reform is that the RCES’s clear recommendation of MMP provided a stunning

example of prior art with which initial reformers (and subsequently the ERC) could help to organise and structure public support for reform (Nagel 2004). Again, the Commission's recommendations became a rally point first for disaffected citizens looking for something to change, and then for pro-reform voters trying to coordinate on one option so it would have a chance of succeeding. Meanwhile, pro-SMP politicians knew the best thing they could do to save the system would be to shut up.³¹

While this is at the root an elite-driven reform, it is unlike the other ones we have considered so far in that the presence of a Royal Commission indicates at once that there was a blue-ribbon, arm's-length panel tasked with investigating possibilities for reform and that public input was sought as part of that investigation. As noted above, Geoffrey Palmer hand-picked commission members who were non-partisan, had no personal stake in the electoral rules, and were unquestionably experts; he insisted that no politicians were to be appointed. The panel consisted of John Wallace, Human Rights Commissioner and High Court justice; John Darwin, a government statistician; Ken Keith, a professor and constitutional lawyer; Richard Mulgan, a professor of political science (and interestingly, initially a supporter of retaining SMP); and Whetumarama Wereta, a government research officer and the only woman or Maori on the panel (Jackson and McRobie 1998). The level of care taken in staffing the Commission was complemented by the broad mandate afforded it to study the electoral system; these factors resulted in a high-quality report afforded a good deal of legitimacy, credibility, and prestige (Nagel 2004, Vowles, Banducci and Karp 2006).

Though the RCES was staffed, in the end, by elites (only of a different sort than politicians), the public's acceptance of its recommendations furnishes the mass side of elite-mass interaction. Through the efforts of the ERC, the MMP proposal would not be forgotten and left to collect dust, but rather would remain important in the public debate over democratic legitimacy (itself fueled by more promise-breaking during the

³¹ Finally, a last-minute proposal dubbed the "Shirtcliffe Amendment" was advanced to require a supermajority in the binding referendum for implementation to take place. This was seen, however, as one more desperate attempt by elites to avoid an outcome they did not want, and as such, was abandoned in order to avoid still more public anger (Jackson and McRobie 1998).

retrenchment period of the late 1980s) and would return as a centrepiece of the 1990 election campaign. Though elite miscalculation would be what allowed the public to avoid the parliamentary-supermajority requirement to change the electoral law and instead effect change via referendum, public pressure is still what motivated elites to opt for that outcome in a bid to avoid the electoral punishment that could be expected to befall opponents of reform in such a time.

As noted, New Zealand went from a pure SMP system to a compensatory MMP system designed for proportionality. The proposal survived virtually unchanged from its recommendation by the RCES to its implementation as the new electoral law and its first taste of action a decade later, likely thanks to the widespread acceptance of the quality of the proposal; sticking to it was a wise political move for supporters of reform both inside and outside parliament, thanks to the legitimacy it conferred as well as the ease of using it for coordination purposes (Jackson and McRobie 1998). And once in place, the MMP system appears to have provided the sort of incentives expected of a proportional system, with increased party proliferation and coalition government becoming the norm immediately (Levine and Roberts 1997b).

What accounts for the choice of MMP? Rahat's (2004) contention that electoral reforms often have to contain something old and something new is once again instructive. He notes that mixed systems often fit this particular bill quite well, with specific reference to Italy, Japan, and New Zealand in 1993. The desire of Kiwi voters to move knowingly towards something more approximating Lijphart's "consensus government" than the adversarial politics to which they had become accustomed is credited as a point in favour of proportionality, while the need for continuity and maintenance of those things SMP actually does well—notably, accountability of individual MPs—suggested that some sort of plurality rules should remain (Nagel 1994, Vowles, Banducci and Karp 2006). MMP naturally satisfied both of these, being a hybrid of SMP and list-PR. Most importantly, MMP would achieve the aim of ensuring that governments would not come to power on a mere plurality of the popular vote, which had been an increasing source of voter angst. Without constituting a complete departure from Westminster tradition, MMP would nonetheless stem the potential of political parties to wield nearly unrestricted

executive power on the strength of a plurality win. Though the RCES had these issues to consider, the later parliamentary reformers and their opponents mainly had to consider the weight of the RCES's recommendations and their stubborn refusal to simply go away.

The RCES's recommendations themselves were based on an analysis that involved ten criteria upon which SMP and competing systems would be judged. These were: fairness between political parties, effective representation of minority and special interest groups, effective Maori representation, political integration, effective representation of constituents, effective voter participation, effective government, effective Parliament, effective parties, and legitimacy (RCES 1986, 11-12). While SMP won a tempered endorsement with respect to effective government, MMP tied STV on political integration and effective constituent representation, and beat all comers on the remaining seven points. The recommendation of MMP tied into a later recommendation the Commission would make regarding whether the size of the legislature should be expanded; implementing MMP required an increase to 120 members.

Time	Event
1978	National wins legislative majority in “wrong-winner” election
1979	Geoffrey Palmer releases <i>Unbridled Power</i>
1981	National wins second consecutive “wrong-winner” election
1984	Labour wins snap legislative election; Palmer establishes RCES
1984-1987	Labour breaks campaign promise with neoliberal “Rogernomics”
1987	Under pressure in election campaign, PM Lange promises reform
1989	Palmer wins Labour leadership and becomes PM
1990	National wins legislative elections, is forced to proceed with reform
1992	Yes side wins indicative referendum, as does MMP option
1993	Yes side wins binding referendum; National wins last SMP election
1996	First MMP election; National wins minority, coalesces with NZF

Figure 17: Timeline of Electoral Reform in New Zealand

3.4.2 Legitimacy

Again, since this is an elite reform effort, not much input legitimacy ought to be expected. New Zealand's reform process, however, is distinct among the others in this

chapter because its design process did include some degree of public consultation as part of the Royal Commission's investigation (RCES 1986). While a Royal Commission is a far cry from a grassroots exercise in deliberative democracy, it is impressive that any discussion of input legitimacy is possible at all when discussing an elite-driven reform. Public opinion remained behind reform through two successive referenda. Therefore, while the process was not particularly representative, public consultation did occur with surprising frequency. As will be seen in the discussion of output legitimacy, public input also remained remarkably consistent and coordinated despite deliberate efforts to make doing so more difficult. If input legitimacy is considered in light of how fair the process was perceived to be, then the status accorded the RCES's proposal is an indicator of fairly robust input legitimacy, at least for an elite-mass interaction.

Public discussion during the years in which electoral reform was a concern showed a surprising level of political sophistication, and it became clear by 1993 that New Zealanders were voting quite consciously on the basis of what kind of society and what kind of politics they wanted—discussions even at the non-expert level frequently invoked Lijphart's (1984) idea of "consensus government" as an ideal to strive for and that proportional electoral rules could foster (Nagel 1994). The decline of party, the inadequacy of a two-party system, waning trust in democratic institutions, concentration of power and executive dominance, vote distortion, and pathetic performance with respect to minority representation (both in terms of minority partisan viewpoints and in terms of the system's inability to offer more than trifling representation to the Maori) all informed their decision to abandon SMP as well as their consistent support over the years for MMP (Jackson and McRobie 1998). The influence of the ERC, a grassroots group, and the tangible public pressure election after election to do something about the electoral system, both reinforce the notion that this was anything but a disengaged public where the reform process is concerned.

The dogged support of MMP through the years in which elites tried to ignore the proposal—and indeed, to frustrate the efforts of reformers at coordination—indicates a high degree of approval of the outcome of the design process. While voters could likely have been persuaded initially to support any number of alternative electoral systems, the

weight of the Commission's recommendation helped unite voters seeking reform under the MMP banner. Again, the efforts of the ERC cannot be underestimated in this regard (Jackson and McRobie 1998). But perhaps the most telling indicator of output legitimacy in this case is how tenaciously the pro-reform camp stuck to the recommendation despite events that could have destabilised their consensus, and despite the fervency with which many political and other elites would have preferred the reforms not be adopted.

The National government elected in 1990 had promised during the campaign (as had Labour) to refer the RCES's proposal to the people in a referendum, but was not itself interested in seeing reform come to pass, as noted above. When National acted, it held two referenda, the first indicative and inquiring whether New Zealanders wanted to change systems, and if so, which of four they preferred. This option would, in the case of a yes result, be the subject of the binding referendum in 1993. While Nagel (1993) characterises the structure of the indicative referendum as a "divide-and-conquer" effort, Jackson and McRobie (1998) note that the evidence could support that cynical view, or the view that the administration was simply being cautious, or both. Indeed, the latter's account of the process suggests that the National government was not planning that far ahead at all. Nonetheless, even if splitting the referendum process had been a delay tactic, it did not work. The strength of MMP as a rally point overcame these hurdles, and despite the belief by elites that the proposal would not make it past both referenda, it did anyway, though not by very much (see above). It is difficult to imagine that this sort of victory for reformers would have been possible without the output legitimacy that the Commission enjoyed.

Input Legitimacy Scorecard	
Citizen Participation	Low (citizens made submissions to the RCES and applied political pressure to continue with reform, but were not specifically tasked with design)
Citizen Participant Autonomy	None (participation did not include deliberation)
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	High (electoral reform was a public demand for many years, with sustained pressure to see it through to the end)
Media Coverage	High (reform proceedings were highly visible over time)
Volume of Discussion	High (electoral reform dominated political debate in the late 1980s and early 1990s, and opinion coordinated on MMP)
Final Output Legitimacy Score	High

Figure 18: Legitimacy of Electoral Reform in New Zealand

3.4.3 Effects

The reform process in New Zealand certainly bears out Renwick's (2010) account of an elite-mass interaction, and seems to fit best with Shugart and Wattenberg's (2001) model of the politics of reform. It fits the model advanced previously about as well as expected, with the additional advantage of having something to discuss where input and output legitimacy is concerned, as compared to very little in the case of Italy and nothing in the case of Japan. Interestingly for a case of reform that faced its veto points head-on, there is quite the time lag between the design process (which in fact preceded the commitment to reform) and the grudging hand-off of the electoral system question to the people. Clearly a crisis of democratic legitimacy was extant, but it appears to have been more prolonged than the ones in Italy and Japan, and a determined public made sure the proposal would last long enough to have a chance at implementation. In this case, it

appears it simply took the voters longer to get into a position where they could effectively shut down veto players, and the various happy accidents and coincidences along the way did not hurt their efforts one bit.

New Zealand's 1993 reform seems to embody the archetypal Shugart-and-Wattenberg-style elite reform process (just as France's reform discussed above typifies the Benoit/Boix/Colomer power-maximisation school), and satisfies Renwick's (2010) and Norris's (1995) requirements of initial reformers, crisis, and inability of veto players to act against the reform. Rahat's (2004) dispersal of power factor is also present, represented rather dramatically by the RCES and the two referenda. It is difficult to say whether the process of design had its own salutary effect on the quality of democracy aside from helping the public line up behind a reform measure designed to address just that, but it seems clear that a public determined to keep electoral reform on the agenda despite the best efforts of unwilling elites would have remained dissatisfied with electoral institutions for as long as they failed to change. Indeed, Nagel (1994, 2004) notes, supported by Jackson and McRobie's (1998) account, that the degree of public sophistication regarding the effects of electoral systems was quite high, so it would be unfair to describe public support for reform in terms of voters grasping at straws—many of them knew exactly what sort of debate they were getting into. Noncooperation of elites would only hold things back for so long.

Effects on public satisfaction with democracy are not particularly easy to pin down in detail, since only a few surveys across the relevant time period asked questions that could capture this attitude. Even the 1993 New Zealand Election Study (NZES) does not specifically feature a question that directly measures satisfaction with democracy. 1996 and 2002 data from the Comparative Study of Electoral Systems (CSES), however, are available. While this offers no baseline from before the long reform process, it serves as some indication of how “settled” matters were afterwards. In 1996, 18.8% of respondents reported being very satisfied with the democratic process, 50.4% were fairly satisfied, 23.2% were not very satisfied, and 7.6% not at all satisfied—these levels of satisfaction reflect public sentiment after the first MMP election, and a mere three years after the reform's successful passage (Comparative Study of Electoral Systems 1996-

2001, Sapiro and Shively 2007).³² In 2002, 8% of respondents were very satisfied, 55.7% fairly satisfied, 22.5% not very satisfied, and 5.7% not at all satisfied (5.6% of respondents fell into the “don’t know” category, while 2.5% were missing). The dramatic drop in “very satisfied” respondents may reflect MMP’s novelty wearing off, or the end of a post-reform “honeymoon” phase, so to speak, but in both years a strong majority of respondents were satisfied with democracy. The operation of the new system, the variety of new parties available, the resolution of some outstanding political issues and the appearance of new ones, and in fact simply the completion of a long-sought-after process may have prompted satisfaction levels to stabilise in this way, with a majority satisfied.

The literature on the consequences of the reform is voluminous and suggests that reformers achieved a number of their aims, though not without some unanticipated effects (see, for example, Vowles *et al.* 2002, 2004). As such, this elite-driven process took more or less the usual path to affect quality of democracy. And it succeeded for the reasons such a reform might be expected to succeed assuming it is not a cynical power grab that opponents are in no position to prevent. The next cases up for discussion will not follow this pattern, but instead show that elite-driven processes are still open to failure.

³² “Original weight: sample” is applied to these figures. 2002 data are weighted with “dataset weight: sample.”

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Majority satisfied afterwards compared to before; high satisfaction enjoyed only a temporary bump
Public Reaction	Generally positive
Media Reaction	Generally positive
Post-Reform Discussion	Still voluminous, mostly satisfied with change
Final Effect Score	Positive

Figure 19: Effect on Quality of Democracy in New Zealand

3.5 CONCLUSION: JUST BECAUSE THEY DIDN'T LOSE DOESN'T MEAN THEY COULDN'T

If anything unites these cases aside from their nature as elite reform efforts that were successful, it is the degree to which that success was dependent on circumstances. The outlier is France, but even in that case, the circumstances—a legislative majority and hands on all the major levers needed to execute reform, plus a history of opportunistic electoral reform in that country that would make this particular change seem less egregious—neatly helped the reform effort past veto points that might otherwise have been insurmountable (Knapp and Wright 2006). Thus, even in the one case in which reform appears to be a blatantly political manoeuvre, elites were restricted to getting what they wanted only while the getting was good. Cases of attempted reform in which one or more barriers to reform could *not* be overcome highlight the sensitivity of this process to circumstance, and the difficulty of making it through a long checklist of necessary conditions for success (and therefore sufficient conditions for failure) without hitting a snag. Beginning in the succeeding chapter, we will treat cases in which the opponents were the luckier of the two camps.

4 THE NO-WIN SCENARIO

Elite Failure Cases

The purpose of this chapter is to show that elite-driven reforms are not only capable of producing outcomes the elites themselves do not want, but also of failing outright, which may indeed be preferable to elites who opposed the reform sufficiently. Notably, this chapter will also show that elite efforts need not fail spectacularly, but may instead do so quietly and gradually, with little attention paid them. After all, a process like electoral reform has many points at which failure is possible, and many of them exist before the point in time where the process would attract much public attention at all (aside from that of diehard reformers). Therefore, these cases will be like the unhappy families of *Anna Karenina*; each fails in its own way. In Britain, reform would be defeated at the last possible stage, a public referendum, whereas some reform proposals advanced in Italy would expire unceremoniously before they even received approval in a legislature. Indeed, processes that lack the crucial ingredient of public pressure, when they fail, almost by definition fade away quietly.

The many possible deaths of a reform initiative underscore just how many things have to go right—or, in other words, how many diverse interests and veto players must be satisfied or shut down—to see the reform through to implementation. We will also see how the absence of some critical factors, such as temporal proximity to a crisis of confidence in democratic institutions, can simply take the steam out of a reform process. The cases to be considered here will be “bigger” than the ones in the previous chapter, in that they cover a longer time period and sometimes encompass multiple unsuccessful efforts at getting a reform process moving. This is because each failure is unique, and because successes have tended to happen over a shorter period, as reformers took advantage of a brief window of opportunity to get changes made. In any event, either the necessary compromises were never made in these cases, or the end product was simply not accepted by the public.

We will revisit Italy, which saw renewed efforts to reform electoral institutions even further after the successful reforms described in the previous chapter. While we have proof of concept that comprehensive reform is at least possible there, we should examine the reasons why lightning failed to strike twice. After treating this case to see what went wrong in later reform attempts, we may turn our attention to Britain, where the well-established debate over reforming SMP gained attention in the 1990s, but took until a few years ago to gain real political traction—with, of course, the same result as always. Both cases can be viewed in terms of two “phases” which took place through the 1990s and through the 2000s, respectively. These divisions are fairly loose, though, and the dynamics of each case will be distinct.

4.1 WHO BEGINS TOO MUCH FINISHES LITTLE: ITALY, 1990S-2000S

4.1.1 Background

While Italy’s methods for electing both of its parliamentary chambers did change twice within a dozen years, Italy, like France, also merits mention in the elite failure category. Where the reformers of the early 1990s sought, as mentioned in the previous chapter, a system with more alternation and direct accountability of members to voters—and generally argued that moving closer to plurality was the way to go—the reform of 2005, even though it was successfully enacted, may be considered a failure to complete the work reformers began fourteen years earlier. This is so for two reasons. First, the new electoral system represents a step in the opposite direction, as the rules constitute a curious hybrid between list-PR and majoritarianism, promoting the twin effects of proliferation of small factions and over-rewarding the largest party (Bull and Newell 2009, Renwick, Hanretty and Hine, 2009, Scheiner and Tronconi, 2011). The initial step towards plurality rules aimed at consolidating a multiparty system into some sort of bipolar configuration with alternation in power appears to have been abandoned. Second, the imposition of the new rules by a parliamentary majority is believed to have been a cynical and opportunistic move, which took into account no stakeholders beyond those who thought they would fare better electorally under the new rules—as a result, this

reform is a success in a literal sense and for those who promulgated it, but a failure for those who simply could not see the reforms of the early 1990s through to their logical conclusion (Katz 2006). This is therefore an account of the persistent failures of reformers throughout the rest of the 1990s and the early 2000s, capped off by a victory on the part of their adversaries in 2005 that could not be rolled back in 2008.

Referenda aimed at removing the last proportional components of the electoral system failed in both 1999 and 2000 thanks to low turnout (Fabbrini 2001, Sanchez 2002, Renwick, Hanretty and Hine 2009). In 2008, efforts were made to get yet another referendum on electoral reform in motion, but it was delayed by the fall of the Prodi government. Three measures—small but meaningful technical changes, as usual—were put to the people, but turnout was insufficient in each case (Bull and Newell 2009). The upshot seems to be that electoral reform in Italy since 1993 has been unsuccessful so long as referendum approval constituted the final veto point. This does not make for a case of grassroots failure, though, as many reform proponents were elites, and it is specifically the grassroots level where reform was not entertained seriously, judging by the poor turnout in the referenda of 1999, 2000 and 2008. The luxury of a parliamentary majority, however, made it easy in 2005 to wrest the reform agenda off the path it had been haltingly following since the late 1980s and take it in a different, more opportunistic direction. Without another crisis of democracy as in the early 1990s, it is hard to see how the public's imagination might again be sufficiently captured by electoral reform to make such reform the province of anyone other than a majority government with a seat-maximisation agenda.

This case, then, will read like others in which several unsuccessful attempts at reform were made, only with an interlude in 2005 in which the case takes on aspects of that of France 20 years earlier (De Virgilio and Kato 2011). That shift back towards proportionality—which at the same time included rules to boost the performance of the largest party, a paradoxical addition to a system centred on ensuring proportionality—simply adds to the pile of “unfinished business” faced by reformers like Mario Segni. Interestingly, as will be the case when Britain is discussed in the next section, intra-coalition politics will form part of the reason for choosing this or that system, though

where Italy is concerned we will be looking at a successful reform, unlike that attempted in Britain in 2011 (Renwick, Hanretty and Hine 2009). Broadly speaking, this account will deal first with the failures up to the 2000 referendum, and then treat the surprise reforms of 2005 and the failed pro-plurality (or at least anti-proportionality) response in 2008 and 2009.

Recalling the ease with which rational choice explains stasis as well as the difficulty with which it explains change (Rahat 2004), we might simply say that with so many competing interests in terms of where reform should (or should not) go, coordination would have been impossible. To cite irreducible complexity in the face of the Italian case, however, would be to do a disservice to the other cases treated herein. Instead, we might note the disappearance of key ingredients—notably, the crisis atmosphere and dispersal of power—that made the 1993 reform possible, but which once gone made it difficult to mobilise public support for further tweaks to the electoral laws. When reform finally did come, it took the shape of the 1985 reforms in France; elites with the parliamentary clout to make it happen did so, legitimacy be damned. Outcome was dictated by expediency. Proportionality plus a bonus for the largest party was to the benefit of the elites with power, so that is what was enacted. And since Berlusconi's 2005 reforms initiated from within the parliament, neither referendum threshold (taking an initiative to a vote, and actually passing it) mattered; only coalition dynamics mattered.

In the case of the various attempts at continuing the reforms of 1993, promulgated by the usual suspects from last chapter, there was clearly sufficient input legitimacy to get certain initiatives on the ballot for a referendum, but never enough support to meet the turnout threshold required to accept a positive referendum result (Fabbrini 2001, Sanchez 2002). The jump to something more closely resembling plurality rules remained always just out of reach, and even though the reforms of 1993 had had some effect in promoting party consolidation and perhaps even alternation, a more Duverger-like pendulum would never assert itself. In 1999, the abrogative referendum secured through the work of the Majoritarian Referendum Committee (CRM) would have modified the electoral rules so that the 25% of parliamentary seats assigned through proportional rules would instead be awarded to the top 25% of runner-up candidates in their respective races, adding almost a

hint of AV-like features to the mix. A further attempt to remove proportional rules entirely and populate all seats with SMP was made in 2000. Neither referendum secured the required turnout, though in 1999, turnout was less than a percentage point shy of making the result valid (Fabbrini 2001, Sanchez 2002).

Stasis would continue until 2005, when Berlusconi would engage in as elite-centric a process as we have seen since examining France's 1985 reform (De Virgilio and Kato, 2011). Discussion below will reveal the extent to which the reform package upon which Berlusconi's coalition would settle was a product of seat-maximising strategies plus grudging compromises to keep minor coalition partners happy; oddly enough, we will also see there is a possible interpretation of these rules that suggests that they are no worse than the previous set in terms of promoting bipolar competition among parties. The new one is at the root a return to proportionality, which is likely the feature that prompted the most criticism of Berlusconi's reform as a cynical power grab. But in an additional feature—since no Italian electoral reform would be complete without additional special rules—it was ensured that a hung parliament would be impossible. In both chambers, a bonus would be applied to the largest party or coalition (removing worries about what would happen should it not get an absolute majority of seats), adding a bit of pluralitarian or even majoritarian flavour in that the largest party would be over-rewarded, and in that the competitive incentives would largely be to ally with one of the two largest tendencies, thanks to winner-take-most (if not all) rules; “[i]n effect, the vote becomes a choice between the two best-placed candidates for the premiership” (Renwick, Hanretty and Hine 2009, Mastropaolo 2009, 30). Renwick, Hanretty and Hine (2009) are rather insistent that the traditional power-maximisation thesis does not tell the whole story with respect to these reforms, and that the politics of the day—especially intracoalition dynamics—may have played a large part in Berlusconi's seemingly unorthodox choice of system attributes. Otherwise, why pair proportionality with an additional set of rules pulled straight from the “Mechanical Effects” section of any undergraduate lecture on plurality electoral systems?

In keeping with the theme of coalition dynamics, let us look at the fate that faced Berlusconi's coalition as a whole, and therefore in which lay the fate of his own

administration. Mastropaolo (2009) puts it simply: “[i]f Berlusconi had thought victory possible, he would not have changed the rules of the game” (30). While the main centre-left coalition was for all intents and purposes united behind Romano Prodi thanks to an earlier primary process, the centre-right coalition was somewhat more fractious, and while Berlusconi was clearly the front-man, other party leaders from within the same coalition considered themselves to have equally-important status (Campus 2006; Bellucci 2008). Thus, we can already see that Berlusconi had plenty of people to keep happy, and not just voters, but also elites. This multiplicity of potential veto players is part of why the reform, though it might appear to be nothing more than a cynical power grab, is actually somewhat more complex, explaining the peculiarities introduced in the rules (Renwick, Hanretty and Hine, 2009). Furthermore, the new proportional rules would remove the incentives for intraparty competition, fostering much more nationally-focused campaigns; this is thought, in Italian politics, to give the advantage to the centre-right, as the centre-left performs more impressively when the focus is at the local level (Mastropaolo 2009; Campus 2006; Bellucci 2008). The increased emphasis on parties—which nonetheless were pressured by thresholds and other incentives to join coalitions—was thought to be part of an effort to divide and conquer the centre-left (Bellucci 2008, Bull and Newell 2009). Yet each party in the governing coalition had its own reasons for supporting reform, and balancing these various interests was necessary for Berlusconi to get the new rules in place, making this more of a Shugart-and-Wattenberg-style reform in which the elites behind the process could not simply go ahead and act solely in their own interests.

While fragmenting the opposition may have been on the minds of the elites crafting the reform, it is safe to say that reform of this sort was not on the minds of the public. Certainly the opposition was vehemently against the reform, and while the public was somewhat more restrained in its view, there was no major public push or support at all for any sort of electoral reform, and what hotspots of support did exist would likely have been confined mainly to the COREL/CRM bandwagon (Renwick, Hanretty and Hine 2009). This core of opposition to the 2005 reforms would attempt to undo the changes, thus at least taking them back to the post-1993 level of unfinished business, and in 2008 three proposals would achieve sufficient support to be the subjects of referenda.

Two were intended to remove the “majority prize” rule and a third would have disallowed politicians from running for multiple offices at once (Bull and Newell 2009). None of these referenda saw the required level of turnout for the result to be declared valid, and failure to agree on a strategy for electoral reform was among the factors in the disintegration of Prodi’s governing coalition in 2008 (Bull and Newell 2009, Mastropaolo 2009). Strong antipathy to the 2005 rules seems to be confined to opposition benches and political science circles (Masseti 2006).

The various phases of this period would feature both elite and grassroots attempts to change the electoral rules; essentially, the years since 1993 have represented a long, fruitless non-elite (at least, to the extent that Mario Segni and COREL can be considered different from the usual suspects where elites are concerned) campaign for reform. This long campaign has been punctuated by referendum failures and one out-of-the-blue elite reform that did not save the government that enacted it, but the results of which have been impossible to dislodge so far. That said, the “grassroots” side of the campaign to finish what was started in 1993 cannot boast extensive public support at all, given that it keeps losing referenda thanks to low turnout. Meanwhile, the worst consequences the 2005 reformers faced was the loss of an election they were going to lose anyway.

As such, this is simply a twist on the classic elite-imposition model, in that the only real obstacles Berlusconi faced came in the form of varying demands from his coalition partners; at best, this is elite-elite interaction, with nary a place for the “mass” part of the equation. Meanwhile, the ongoing efforts to move closer to the plurality end of the spectrum and solidify the growing bipolar tendency in the party system would be frustrated again and again as nothing approaching the crisis atmosphere of 1993 would resurface to pressure politicians into the sort of elite-mass interaction that happened back then. Not only was COREL’s remarkable 1993 success not duplicated by its successor the CRM, but after the years spent in the wilderness, they and other proponents of plurality rules were taken essentially back to square one by the reforms of 2005. And while electoral re-reform seems to be an engaging question for academics and for politicians at a disadvantage under the new rules, it no longer captures the public’s imagination with any reliability at all (Fabbrini 2001).

In terms of the typical reform package, the 2005 reforms were more than a little strange. Adding in rules to guarantee the largest parliamentary player an absolute majority seems odd when the electoral system was already on the verge of being a pure plurality institution. If the goal had always been a clear majority in both chambers (and that the chambers should match), then the simplest solution ought to have been adopting SMP in both. It would be misleading, however, to assume that the goal was in fact clear majorities election after election. In fact, the various parties in Berlusconi's coalition responded to their upcoming electoral drubbing differently, each forming its own position on what reforms ought to be enacted. Keeping them happy required Berlusconi to formulate what appears to be a convoluted reform package, but one which served the competing interests of those elites who actually had a say in what was going to happen. Meanwhile, we can look separately at the aims of conventional reformers between 1993 and 2005, and then between 2005 and the present. While their efforts post-1993 have been characterised as attempts to "complete" the reforms executed in 1993, since 2005 their aims have been restricted mainly to undoing what Berlusconi's administration did (Renwick, Hanretty and Hine, 2009; Fabbrini 2001).

What would have constituted "completion" of the 1993 reforms? As noted repeatedly above, the basic aim in 1993 was to end *partitocrazia* and permit the evolution of a stable, bipolar—if not outright bipartisan—party system, with clear majorities and alternation in government. It is hard to imagine a situation in which SMP could not deliver results like this, though the pressure on reformers to retain at least some sense of continuity with old rules (Rahat 2004) combined with the complex environment in which the final 1993 reforms were crafted and the limitations of abrogative referenda ensured that the switch to plurality rules was not total. As noted in the previous chapter, more than a vestige of proportionality remained, with a quarter of each chamber of the legislature populated using a proportional ruleset. Again, as discussed above, repeated efforts were made to eliminate these last remnants of proportionality and establish electoral institutions based almost entirely upon plurality rules. While the end goal of something like SMP was very, very close, it ultimately proved elusive. Berlusconi himself had played a role, advocating mass abstention from voting in the referendum, and

whether his appeal was or was not the reason behind the low turnout,¹ it appears he got his way (Fabbrini 2001).

Berlusconi's not-quite-power-grab, which it bears repeating did not save his administration, was a different beast. Let us consider the various pressures exerted during the design process before looking at the rules themselves. De Virgilio and Kato (2011) argue that the administration had three goals. First, hedging bets as Mitterand had done two decades before in France, because proportional rules would mitigate the severity of a defeat by ensuring the winner would take less. Second, the two major coalitions had performed differently in different parts of elections under the 1993 rules; as noted earlier, it was believed the centre-left competitors did better in the smaller districts, whereas the centre-right competitors did better in the PR portion of the elections. Thus, knocking out the part of the election where his antagonists performed best would have given Berlusconi and his allies a second advantage. Third, a change in how seats would be distributed to minor coalition partners would give larger parties an advantage against would-be kingmakers in a pre-electoral coalition. Paradoxically, small parties would end up being able to wield more power within coalitions under some circumstances (Giannetti and Thies 2011). And interestingly, at one point—even having these various pressures and goals in mind—Berlusconi asked Romano Prodi, head of the centre-left coalition that would go on to defeat him in 2006, if they could come to an agreement on a reform package to be forwarded by both sides in order to eliminate the remaining proportional seats from the system (Masseti 2006).

While these might represent Berlusconi's own goals or those of the administration as a whole, smaller coalition partners than *Forza Italia* had their own various interests that would need to be satisfied in order to get a reform completed before the looming 2006 election. While bipolarity would have served Berlusconi just fine, his ideal reform would limit the power of minor parties but also their independence in the absence of an electoral coalition, thus promoting a situation where centre-right parties would unite

¹ Also playing a role was the presence of several other rather involved referendum questions to be voted on at the same time; voters may simply have been suffering from referendum fatigue.

under his own leadership; meanwhile, the far-right *Alleanza Nazionale* (AN) risked electoral isolation in any return to the centripetal competition that had existed in the pre-1993 “hyper-proportional” system, the *Unione dei Democratici Cristiani e dei Democratici di Centro* (UDC, formed from the ashes of the old DC) would have benefited most from centripetal competition, and the regional *Lega Nord* would have been threatened by any system that punished regionally-concentrated parties (Massetti 2006, Renwick, Hanretty and Hine 2009). Massetti (2006) describes the final proposal as both a plan for electoral competition and a truce agreement among the various members of Berlusconi’s coalition. Thus, a set of rules that hedged bets as well as would pure proportionality, yet continued to foster bipolarity, would be an acceptable compromise that still got Berlusconi most of what he wanted and avoided what he didn’t want, namely the disintegration of his electoral coalition.

What was the nature of this institutional compromise? In the simplest terms, it has been described as *una porcata*, a “load of crap,” even by one of the senators in Berlusconi’s own coalition responsible for designing the new system; it was a rush job intended to pre-empt any effort at electoral reform through yet another abrogative referendum (Brown 2008). Renwick, Hanretty and Hine (2009) note the difficulties some minor coalition partners had in holding out for a more coherent system more in line with what they wanted. They needed the coalition badly enough that they could protest only so much. As a result, proportionality and bipolarity were balanced with an interesting fudge, and unsurprisingly, Berlusconi, playing the long game in order to set himself up for another shot after 2006, “successfully manipulated the situation to ensure that it was he who gained most” (Renwick, Hanretty and Hine 2009, 445). The SMP portion of elections was eliminated outright, and closed regional lists were restored; full proportionality had returned. National thresholds were passed at 4% of the popular vote for parties, and 10% for coalitions, with a special threshold of 2% for any minor party part of a coalition that received 10% (Massetti 2006, Bull and Newell 2009, Giannetti and Grofman, 2011). Finally, if no parliamentary coalition reaches a majority of 340 seats, or approximately 54%, bonus seats will be awarded to the largest one until it reaches such a level (Giannetti and Grofman 2011). This last rule, the so-called majority prize, introduces that curious element of majoritarianism into a system that would otherwise be

an unremarkable variant on proportional representation. The various attempts at undoing this reform and reestablishing the previous progression towards plurality were restricted to unsuccessful referenda to remove the majority prize in both houses, and to disallow multiple candidacies, a particular facet of the rules that allowed for gaming the system. While reform remained controversial, coordination to remove the *porcata* and return to the still-unfinished efforts to complete the 1993 reforms would prove an intractable challenge.

Time	Event
1996	Prodi's Olive Tree coalition defeats Berlusconi in legislative elections
1999	Referendum to add majoritarian features to electoral rules fails
2000	Referendum to remove proportionality from electoral rules fails
2001	Berlusconi's House of Freedoms coalition wins legislative elections
2005	PM Berlusconi, facing electoral defeat, returns to proportional rules
2006	Berlusconi loses power to Prodi again in legislative elections
2008	Berlusconi's coalition wins power yet again in legislative elections
2009	Three referenda fail to undo provisions of the 2005 reforms
2013	Portions of Berlusconi's 2005 electoral rules declared unconstitutional

Figure 20: Timeline of Electoral Reform in Italy (continued)

4.1.2 Legitimacy

Renwick, Hanretty and Hine (2009) suggest that “it is unlikely anyone in the Berlusconi coalition adopted the electoral reform cause in order to woo voters” (441). The elite reforms of 2005 did not require much consideration of the public beyond knowing what they would find completely unacceptable, and conjecturing how they might behave electorally under the new rules. The surrounding efforts at reform, however, did feature some degree of public input. This is true even in the simplest sense that a certain number of signatures would be required every time prospective reformers tried to take a proposal to the Constitutional Court for inclusion in a referendum. Broadly speaking, the pre-2005 reform efforts—those dedicated to continuing what was started in 1993—featured the same support base as before, most notably in the CRM, the next

iteration of Mario Segni's COREL. The groundswell of support that enabled them to get their 1993 reform package past the final referendum hurdle, however, would not show up again in 1999 or 2000. This remained a reform effort that never made it past the "initial supporters" stage in Renwick's (2010) rubric. Indeed, even into the late 2000s when the emphasis shifted from finally finishing the transition to plurality and bipartism on the one hand to simply undoing the damage Berlusconi had done in 2005 on the other, public support was difficult to muster. Meanwhile, public opposition to Berlusconi's reforms was equally muted; his administration used the same trick Mitterand pulled in 1985, and not only got away with it, but clearly expected that they would (Renwick, Hanretty and Hine 2009).

As a result, it is difficult to assess input legitimacy in this case as being very high for either main phase, as one reform path never managed to get the public onside, and the other path didn't require any thought to be put into doing so. It is probably pushing things to suggest that the Italian public has become as inured to electoral reform shenanigans as has the French, but it seems fair to say that there is at least some voter fatigue behind this continuing unwillingness to get riled up over electoral systems one more time in a country where the electoral reform debate has not gone away in two decades. Thus, the most input legitimacy any of these efforts seems to have had beyond the committed few true believers who turned out for referenda is a rousing endorsement of "whatever."

As was the case with input legitimacy, the output legitimacy afforded to either reform effort in post-1993 Italy is roughly equivalent; nobody really cared that much. Renwick, Hanretty and Hine's (2009) comment regarding the permissiveness of the public mood seems once again instructive. Any dissatisfaction at the nature of the process that got the referenda in motion seems especially low-key, as the worst opposition raised to them was likely that articulated by Berlusconi and his party when they asked voters simply to do something else (which, it seems, worked). Berlusconi, of course, was in an interesting position of straddling multiple spheres of eliteness—he ran a media empire in addition to his political role. It appears this stood him in good stead in terms of his potential to chip away at output legitimacy by actively promoting apathy and disengagement. Even referenda whose purpose was plainly the undoing of (mildly)

controversial reforms that had just been enacted served to attract insufficient interest; given a direct opportunity to roll back the strangest part of the 2005 reforms, they continued to abstain *en masse*. Not that any of this mattered; output legitimacy had not since 1993 made any difference in whether an electoral reform saw its way to implementation in Italy. And so a set of reforms described by one of its own designers as a “load of crap” persists.

An interesting comparison exists with the fallout after the French reforms of 1985. While they, too, were insufficient to save the government that passed them, the French reforms were repealed more or less immediately by the next administration, secure in its ability to do so. Prodi’s administration, though, would never be able to settle on a viable plan for electoral reform before its collapse in 2008, which in fact was complete around the time the 2008 referenda were approved by the Constitutional Court, and months before the ballots were actually cast (Davis and Scherer 2008). Interestingly, bipolarity survived a return to proportional rules, as the various minor rules provided strategic incentives to coalition but preserved some profit in individual terms for parties that coalesced. And while Prodi and the centre-left were victorious in 2006, as with their unwitting antecedents in 1980s France and even Berlusconi’s own coalition, they could not escape the simple facts of electoral results—in the years since centripetalism gave way to incipient bipolarity, the centre-right’s advantage in Italy had been clear, and Prodi’s 2006-2008 administration was almost a blip in comparison. That said, the literature does indicate that the party system continues to evolve even as the bipolar structure continues to solidify (Scheiner and Tronconi 2011, Campus 2006, Bellucci 2008, Renwick, Hanretty and Hine 2009, Giannetti and Grofman 2011).

Input Legitimacy Scorecard	
Citizen Participation	Low/hard to categorise (most participation in this period is limited to abrogative referenda that would have forced further reform)
Citizen Participant Autonomy	None
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	Low/medium (Berlusconi fostered apathy in the first referenda and turnout rarely was high enough to make results valid)
Media Coverage	High (criticism of Berlusconi's reforms was most common among media and academic observers)
Volume of Discussion	Medium/hard to categorise (most discussion was confined to elite observers, public tuned out)
Final Output Legitimacy Score	Low

Figure 21: Legitimacy of Electoral Reform in Italy (continued)

4.1.3 Effects

The successful reforms in New Zealand, Italy and Japan are as instructive as the long periods of stasis surrounding them—exceptional circumstances are needed to secure electoral reform. The crucial nature of public engagement for essentially any sort of reform except an elite imposition is clear, and the distinct advantage furnished elites engaged in such an effort by a quiescent or apathetic public is equally clear. It is entirely possible that levels of political fatigue in Italy taint with cynicism not only their perceptions of day-to-day politics, but also their perceptions of the high-stakes politics of institutional reform. A silver lining, however, for the aspirations of the reformers of 1993 is that a bipolar tendency has asserted itself in the still-changing Italian party system, and proven difficult to dislodge even with a return to more or less full proportionality. Alternation in power, too, has become the norm, so that at least on the broadest possible

scale, the reforms of 1993 have succeeded (Sanchez 2002, Katz 2006, Massetti 2006, Mastropaolo 2009, Giannetti and Grofman 2011, De Virgilio and Kato 2011).

Eurobarometer (2014) data collected between 1999 and 2001, the “hot zone” for renewed reform referenda, are presented below along with the last available Eurobarometer measurement for satisfaction with democracy, collected in 2004. The table² shows a monstrous spike in 2000, which may have more to do with electoral results than anything else, but the overall trend appears to be general satisfaction, suggesting that perhaps Italians had really had it with debating electoral reform options by the turn of the millennium, but were still not happy with the system as it stood.

Date	Very satisfied	Fairly satisfied	Not very satisfied	Not at all satisfied	Don't know
04/1999	2%	32%	41%	23%	2%
11/1999	3%	24%	46%	24%	3%
06/2000	8%	61%	24%	7%	1%
01/2001	3%	33%	46%	16%	2%
11/2001	3%	35%	47%	12%	2%
04/2004	3%	32%	40%	21%	3%

Figure 22: Satisfaction with Democracy in Italy, 1999-2004

One can hardly blame the Italian public for its abysmal “very satisfied” numbers year after year, but the majority in all instances except June of 2000 is dissatisfied, a good chunk of it profoundly so. Interestingly, about a third of Italians (excepting the dip in late 1999 and the spike in 2000) could be relied upon to be fairly satisfied with democracy, which may reflect unwillingness to tinker further with the system rather than real approval. From a public as cynical as Italy’s appears to have been during these years—and with myriad reasons to be so—this seems par for the course. Since Italian politics through these years were rife with larger-than-life political personalities and punctuated by changes in government composition, it is easy to see how some of the variation shown

² Data are reproduced in this form with permission (European Union, 1995-2010).

above can be ascribed to election outcomes and the exit of unpopular politicians along with the end of their legislative agendas. The spike in satisfaction in June of 2000, seen above, shortly follows the replacement of the pro-reform Massimo D'Alema with Giuliano Amato in the office of Prime Minister. That sort of event appears necessary to move the needle on satisfaction with democracy away from the seeming status quo of dissatisfied apathy.

In terms of how this case proceeds through the model, we can see that the periods of stasis are indeed easy to explain, but note that the changes of 2005, though it may be superficially appealing to attempt to explain them in terms of power-seeking, have been shown to be a little more complex than that (Renwick, Hanretty and Hine 2009). Both before and after 2005, the ultimate veto player turned out to be a public that was not interested. In 2005 the only potential veto players were within Berlusconi's coalition, and he managed to bring them together with just the right mix of reforms, *porcata* or not, to keep them onside long enough to get the reforms passed and make his return in 2008 that much easier to achieve. While it may be tempting to cast Berlusconi in the role of mastermind, it is clear that this strategy was full of risk and uncertainty and could easily have backfired on him (Masseti 2006). Yet until 2013, when the *porcata* was ruled unconstitutional (Consiglio and Jones 2013),³ Italy continued to hold elections under the rules he fudged together, which may be more a lesson about just what elites will agree to under duress than anything else. Meanwhile, the public's trust in its democratic institutions is, as it has been for so long, an afterthought.

³ The ruling was not made retroactive. The winner's bonus, or "majority prize," was ruled unconstitutional, as was the option to vote for individual deputies—Italy will thus return to using party lists.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Brief bump at the turn of the century before returning to widespread moderate dissatisfaction
Public Reaction	Public appears tuned out in large part
Media Reaction	Focused on need for electoral reform while public is not
Post-Reform Discussion	Generally cynical but apathetic
Final Effect Score	Negative

Figure 23: Effect on Quality of Democracy in Italy (continued)

4.2 LAST PAST THE POST: BRITAIN, 1997-2010

4.2.1 Background

It is all too easy to consider Britain to be the baseline case when discussing Westminster political systems—that is where Westminster is. Its voting rules, to borrow a phrase from Dunleavy and Margetts (1999), constitute the “source code” of plurality voting systems. In reality, Britain’s parliamentary system has responded over the years to the various pressures on it just as the other Westminster parliaments based on it have done. It would be fair, however, to characterise Britain’s electoral rules as among the most resistant to change of any of the Westminster countries, even though every modern debate on electoral systems can legitimately cite Bagehot and Mill’s debate over which voting rules to use in this system as part of its intellectual lineage. Why, if the British political system is indeed capable of adapting to various other pressures, are plurality rules so hard to dislodge?

Britain suffers from no shortage of homegrown advocates of electoral reform, and is not bereft of examples of Westminster parliaments that can function using non-plurality electoral rules—Australia, New Zealand, Ireland and Malta come to mind. Even within the United Kingdom itself, some regional or local elections—as well as those to the European Parliament—are conducted with proportional or hybrid rules. The scholarship on these systems in action, and even in transition, is voluminous. Certainly the academic groundwork has been laid for a successful reform process; does Britain’s failure to seal the deal on electoral reform for its general elections lie in its not having

experienced a recent crisis of representative democracy, or some other factor that prevented a full shutdown of veto players?

Like New Zealand, Britain has experienced a pendulum of majority governments with stark ideological differences over recent years, and especially during the 1970s and heading into the 1980s. The British voter is no stranger to throwing rascals out nor to the policy zigzag that can result from alternation in power, and when “New” Labour ended the long Conservative dynasty in 1997, its campaign promises included forming a commission to study the potential for a change to proportional electoral rules (Labour Party 1997). To be fair, New Zealand did change governments in the 1980s where Britain did not, but the potential effects of a winner-take-all electoral system would still have been obvious. A key difference is that New Zealand’s voters got something they did not bargain for when Labour was forced to shift its economic policies sharply to the right, whereas Margaret Thatcher’s Conservatives were much more predictable in terms of ideological consistency, and maintained office much longer. And while breaking a campaign promise anywhere can be dangerous, New Zealand is, as described in the previous chapter, an unusually poor place to do such a thing—voters in other countries are not quite so apt to punish an administration that cannot keep its promises. As such, we should keep in mind that a crisis of confidence in democratic representation of the sort seen in the previous chapter was simply not in play in this case.

Yet Britain has started down the path of electoral reform multiple times in the past; herein we will consider the Jenkins report of the 1990s and the reforms it failed to trigger, and then the more recent proposal to adopt the Alternative Vote, advanced under the Conservative/Liberal-Democratic coalition of David Cameron and Nick Clegg and defeated in a public referendum. While the results (a modified version of the Alternative Vote called “AV Plus”) of the Jenkins Commission were allowed to gather dust for about a decade, a weak catalyst for renewed attention to voting rules can be identified in Labour’s historically-slim plurality win in 2005 (Independent Commission on the Voting System 1998, Electoral Commission 2005). Again, as seen in New Zealand, sometimes there is continuity to be found between two seemingly separate reform efforts that are, after all, linked by a common academic lineage, in this case a report that was shelved and

ignored for years until its utility as a commonly-accepted standard for reform became clear during a time of disagreement over what path reform should take.⁴ Thus, while the two periods during which attention was paid to electoral reform seem separate and are in fact a decade apart, clear start and end points are harder to identify with a process that ended not with a bang but a whimper, and the reliance of the second process on at least some politically “safe” aspects of the Jenkins proposals makes this more like a single, long reform process with two distinct phases. In neither phase did the latter half of “elite-mass interaction” achieve the sort of critical mass, if the phrasing may be pardoned, required to bypass veto points by making it politically inexpedient to oppose the reform, and at any rate the eventual proposal could not survive a date with the electorate. The parties’ positions can be explained much more plausibly by rational self-interest, at any rate, since this is a case which ends in stasis and not change (Rahat 2004).

Given the unique nature of the Jenkins proposal, which was a hitherto-unprecedented two-vote mix of AV (which the Commission saw as inadequate on its own) and a compensatory regional list system, one might expect reaction to the system to be as mixed as the system itself (Independent Commission on the Voting System 1998). The Commission’s broad mandate allowed it to consider any system or any hybrid of systems that it considered suitable; this permitted the recommendation of a hybrid system capable of delivering only moderate proportionality. Thus, the proposal’s path through this study’s framework is complicated by a number of edges that could catch on veto points, so to speak. While a successful reform is often a combination of continuity and change, as we have seen, a poor combination simply contains too much veto bait and is difficult to promote, especially to a public not intensely interested in changing the electoral rules in the first place.

Perhaps unsurprisingly, this is an elite-centric process with limited public input. Public submissions were taken and meetings held, in the manner typical of a Royal Commission, but the panel was all elites (Independent Commission on the Voting System

⁴ As seen in the previous chapter, having a common document or plan with broad-based support to point to as a benchmark can be quite useful, as with the “photocopy solution” in Italy or the Royal Commission’s 1984 report in New Zealand.

1998). As a result, we must view the input legitimacy of the process much along the lines we would that of any other process based on such a commission, with New Zealand being only the most obvious analogue. In time, the role of the public in the process would go from tangential to critical, as a referendum became the “obvious” final arbiter of whether the proposal would be implemented. Labour had insisted since the Jenkins report was tabled that a referendum would be necessary before implementation, which a cynic might consider simply an effect of having spent time in office (Bogdanor 2011b). While merely floated as a potential step in successive New Labour campaign documents, it would by 2010 be outright promised, though by this time the full Jenkins proposal would no longer be on the table. And in fact, the referendum would be a measure too of output legitimacy—whether people bought what the reformers were selling. This, along with veto players uncertain about how the unprecedented AV Plus system might have worked, may have been responsible for chipping away some of the complexity in the original proposal and reducing it to the simple “AV or SMP?” choice offered voters in 2011. What remains to be seen is just how much of the eventual failure rests in the referendum loss—which, to be fair, constituted failure to fulfil a necessary condition—and how much of that result was precipitated by the less-than-spectacular process. In other words, this may be a case of voters saying no, or it may be a case of voters simply not caring very much or being particularly impressed with the range of alternatives (i.e., one) on offer. Reform-minded individuals with a predilection for proportionality would thus have a difficult coordination decision to make, eased only by their long experience of holding their noses while making choices under SMP.

It is not possible in this case to point to a typical watershed event, such as a corruption scandal or wrong-winner election, that might have directly or indirectly pinned the ills of democracy on the voting system. Britain had not since 1974 seen a wrong-winner election, and very little else had happened that might raise people’s eyebrows with respect to SMP’s performance. The best indication we have of why this became an issue worthy of study by a commission in the first place is that it was a New Labour campaign promise in 1997. While it is possible the party’s leadership might have seen this as a way to avoid spending another two decades in the wilderness as they had during the Thatcher and Major governments, it is also likely that its inclusion was at least in part

calculated to attract voters disaffected with a long period of one-party dominance, which itself was potentially exacerbated by a persistent split of the left-wing vote perceived as permitting Conservative majorities to come up the middle (BBC News 2001).

Incidentally, the commission provision was included in Labour's election platform as a result of a pre-election bargain regarding constitutional change with the Liberal Democrats, though Labour had been promising a referendum on electoral reform since 1993 (BBC News 1998, Gay 1998). And this recent iteration of the debate was in part made possible by changes in Britain's party system in the 1970s that saw the rebirth of a third party (Gay 1998).

That said, the debate only really gained traction at either the citizen or elite level among a few people who actually paid attention to electoral systems as a political issue. This seems on the surface to be a classic case of a debate among reform "nerds" who were much more interested than were typical citizens; "although opinion poll after opinion poll has indicated public support for some kind of proportional representation, relatively few people get sufficiently hot under the collar over the issue" (BBC News 1998). Even though, as Bogdanor (2011b) notes, a long-lasting administration was brought low by scandal, promoting criticism that the political system was broken, electoral reform never really became the sort of panacea seriously considered by a large enough majority to force the issue. Thus, we have Renwick's first condition but a difficult path to the second one—no real public crisis about the unfairness of the electoral system ensued, despite the infelicities of SMP in dealing with a multiparty system, which had been on display since the 1970s. And with only the third party ever openly supporting the Jenkins proposal,⁵ momentum would be difficult to build, and indeed no government would be pushed into moving further until a hung parliament about a decade later permitted electoral reform to resurface as a bargaining chip in coalition formation.

Oddly enough, a broad view of the reform process as it played out over the last few years before the referendum shows elements of both the Benoit/Boix/Colomer school

⁵ This is unsurprising, since projections of possible election results under AV Plus suggested that the Liberal Democrats would be well-positioned as "kingmakers" in virtually any electoral scenario (BBC News 2001).

of thought and the Shugart and Wattenberg school; historical contingency and the politics of the time permitted the Liberal Democrats to wheedle the Conservatives into accepting their request to go ahead with a reform the Conservatives did not actually want, but that would have improved the parliamentary standing of the Liberal Democrats—a political contingency resulted in a proposed system that would have meant seat-maximisation (or at least a few bonus seats) for one party but was simply a forced hand for the other. The referendum, however, gave the Conservatives an escape hatch; they would not be forced into supporting and then enacting electoral reform, but merely allowing the process to proceed to the referendum stage. At this point, the parties found themselves in positions reminiscent of those of New Zealand's parties in the run-up to their electoral reform vote. And, as we will see when discussing failed grassroots reform efforts, silence can be a powerful weapon during such a campaign; the Conservatives were not bound to support the reform proposal, and indeed not bound to take a position at all (though they would campaign for the No side, with Labour being the only major party not to state a preference). As a result, the causal chain led merely to an opportunity for reform, and attention must be paid to whether other factors helped the No side win the referendum.

Among the potential reform killers are the usual suspects of time and apathy, and both were present to a large degree. The effects of time were partially negated by the way coalition negotiations catapulted electoral reform back onto the agenda, but in a way, we may see this as giving the issue “false” relevance, since it was not on the public's radar; the time problem remained in that it had been many years since the last very disproportionate electoral result, and complaint had been minimal at any rate. The performance of SMP in Britain in the years leading up to the referendum had simply not been of the sort British observers would classify as anomalous (Renwick 2012). While elite intransigence had already been responsible for the time problem, it had been reinforced by public apathy, and elites had no reason to believe that this time, they might really be in trouble if they did not hop on the reform bandwagon. When matters came to a head during the May negotiations between the Conservatives and Liberal Democrats, the former felt completely self-assured in offering the latter a suboptimal choice (only one, and not the preferred one, nor one with much prior art affording it legitimacy and credibility as an alternative) of electoral systems to be put to the people. This leads us to

the final reform killer, and perhaps the one holding the smoking gun in this case: coordination failure. The “AV or nothing” nature of potential reform, as opposed to the one-two punch of a consultative and then a binding referendum in New Zealand, left pro-reform voters and elites of whatever political stripe with a tough choice to make. Their perceptions of whether, win or lose, this would be it for electoral reform for the next few decades (as opposed to jumping from AV to AV Plus or STV at some point in the future) would complicate the decision to vote Yes or No. In a way, one of the biggest problems reformers saw with SMP—that the voter is forced to collapse many choices into one—was also present in this referendum, and the result would taste about as sour to a PR advocate as do typical SMP election results.

While some effort was made to add grassroots input to assuage concerns of elite-centrism, it is fundamentally a blue-ribbon panel that determined the proposal for reform; not only this, but the Jenkins Commission was staffed by a collection of elites particularly interested in reform, many of whom had advocated it for years (BBC News 1998). Roy Jenkins, also called Lord Jenkins of Hillhead, was joined by Baroness Joyce Gould, a peer sitting with the Labour Party; Lord Robert Alexander of Weedon, sitting with the Conservatives; Sir John Chilcot, a veteran civil servant; and David Lipsey (now Lord Lipsey), a journalist, Labour party stalwart, and electoral reform advocate (Independent Commission on the Voting System 1998). Had the reform succeeded in the end, it might usefully be termed elite-mass interaction, if for no other reason than because the “mass” part of the formula was embodied in the referendum. Unlike many successful reforms, though, the mass input did not go much further than this, and again, the sort of crisis which could make opposing (or even failing to support) reform into a political liability never materialised. Thus, the failed nature of the reform colours how we perceive what sort of reform it was.

As noted, the panel had a fairly broad mandate to consider systems, and their goals were simple but encompassed a lot: “broad proportionality,”⁶ stability of government, more voter choice, and maintaining the link between voters and parliamentarians (Independent Commission on the Voting System 1998, Gay 1998). This is much like the considerable leeway offered to New Zealand’s own commission; any system could be chosen, or alternatively, components of multiple systems could be cobbled together in any way. The choice of a novel solution, AV Plus, is an example of the need to ensure a new system changes enough, yet maintains enough continuity with electoral traditions, to satisfy anyone who could block the reform (Rahat 2004).

In terms of prior art, there is some precedent in Britain for the use of proportional systems, specifically mixed or “additional-member” systems (Dunleavy and Margetts 1999). The commission’s four main goals provided specific incentives; while the broad proportionality requirement could be satisfied in any number of ways (parallel voting, a compensatory system, increased district magnitude, and so on), the other goals would have curtailed the otherwise vast field of choices. Stable government can mean a lot of things, but the panel specifically noted that frequent (if not constant) coalition government could not be construed as instability. Germany is cited as an example of a system with a large proportion of top-up membership and a high degree of proportionality, yet which does not suffer from instability. That said, the stated aim to avoid permanent coalition and allow single-party majorities when electoral landslides occur dovetails nicely with the requirement for some proportionality, but not total proportionality (Independent Commission on the Voting System 1998). Expansion of voter choice can likewise mean a lot of things, from permitting proliferation of parties to soliciting more than simply a tick mark from the voter every four years or so. A two-vote ballot would permit ticket-splitting, so that voters could make a constituency vote for a candidate and a list vote for a party instead of collapsing these considerations into one choice and being forced to hold their noses when making it. Preference ordering is

⁶ The Liberal Democrats had, in their earlier dealings with Labour, advocated simply “proportionality” as a goal, and Labour had agreed, but when Labour took power and set the terms of reference for Lord Jenkins *et al.*, they qualified this somewhat.

another way to solicit more information from the voter and offer more choice, and the Commission recommended it for both the single-member district vote (thus making the base system AV) and the list vote (the panel even goes so far as to advocate *panachage*). Finally, the requirement to maintain the MP-constituent link is clearly embodied in the persistence of single-member districts in the final proposal; the panel considered STV, but believed the eventual AV Plus solution to be superior in this regard.

Why did the Commission choose a hybrid system? And why such a strange combination? The Commission refused to recommend AV on its own because of concerns that disproportionality (a hot topic in 1997 after the vote distortion in the election that brought Tony Blair to power) would not be assuaged, and might even be exacerbated (Gay 1998). They also noted that a “pure” system of the types available would either fail to meet the proportionality requirements or fail to maintain the geographic link to one’s MP. Thus, some manner of single-member district system would have to be paired with a top-up mechanism, which itself need not be used to populate a large portion of the House in order to achieve an acceptable level of proportionality (Independent Commission on the Voting System 1998). Indeed, the Commission noted that pursuing something close to total proportionality would in fact make it impossible to give due consideration to the other goals. Therefore, a single-member system that nonetheless abandons plurality rules for majority rules and preference ordering was combined with a small group of compensatory seats (ideally to be elected through list rules that permitted preference ordering also) in order to fashion a solution that delivered proportionality and enhanced voter choice, yet retained the territorial link between voters and parliamentarians and did not threaten stable government. As technical compromises go, they could have done far worse.

Veto points, however, may beat a proposal into a different shape than it was in when the process began—that, or the proposal may simply not survive the gauntlet. The first test AV Plus faced was time; Blair’s Labour government continued to promise a referendum on electoral reform somewhere down the road, but did not appear to be taking any action to make it happen, nor did it seem to pay any attention to the Jenkins report after its completion, responding only when prompted by insisting the results would have

to be put to the people at some point (Bogdanor 2011b). As with the New Zealand RCES report, this one would occupy bookshelf real estate for years before being resurrected as the go-to plan once reform became popular again, though the stubbornness of voters and reformers in sticking to the proposal as written despite the best efforts of opponents would not be seen in the British case. As noted above, the Jenkins proposal would not survive to be put before the people, as later political considerations forced a compromise on a somewhat lower common denominator, namely simple AV, without the Plus.

The second phase of reform comes with the 6 May 2010 electoral defeat of Gordon Brown, Tony Blair's successor as Labour leader and Prime Minister. A hung parliament was the immediate result, and a coalition between David Cameron's Conservatives, who had won a plurality of seats, and Nick Clegg's Liberal Democrats, who had third-party kingmaker status, was the eventual result, though it took a few days of negotiations to sort out (BBC News 2010a, Electoral Commission 2010). The lesser ability of reform supporters to coordinate in this situation than that of New Zealand's reformers in theirs begins to come into play here, but really, the final proposal put to the people hinges mainly on what the Conservatives and Liberal Democrats could agree on in the process of forming a governing coalition. Talk of decaying democracy, a broken system, and the need for electoral reform was in the air, but it did not begin to approach the intensity of the analogous chatter in Italy back in 1993 (Bogdanor 2011b).

That the coalition took a few days to be resolved bears upon the eventual agreement regarding what to do about electoral reform. While Labour had by this time explicitly included a referendum on electoral reform in its platform, the system proposed had become simple AV, not the AV Plus solution recommended in the Jenkins report, and this was not sufficient to distinguish it on this point from the Liberal Democrats and Conservatives. The former had been pushing for reform for some time, but was not forthcoming about whether a referendum would be a coalition dealbreaker, and the latter had at least articulated receptivity thereto (BBC News 2010a, 2010b). Labour's decreasing potential as a coalition partner over the five days between the election and the coalition agreement would become apparent, and when on 10 May Brown promised to resign later in the year as a result, the Conservatives sweetened the potential deal for the

Liberal Democrats by moving from mere receptivity to reform to an offer of a binding referendum on AV (BBC News 2010b). Labour would counter-propose instituting AV first, and then seeking retroactive referendum approval, but this would come to naught.

Meanwhile, pressure group 38 Degrees—self-described as referencing “the angle at which an avalanche happens”—organised a protest and urged Clegg not to back down on reform and to push for proportionality, as they had when advocating STV in their election manifesto. Clegg later addressed the crowd after receiving their petition (The Telegraph 2010, Bogdanor 2011a, www.38degrees.org.uk). On 11 May, Brown made his resignation immediate, and things began to happen very quickly. The ensuing agreement between the coalition partners, announced later, committed the new government to a number of reforms, including fixed-term elections and a 55% parliamentary threshold for early dissolution, as well as a whipped vote on the part of both parties to pass a bill enabling the referendum on AV to go forward (The Guardian 2010). Parties would still be free to articulate their own positions during the referendum campaign. The Liberal Democrats characterised this as a first step on the path to proportional representation, whereas the Conservatives opposed change vociferously, making it an interesting irony that their coalition agreement may have hinged on a proposal that could end with the adoption of an electoral system neither party particularly liked (Bogdanor 2011a).

Time	Event
1997	Labour wins legislative majority; platform includes electoral reform
1998	Jenkins Report released recommending mixed “AV Plus” system
1998-2010	Labour periodically promises referendum on reform
6 May 2010	Conservatives win plurality and seek coalition partner
10 May 2010	Liberal Democrats join coalition in exchange for referendum on AV
May 2011	No side wins binding referendum on adopting AV
May 2015	Conservatives win legislative majority, LibDems take fourth

Figure 24: Timeline of Electoral Reform in Britain

4.2.2 Legitimacy

As has been typical with the sort of public inquiries discussed in this study, the Jenkins commission did attempt to counterbalance its elite-centrism with public

consultations. For reasons discussed above—mainly that nothing had put electoral systems on the public’s radar⁷ quite like what happened in Italy, or New Zealand, or even British Columbia—these meetings did not feature high turnout, and frequently were dominated by people who were already “true believers” for one side or the other (BBC News 1998). The pressure never reached a level sufficient to compel action from a sitting majority government with the luxury to do what it wanted, perhaps because the Liberal Democrats’ preference for STV, the public’s broad preference for something proportional, and the Conservatives’ preference for stasis (or at most, AV) made coordination difficult; there were too many flags around which to rally (Bogdanor 2011a).

As a result, successive administrations without much interest in reform were left with a document that simply could not command the legitimacy and stubborn support that its Kiwi counterpart could, so that when action on reform was finally forced, nobody could point to the Jenkins proposal as the benchmark for reform, and instead an arguably politically-motivated compromise was reached as a direct result of coalition bargaining. In this way, the link between the Jenkins process and the eventual referendum is tenuous, based mainly on temporal proximity and the presence in both proposals of AV. As a result, it is hard to accept that this process had the same degree of input legitimacy as the New Zealand RCES. The same level of public input may have been sought, but the public’s perception of the results was not the same, and when action was taken it was less because of public pressure to adopt (finally) the recommended system and more because this was a kingmaker’s chance to force an old third-party bugbear onto the agenda, albeit in a compromised format.

The reception of the proposal was mixed, with criticism, as noted above, that the compromise of AV was something nobody wanted. This, of course, makes for an easy climate for elites to speak volumes with faint praise, silence, or outright condemnation of

⁷ Renwick (2012) discusses some criteria for the sort of electoral distortion that would be required to draw substantial public attention to the problems of the electoral system in a case like Britain. With a political culture accustomed to winner-take-all rules and alternation in power, results would be perceived as anomalous only were the system to act in an unusual fashion, such as producing a wrong-winner election or a highly lopsided majority.

the proposed change. But the referendum bill itself faced its own stumbling blocks on the way to Royal Assent; since the coalition had packed the referendum provisions into the same legislation as the redistricting measures also agreed to in the coalition pact, Labour's members in the upper house were reluctant to pass it and, depending on one's perspective, carried on studying the bill intensely or resorted to procedural stalling (Wintour 2011). The filibuster in the House of Lords threatened to delay the referendum itself, so long did the debate continue. After the bill passed, in time for a referendum to be held on 5 May 2011, the campaign could begin in earnest. The government's education campaign was neutral but terse (Electoral Commission 2011a, <http://www.electoralcommission.org.uk/news-and-media/public-awareness-campaigns/public-information-on-5-May-2011-elections-and-referendum>).

Parties were quick to stake out their turf. Predictably, the Liberal Democrats supported the change, the Conservatives opposed it, and Labour stayed neutral, though these were merely the official party stances and individual MPs sometimes held preferences incongruent with those of their parties. The Yes and No sides came to comprise more than simply parties, with a number of existing and newly-formed pressure groups jumping on one bandwagon or the other, joined by political analysts and celebrities. Some Lib-Dem supporters or reform advocates could rightfully say that this reform was not what they had envisioned and represented an unacceptable compromise. In no way could the Yes side point to the Jenkins report in the way that reformers in New Zealand or Japan had relied on prior art, and AV looked much more like a political compromise than the obvious "photocopy solution" in Italy. Coordination on reform is near-impossible if there is disagreement about whether the only reform on offer is worth taking or not, and no systemic crisis spurred pro-PR reformers to accept AV as the best they could get for the moment. Thus, while veto players were in the end excluded by the referendum mechanism, a more or less apathetic public with no cause to act and plenty of elite messaging to fuel scepticism with change urgently played the role that counter-reformers in New Zealand had expected voters there to play, and exercised the veto for them. 42.2% of the electorate voted, and among these the Yes vote was 32.1% and the No vote was 67.9% (Electoral Commission 2011b, <http://www.electoralcommission.org.uk/elections/results/referendums/uk>). Clegg would

accept defeat, and opponents like Cameron and Matthew Elliot, who had led the “No to AV” campaign, opined that this would take electoral reform off the agenda for years to come (BBC News 2011).

Input Legitimacy Scorecard	
Citizen Participation	Low (public submissions were accepted and public pressure kept the issue alive, but final AV proposal was a product of coalition negotiations)
Citizen Participant Autonomy	None
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	Variable (reform pressure was left on a slow burn, but public reaction to LibDem “betrayal” of reform aims was sharp; thus, interest in reform itself was low, but interest in the problems with the process was high)
Media Coverage	Variable (sparse, therefore low, in the 2000s, then intense during lead-up to referendum; reflects that most attention paid was just disappointment in choice of AV)
Volume of Discussion	Variable (from low to high and back again; reflects a compromise nobody really wanted from a process not generally liked, not just discussion of reform)
Final Output Legitimacy Score	Low

Figure 25: Legitimacy of Electoral Reform in Britain

4.2.3 Effects

If the vote-splitting years of the 1980s and early 1990s combined with the lopsided Labour majority in 1997 were the closest Britain ever got to a crisis that could serve as a catalyst for reform, then Flinders and Curry (2008) are quite correct to suggest that the Jenkins report served as a delay tactic for the Blair administration. An electoral result that could call into question the operation of SMP would not occur again for more

than a decade, and as Renwick (2012) notes, a hung parliament typically does not draw attention to the electoral system in a Westminster country like Britain. Electoral reform was nonetheless resurrected by exactly the political party one might expect to do so, given its third-party status, and that party's position as kingmaker allowed it to get reform onto the agenda, but the delay had clearly worked sufficiently well to dull the public's interest in changing the voting rules. Where the masses failed to force elite action, they got it anyway, but for the same reason that they did not force the issue, those that disliked SMP were not given the opportunity to coordinate on a preferred solution, forcing those who disliked AV and did not accept it as a first step to proportional rules to swell the ranks of the SMP crowd, who managed a two-thirds majority. That the potential reform failed to capture the public imagination is also manifest in the rather pitiful (though still higher than projected) turnout compared to that in New Zealand, a polity whose electorate was firmly committed to change and remained so for years.

Interestingly, satisfaction with democracy remained relatively stable in Britain in the post-Jenkins-Report years and the long lead-up to the AV referendum, only varying notably in the year after the referendum; in 2012, satisfaction jumped and dissatisfaction plummeted, according to European Social Survey (ESS) data (Jowell *et al.*, 2003; European Social Survey 2006, 2008, 2010, 2012, 2014).⁸ For the survey years between 2002 and 2010, the proportion of respondents on the "satisfied" end of the scale hovered very reliably around 40%, never climbing above 43.1% or dropping below 39.7%. Respondents in the median category similarly stayed in the 20.3%-20.8% range from 2002 through 2006, dropping to 18.5% in 2008, 18.4% in 2010, and 17.9% in 2012. Perhaps most dramatically, the proportion of respondents reporting any level of dissatisfaction wavered between 36% and 40% before the drop in 2012. Dissatisfied respondents constituted 37.4% of the sample in 2002, 36.6% in 2004, 39.5% in 2006, 40.6 in 2008, 40% in 2010, and then a striking 29.5% in 2012, after electoral reform was, as noted above, declared decisively to be off the agenda. The trend in dissatisfaction is

⁸ The ESS consistently included a "satisfaction with democracy" question, answered on a ten-point scale with a median category, from 2002-2012. The variable *stfdem* was used, with *PSPWGHT* applied each time.

interesting; while its increase in the years before the reform issue came to a head is gradual, its decrease afterwards is quite sharp. We should keep in mind, of course, that the failure of the referendum dealt a deep political blow to Clegg's Liberal Democrats, suggesting that a possible related explanation for the decrease in dissatisfaction is simply that Clegg had become the equivalent of a lame duck in the coalition, and that attendant dissatisfaction with coalition dynamics may have abated along with the desire to debate the merits of electoral reform and the legitimacy of democratic institutions. Respondents may have simply been glad that the process was over and done with.

As Flinders and Curry (2008) suggest regarding the British case up to a couple of years before the defeat of Labour, "the absence of public pressure facilitates executive blockages and veto capacity," and even when political happenstance managed to force the stalled reform past the veto points that had hitherto frustrated it, changing the voting system had only minimal electoral salience, no indefatigable champion in any position to see the reform through to the end, and very few elites willing to lend outcome-contingent and not act-contingent support to the process (386). The case is a good example of just how much steam is taken out of a process should it not have public support; even if it should by accident get further than it has any right to do without a crisis environment and the subsequent shutdown of veto players, it simply cannot get past the final veto point of referendum approval, and doubtless some pro-stasis elites unwilling to stall the process or torpedo it outright are fine with this arrangement. Indeed, though the referendum precedent has been pretty strongly established in the era of electoral-reform-by-deliberative-democracy, Blair himself had set a precedent for expecting a referendum even before winning power, and when elites with no real reason to support reform nonetheless insist upon a referendum, it can be read as support for a democratically-legitimate process from start to finish, or as a mere posture coupled with the hidden expectation that the reform will never be enacted (Bogdanor 2011b). In this case, it seems that no matter what happened, the public's desire for change was never enough to make it happen by any available means. While counter-reformers' claims that the issue is now off the political radar for a generation may be unduly dismissive of those pro-reform voices that yet remain, their assessment of electoral reform's chances in a stand-up fight appears to be sound.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Gradual decrease until referendum, then sharp upward correction to prior levels
Public Reaction	Gradually less satisfied with the LibDems and “their” proposal (since it was identified with them)
Media Reaction	Divided, not overly satisfied, and post-reform, generally convinced reform is off the table for some time
Post-Reform Discussion	Generally pessimistic about reform
Final Effect Score	No apparent effect (trends wash out)

Figure 26: Effect on Quality of Democracy in Britain

4.3 CONCLUSION: UNFINISHED BUSINESS

Of the elite failures described here, one featured a final veto point taken entirely out of the hands of elites through the use of a decisive single referendum, whereas the other featured a series of referenda in fits and starts. It is important to note that in neither case were elites completely shut out of the final decision. Though they could not influence directly whether the electoral rules would change (with the exception of Berlusconi’s *porcata*), since that was up to the public, it was certainly possible for elites to use either voice or silence to influence how the public would make that decision, or whether some voters would even bother to express a preference. Public discontent with electoral rules was insufficient to coordinate fully behind an effort at reform, though coordinating on the apathetic option was easy enough in Italy time and time again, and in Britain, before the process had left elites’ hands the product had been beaten into a shape that nobody wanted. With the Conservatives opposed and Labour staying out of the debate, reform advocacy was left to a besieged Liberal Democrat party forced to stand behind a watered-down version of what it had really wanted. If the referenda themselves were not directly controllable by elites, virtually all other circumstances surrounding them were prone to elite influence, which was wielded not to deal reform decisive defeats but simply to permit the issue to die after a lacklustre referendum result in Italy, and to make sure that a messy fudge (rather than an elegant and widely-supported expert reform

proposal) was the subject of the final up-or-down vote in Britain. Referendum dynamics can be different, but are not guaranteed to be, in cases in which there is a highly-regarded and high-profile reform proposal upon which to coordinate. This will be seen in the following chapter treating Citizens' Assemblies and their reform proposals.

5 THE VOTER DECIDES ABOUT DECIDING

Citizens' Assembly Failure Cases

We move now to consider the path to democratic reform at the heart of this dissertation: electoral reform via Citizens' Assembly. The basic model is that a deliberative body is populated with quasi-randomly chosen citizens, who are educated on an issue and then make a decision about it that is put to the people at large in a referendum. In this chapter, three reform efforts will be considered which form the canonical examples of reform via CA, namely those in British Columbia, Ontario, and the Netherlands. British Columbia's efforts set the precedent for how such assemblies would be staffed, trained, and reach a decision. The latter two models were extremely faithful to the prototype assembly process in BC, so much so that they might as well be carbon copies. Other cases to be considered in the succeeding chapter—Quebec, New Brunswick, and Prince Edward Island—feature varying levels of fidelity to the CA model, in some cases verging on the territory of those elite cases in which extensive public consultation occurred. All of these cases will feature a commitment at some point to ensuring some level of public input, though. That five of the six non-elite cases involve Canadian provinces reflects the state of the Canadian debate over democratic institutions in the 2000s as well as the flexibility of federalism in allowing for policy innovation (Wilson 2009, Courtney 2004).

Notably, these efforts all failed to achieve actual electoral system change; the government of the day may have abandoned the proposed reforms on a bookshelf somewhere, or the final hurdle of a referendum may have resulted in a “No” side victory. But is “zero grassroots successes” a useful number in assessing this sort of reform process? A critical question in this dissertation is whether the Citizens' Assembly model, i.e. reforming democracy with deliberative democracy, is a worthwhile tool for would-be democratic deficit slayers. Are such assemblies worth the effort? In terms of implementing reforms, the elites seem to have the advantage, though we might ask, at what cost? Viewed the other way around, we may ask whether the CA model has independent advantages in improving the quality of democracy even if the recommended

reform itself never becomes law. The model underpinning this investigation suggests that while elite reforms run the gauntlet of veto points to implementation head-on, grassroots reforms may have effects that are not stopped by such veto points; they may serve a function in democratic renewal even if the big-ticket renewal, electoral system reform, does not materialise.

Though elites have the lead on the “successfully implemented reforms” scoreboard, environments where elite-imposition reform is easily possible, e.g. 1980s France and 2000s Italy, do feature a notable lack of public interest in what elites do to the voting rules. If the cost of easy reform is public disengagement from democratic institutions, and especially from the process of rewriting those institutions, perhaps some difficulty in getting a reform passed is not such a bad thing. Conversely, if deliberative democracy in the service of electoral reform is not very good at changing the electoral system, perhaps its value lies instead in how it generates attention to and debate over the machinery of democracy. It could, at least in theory, keep democratic renewal in the news for an extended period of time, and its public consultations could (in perhaps a more limited way) stimulate discussion of democratic institutions as well. Beyond this, it could add a great deal of credibility to the eventual proposals to be made for democratic renewal, where conventional wisdom might suggest that elite work would be met with scepticism. Losers’ consent (Blais 1993, Anderson *et al.* 2005) may be generated, too; a referendum defeat for a reform proposal may feel more “final” or more like an expression of the will of the people than a government of the day with its hands clapped over its ears, contributing to an impression that the question is settled for the time being. These possibilities will be examined, with a focus on the latter possibilities and the potential for greater legitimacy through deliberation, as we look at three Citizens’ Assemblies proper, before moving on in the subsequent chapter to consider three CA-like or hybrid processes that featured a good deal of public consultation, but nothing approaching the degree of deliberative democracy inherent in the Citizens’ Assemblies in BC and Ontario or the *Burgerforum Kiesstelsel* (Civic Forum on the Electoral System) in the Netherlands.

5.1 EVERY SAGA HAS A BEGINNING: THE BRITISH COLUMBIA CITIZENS' ASSEMBLY ON ELECTORAL REFORM

5.1.1 Background

A staggering volume of ink has been committed to paper just in describing how novel this process was, and there seems little need to add much to it beyond noting that the BC Citizens' Assembly was essentially the prototype for this new method of reforming democracy by using more democracy, as Warren and Pearse (2008) phrase it. After back-to-back elections in 1996 and 2001 that serve as classic Canadian examples of the distortions and unfairness pinned on SMP rules, British Columbia's voters—and even some of its politicians—had had enough. When Gordon Campbell came to power as the head of the Liberal party in 2001, he moved quickly to make one of his election promises regarding democratic reform a reality. This promise had been a part of the Liberal platform as far back as 1999, in response to the election of 1996 in which the Liberals beat the NDP in the popular vote but the NDP nevertheless was awarded a majority of seats (Warren and Pearse, 2008). A cynical observer might suggest that opposition parties have a great deal of leeway in proposing systemic reforms that they might not pursue with such fervency if they were to win office, especially if such reforms might have benefits for those who perennially lose out at the ballot box. Campbell was, however, as good as his word in setting this process in motion, even though his victory was itself an example of artificially-inflated majorities under plurality rules. What would follow was a reform that would become a template for using deliberative democracy to generate institutional solutions.

The intent was to create a process more or less beyond reproach, especially given that the exercise had grown out of an increasing sense that the democratic deficit needed to be addressed, so concern existed from the beginning about how to make sure the Assembly was run fairly at every stage. This manifested itself even in the incipient stages when decisions were being made about how to staff and structure the Assembly and what would become its terms of reference. Premier Campbell appointed Gordon Gibson to lead the process, and Gibson took pains to ensure the process would be as free as possible from elite influence. Ordinary citizens were to be taught about electoral systems and then

turned loose to decide which one, if any, they felt should replace SMP in BC. Perhaps most notable was the way the Assembly was staffed; a man and a woman from each of 79 ridings, plus a man and a woman to represent indigenous communities, were chosen semi-randomly, with the process manipulated to ensure a stratified sample that was effectively a snapshot of the province's demographics at the time (Herath 2007, Warren and Pearse 2008).

Despite a strong showing by MMP during the deliberative process, the Assembly eventually settled on the Single Transferable Vote (STV) as the proposed new electoral system for BC (British Columbia Citizens' Assembly on Electoral Reform 2005, MacDonald 2005, Herath 2007). That the province had already had some experience with multimember districts¹ hardly constitutes much of a precedent for the Assembly's recommended system, so some attention will be devoted later to why this particular system was favoured (Courtney 2004). This decision is the first example of a true grassroots-driven reform, which under Renwick's (2010) typology could be viewed as a very specific and unusual type of elite-mass interaction. By design, as much of the reform process was left to citizens as was practicable, which is a stark change from the cases profiled in earlier chapters. Like many previously-discussed cases, however, this one ends with a referendum, and an unsuccessful result for the reformers (twice).

Because this is one of the "canonical" CA cases, it furnishes an ideal instance for examining how a reform process might affect democracy apart from whether its proposed reform is implemented. Here, we can expect the highly democratic and participatory nature of the process to begin having positive effects in terms of legitimacy, so that this process has a chance of bypassing the veto points that could stop a traditional, top-down process from improving confidence in democratic institutions. In the case of BC, we should expect a high degree of input and output legitimacy, with of course some contrarian views regarding the purity of the process and how much control elites were really willing to give up (Lang 2007). Given that the process would produce a

¹ All Canadian constituencies were made single-member in 1966 (Courtney 2004).

recommendation requiring a binding referendum if change were proposed, it seems like a lot of that control was indeed handed over.

The process had novelty and participation on its side, which gave it a good chance of succeeding outright in clearing every hurdle, including the referendum. This is the least elite-centric reform we have seen so far, with the design process in the hands of citizens for the first time, though debate is still possible over whether the supermajority referendum requirement, announced by the Premier when first tabling the legislation to start the process, was an “escape hatch” for elites in case they really did not want to go forward with reform.² That was the key veto point, and aside from setting the supermajority threshold it was not directly controlled by elites; all other veto points, all chances for something other than changing systems to happen, would be within the Citizens’ Assembly itself, which was tasked first with evaluating whether SMP needed to be abandoned at all (British Columbia Citizens’ Assembly on Electoral Reform 2005). Virtually everything beyond structuring the Assembly and setting the requirements for a binding referendum was left to citizens. The result, then, would be a fair shot at reform and at gauging how the public really felt about SMP and its alternatives, as opposed to how they reacted when offered a choice between the status quo or something drawn up mostly by elites, as in other cases where referenda were required.

The BC case represents a government that was at least receptive to the possibility of reform, and likely in favour. While the BC Liberals did benefit from the electoral rules in 2001 with a lopsided majority, they certainly suffered under those rules in 1996. They came to power in a time of debate and soul-searching about electoral rules, and democratic institutions in general, that seems to have been part of Canada’s political climate at the time, both at the federal and provincial levels (Wilson 2009). As such, an appeal to consider institutional reform could expect a positive response, especially in a

² The Premier’s mention of the 60% overall supermajority requirement, as well as the requirement that the proposal receive a simple majority in 60% of constituencies, were in fact not part of the rules for the process as Campbell’s cabinet had agreed upon them. Ruff (2004) notes that this was explained at the time as being congruent with how municipal governments operated, and suggests this may have been an attempt by the Premier to mollify some members of his caucus who were not so zealous about radical reform of electoral institutions.

province where the previous two elections had shown two of the least palatable outcomes of which SMP is capable. This would be the item closest to Renwick's (2010) crisis element; while the collapse of BC's political system was never a threat, the democratic deficit was a concern among elites as well as citizens.

We ought to spend a moment addressing a criticism that will be dealt with more fully later on, namely that the sitting government had almost complete control of the process's design, and so nothing it could produce could be too far outside their comfort zone. It would be easy to suggest that the government did not take reform seriously and left itself any number of escape hatches, but the evidence suggests that the BC Liberals' commitment to electoral reform was sincere and firm, and largely outcome-contingent. Some exposition of their history should prove instructive. The Liberals were used to opposition benches, having spent many years as a perennial electoral punching bag incapable of securing power, and in some years incapable of earning any legislative representation at all. As noted, in the previous (1996) election, they were denied a victory they thought was theirs, winning a plurality of the popular vote and yet losing the election in terms of seats. Certainly it is easy for an opposition party sporting wounds such as these to advocate electoral reform, as the BC Liberals did beginning in 1999 (Ruff 2004, Herath 2007). But how committed would they be once in power?

That the Assembly process went forward at all should provide a decent answer to that question, but there is more to consider. Pilet and Bol (2011) consider what factors could affect a sitting government's receptivity to electoral reform, and suggest three possible rules: that a party in power will support a given reform more intensely the more seats it seems likely to gain under the new rules; that a party is likely to favour a given reform (or reform in general) more strongly the less time it has spent in government lately; and an interaction effect that shows the more time a governing party has spent in opposition recently, the less satisfied it will be with the current rules and therefore the more influenced it will be by the seats it could gain if a different system were used. They argue that "parties that have been in opposition a long time tend to distrust the system in use even after being elected under this system," and that in many cases "these are the parties that put electoral reform on the agenda" (579). Notably, Pilet and Bol test party

responses to a particular hypothetical reform in each case, and not simply the idea of reform in general—for example, tracking a party’s position on preferential voting while in opposition and then once in government. Nevertheless, the argument stands that the BC Liberals in 2001, after spending years in the electoral wilderness and being denied their “rightful” victory in 1996, ought to have had a great deal of distrust towards SMP and should have been committed to a serious effort to get electoral reform started. While a contrarian might still argue that the Liberals’ commitment to electoral reform may have faded over the years, in terms of the structure of the Assembly process and the various thresholds of support the proposed reform had to clear, the die was cast years earlier. There is little reason to believe that Premier Campbell was not sincere in initiating the reform process, or that the Liberals had intended from the beginning that reform would be impossible.

This is not to say that electoral reform efforts in BC centred on a personal crusade, as the narrative went regarding Geoffrey Palmer’s struggles in New Zealand. Multiple factors were involved, with the Liberals’ dissatisfaction with SMP only one of them. Renwick (2009) considers whether wrong-winner elections can be catalysts for electoral reform, and concludes that they may add momentum to existing reform efforts, but on their own they are insufficient to spur a viable reform process. In this case, the Liberals’ woes under SMP happened to coincide with a period of public dissatisfaction with the institutions of democracy in general, a dissatisfaction that covered much of the country as academics, politicians and citizens alike worried about the democratic deficit (Courtney 2004, MacDonald 2005, Wilson 2009). This is, after all, the period of time that gave rise to the Canadian Democratic Audit, an academic book project aimed at understanding the renewed attention being paid to political institutions and the democratic deficit; electoral reform may have had more traction during this time simply because it had more visibility, and discussion of the issue among academics and the general public snowballed for a time. As such, this is a case in which things were very nearly “just right” and not one in which elites saw a seat-maximisation opportunity and seized it.

As noted above, Premier Campbell's support for reform appeared to be outcome-contingent, that is to say, aimed at achieving reform (though not a specific one) as opposed to simply a survival strategy to avoid electoral punishment from citizens upset with elites seen to be in the way of reform (Shugart and Wattenberg 2001). This reform is the first we have seen that requires a little wiggle room in the categories used so far to classify each case. It is clearly a case of Shugart and Wattenberg's (2001) many factors coming together rather than the Benoit/Boix/Colomer model of elite power-seeking, but where Renwick's (2010) typology is concerned, this case is a little harder to fit neatly. It seems to be elite-mass interaction, but the type of interaction is one we have not seen before. We might, for example, expect public pressure to lead elites to design a solution which would then be put to a referendum (as is usually *de rigeur* since the 1990s), but this is a case in which the order was changed around a little, as it was in Italy in 1993, when the referendum came first and then the elite electoral design began. In BC, coinciding public and elite attitudes led to the first steps of reform, but the entire design process was then shifted back to the citizens (or at least, some of them), whose recommendations would be put unaltered before the people in the inevitable referendum. Still, interaction is present, so we have an elite-mass interaction with a sentence or two of explanation needed.

Before considering the CA process from beginning to end, we should pay some attention to the elite work necessary to make the Assembly happen in the first place. As noted above, the Liberals had since 1999 advocated not just electoral reform, but specifically electoral reform using deliberative democracy (Herath 2007). Though they did drag their heels a little in implementing the process (Ruff 2004, Herath 2007), by 2002 Gordon Gibson had been appointed to study what needed to be done to convene such a deliberative assembly; he would report to the Attorney General late that year. In 2003, a special committee of the legislature would revise and approve plans for the Assembly and name Jack Blaney its chair (Ruff 2004, Herath 2007, Warren and Pearse 2008). It is interesting that the government chose specifically to task Gibson with designing the process rather than having that discussion in the legislature, though eventually the debate would take place in committee and the final plan would require legislative approval. In any case, additions and changes to Gibson's original plan were

minimal, and debates over such changes mainly concerned making the selection process more representative of certain groups, including BC's indigenous peoples.³

The Assembly's recruitment process—though admittedly subject to self-selection effects—culled 158 members from the initial body of potential recruits, with two aboriginal members added in to remedy the original selection process's biggest representative deficiency (Herath 2007, Warren and Pearse 2008). As such, the Assembly comprised a man and a woman from each riding, subdivided to reflect BC's sociodemographic characteristics; although James (2008) notes a key deficiency in that less-educated citizens were underrepresented, this could be in part a result of self-selection effects, and if so, is a little difficult to avoid. Warren and Pearse (2008) also note that the members tended to be "joiners," i.e. they were more likely to be involved in community organisations, which seems almost unavoidable in a voluntary effort of this sort. These 160 individuals and the Chair would engage in learning and then deliberation on select weekends over the course of a year; members Jack MacDonald (2005) and R.B. Herath (2007) have since produced detailed and eminently readable insider accounts of the decision-making process, and in the case of Herath, a meticulous accounting of all the stages of the Assembly from start to finish that in places goes into detail not even included in the 2005 Technical Report produced by the Assembly.

The Assembly's Terms of Reference have been noted (Ruff 2005, British Columbia Citizens' Assembly on Electoral Reform 2005, MacDonald 2005, Herath 2007, Warren and Pearse 2008, Thompson 2008) to be very focused and circumscribed. The focus was solely on what we might conventionally regard as the voting system, without consideration of legal thresholds, district boundaries, or other such ancillary matters. While any voting system was open to consideration, the Assembly would have to answer a basic set of questions: do we keep SMP, and if not, what should replace it? Only one alternative could be chosen. Any recommended new system would have to be constitutionally sound and compatible with a Westminster parliamentary system, and the

³ James (2008) argues that the Assembly could have been a good deal more representative in this respect; aside from aboriginal ancestry, race and ethnicity were deliberately avoided as specific criteria for consideration.

Assembly was required to consider the possible effects of a new system on British Columbia's system of government (British Columbia Citizens' Assembly on Electoral Reform 2005, MacDonald 2005, Herath 2007). As such, the Assembly's mandate was fairly comprehensive within a very limited scope. The next section will detail the Assembly's path to its eventual recommendation.

The Assembly would pass through three phases: a Learning Phase, a Public Hearings phase, and a Deliberation phase. The first of these was a crash course in electoral systems that divided these multifarious kinds of rules into five broad groups or families of systems (Ratner 2005, Herath 2007). By the conclusion of this phase, the Assembly had settled on a small set of values that would inform their further work and that would be the basis of their discussions during the Public Hearings phase. While the early deliberations of the Assembly suggested a likely victory for either MMP or STV—once, of course, the decision had been made to recommend replacing SMP—eventually the tide began to turn, with more and more of the Assembly's membership supporting STV. The many factors that fed into this decision are a topic for another study, but for our purposes here we may briefly review what led to the decision to recommend STV to the BC public.

While the suggestion has been made (Courtney 2004, Ruff 2005) that BC's prior history with multimember districts and preferential voting may have played a role in the Assembly's receptivity to STV, and that said history was discussed even in some early Assembly meetings and public hearings, it does not seem particularly persuasive that a few dual-member districts that had been eliminated almost forty years earlier formed any real precedent or impetus for considering STV. Instead, we should look at the Assembly's stated justification for recommending STV. This means that the values asserted by the Assembly early in the deliberative process become important. Local representation, proportionality, and voter choice were the three identified as most critical to the rest of the process (British Columbia Citizens' Assembly on Electoral Reform 2005, MacDonald 2005, Herath 2007). All three of these could be satisfied equally well by MMP or STV, though, depending on the individual system's design.

So what tipped the scales in STV's favour? Blais, Carty and Fournier (2008) suggest, supported by survey data collected during the course of the Assembly's deliberations, that while MMP had been the expected favourite before the Assembly began and had indeed been the front-runner initially, it began over the summer months to lose its status as the preferred system in terms of fairness and proportionality, which had constituted its edge over STV. Meanwhile, STV started to be seen as the superior choice in terms of local representation and voter choice, which was enough to push it ahead of MMP and make it the Assembly's final choice. Similarly, designing a potential STV system to use in BC was comparatively easy, whereas it was much more difficult to come to an agreement on how to put together an MMP system (Lang 2007). Meanwhile, the decision to recommend abandoning SMP was much easier to make, given the broad agreement on the three values above, their stated centrality in the Assembly's decision process, and the conviction that SMP was unacceptably bad with respect to two of them (Blais, Carty and Fournier 2008).

Time	Event
1996	NDP wins "wrong-winner" election
2001	Liberals promise electoral reform, win lopsided legislative majority
2002	Premier Campbell appoints Gordon Gibson to devise Assembly plans
2003	Jack Blaney named Assembly chair
2004-2005	Assembly deliberates, recommends reform, and proposes STV
2005	Liberals win re-election; No side wins narrow victory in STV referendum
2009	Second referendum on STV; No side wins decisively

Figure 27: Timeline of Electoral Reform in British Columbia

5.1.2 Legitimacy

But, as Lang (2007) asks, is it for real? In other words, just how legitimate and participatory was this exercise? As already noted, there has been some criticism (James 2008) of how well the Assembly represented certain demographics. But in broader terms, was the Assembly really an unprecedented experiment in democracy, or was it a sop offered to the people by a government with no real intent of executing electoral reform?

Incidentally, Lang (2007) asks critical questions that foreshadow this study's focus on input and output legitimacy: how public (i.e. free from elite influence) are such assemblies, and do they do a better job of making (potential) policy than traditional methods? While this study goes further in order to consider a reform process's potential effects even after it bumps into a veto point, for the moment consideration of these forms of legitimacy will be enough. And in the case of the BC Citizens' Assembly, we have input legitimacy aplenty.

There is no need to rehash the process by which the Assembly was staffed or the criticisms thereof, but it seems safe to say that no previous electoral reform process had ever featured this much citizen participation and autonomy. Far from simply soliciting public opinion as in the consultative phases of the RCES in New Zealand or the Jenkins Commission in Britain, this process gave unprecedented leeway and autonomy to citizens in terms of deciding whether reform was warranted as well as electoral design, and even, to some extent, how to structure the deliberation itself; full agenda-setting power, however, was outside its grasp (Lang 2007, 2008, Thompson 2008). The degree of independence from the government of the day was remarkable; Thompson (2008) notes just how different this is from a blue-ribbon panel appointed by the political executive and thereby open to cherry-picking in order to stack such a body with experts known to have opinions favourable to the government. As a result, while there is room for concern regarding how demographically representative the Assembly was, the independence from elite influence is difficult to question. The most persuasive critique that the government might have stacked the deck in favour of the status quo would be that elites chose the experts who would educate the Assembly members about electoral systems—Lang, however, notes that when the final presentation was made in favour of SMP, the crowd seemed almost hostile, having adopted a philosophical stance almost directly at odds with the values (such as adversarialism and winner-take-all politics) the presenter associated with plurality electoral rules (see also Ratner 2005 and Cutler *et al.* 2008). In the end, the unexpected recommendation of STV, the oddball among the systems considered, should make it clear that a predictable choice (either retaining SMP or recommending MMP), the sort that elites might try to ensure if they interfered, was not a foregone conclusion. The Assembly did not “go rogue” as many suggested the New Zealand RCES did, but it

certainly had sufficient autonomy to make a decision few could have predicted. This one, to return to Lang's memorable phrase, was for real.

Whether the work of the Assembly could be trusted, and held up as a reasonable example of sound institutional design, is another question, one Blais, Carty and Fournier (2008) address with their study of opinion formation during the deliberative process. Their conclusion, briefly, is that citizens did prove themselves capable of making reasoned decisions in line with the stated values by which they had set out to guide their deliberations. This stands as a clear counterpoint to the criticisms Thompson (2008) identifies regarding the Assembly's competence to make such decisions; Thompson notes in addition that the citizens involved need not be superior to a judicial, legislative, or blue-ribbon body tasked with electoral reform in order to prove their worth as reformers. But aside from the quality of the work, we must consider how it was received.

The reaction to the Assembly's recommendation is almost inseparable from the public-education efforts that followed the Assembly's conclusion, preparatory to the referendum which would decide the fate of the proposed reform. Cutler *et al.* (2008) produce some striking findings: higher levels of knowledge both about STV and about the Assembly itself correlated with higher levels of support for reform among the public, but even among voters who did not know much about STV, many supported reform on the strength of the Assembly itself. (At the same time, the more voters knew about STV, the less they had to rely on their evaluations of the Assembly.) Notably, their motivations were of two main kinds: some were highly populist and supported the decision made by a grassroots group of "ordinary" British Columbians, whereas others without populist tendencies instead looked to the expertise of the Assembly members and deemed it sufficient to support their decision. Cutler *et al.* (2008) specifically note that the very same proposal, only furnished by an elite group, would have received less support. As such, we have evidence that both input and output legitimacy affected levels of support for reform, though not enough to push it over the edge into reality. That final failure may have more to do with how the campaign was run, though. The parties stayed out of it, refraining from taking positions on either side (Thompson 2008); in the second referendum on the issue, in 2009, the Campbell government would change its position on

offering funding for the Yes and No sides of the campaign to engage in public education and advocacy (Warren and Pearse 2008). As Cutler *et al.* (2008) note, “there were either too many [interveners] or too few” (169). While former politicians, current politicians in other jurisdictions, and even former Nirvana bandmate Krist Novoselic offered their opinions, the politicians people *expected* to weigh in did not—could not—and no official body existed to promote either side, leaving this work to informal campaign groups without the resources to be widely heard (Cutler *et al.* 2008). Ratner’s (2008) description of a “political quarantine” of the Assembly seems apt. Oddly, hearing the perspectives of familiar political elites expressed openly and unapologetically might have served as a useful inoculation against the potential for elite framing of the debate post-proposal.

In the end, we are left with a highly-regarded process that nonetheless failed twice to clear the referendum hurdle; while the first time, the Yes side was within a hair’s breadth of victory, the second result was far less favourable, perhaps because of the removal both from the almost-crisis atmosphere of the early 2000s, when the focus was on the democratic deficit and recent questionable election results, as well as from the heady days when the Assembly was still a novel idea, and when enthusiasm about its work was likely to be higher. With this failure to clear veto points, we conclude by asking whether the Assembly continued to influence the quality of BC’s democracy from beyond the grave, so to speak. If nothing else, was the Assembly, as one of its members described it, a “check-up” for democracy (Ratner 2005)?

Input Legitimacy Scorecard	
Citizen Participation	High
Citizen Participant Autonomy	High (Assembly members had broad scope to consider electoral systems and set their own agenda)
Final Input Legitimacy Score	High
Output Legitimacy Scorecard	
Public Interest	High (novelty may have been a factor in close public attention paid to process)
Media Coverage	Positive
Volume of Discussion	High (process spurred much discussion and kept electoral reform a salient issue for years)
Final Output Legitimacy Score	High

Figure 28: Legitimacy of Electoral Reform in British Columbia

5.1.3 Effects

How, then, does this canonical case of grassroots reform fit the model? As with other failed cases, this prototype case never made it to implementation, and while the defeat of the Assembly's recommendation did not spell the end of debate over electoral reform, a critical point is what else it left behind. Unlike a case of elite manipulation, it did not leave an apathetic public inured to the tactical use of electoral reform. But is it like other failed cases in which a groundswell of support for reform could not get the job done and left reformers and the public feeling dissatisfied? In other words, did the Citizens' Assembly leave behind a lot of unfinished business?

The referendum results themselves are a clue; coming within two percentage points of the supermajority requirement in 2005 and then falling to below 40% support in 2009 reflects the passage of time, obviously, and the corresponding decline in the sense of a "crisis" of democracy, which was never terribly profound in the first place, since the democratic deficit is more of a chronic difficulty (Tanguay 2009). It also suggests that the Assembly may have been a good way of airing some democratic dirty laundry and settling debate for some time. In this interpretation, the reduced support for changing the electoral system is not simply a reflection of lost interest, but rather an indication that any

impending crisis of democratic legitimacy was averted and that the public dissatisfaction with the status quo has abated. Even if it could be chalked up to lost interest, this in itself means that democratic renewal is no longer a sufficiently pressing issue to command the attention of the public.⁴ The results of the referenda, unfortunately, cannot be paired with contemporary survey data that capture public satisfaction with democracy, since no survey at the time addressed this directly. But the state of public involvement in the ongoing electoral reform debate, ranging from public discussion of the issue to pressure on successive governments to revisit it to the very outcomes of the referenda, suggest that the status quo indeed reigns with the consent of the “losers.” Running a pair of referenda, and seeing dramatically different results, may have offered a form of closure to reformers, suggesting that the debate is legitimately done, or at least on hiatus, for now, rather than its simply being sidelined by something else. In other words, for reformers seeking to execute a process that ends with widespread approval regardless of which side won or lost, the path forged by the BC Citizens’ Assembly *seems* to be the way to get it done.

⁴ We should be careful to note, though, that economic concerns, which so readily trump other political issues in drawing the public’s attention, might similarly have sidelined the democratic renewal issue in the late 2000s.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Provincial-level data not available for this period
Public Reaction	Generally positive and supportive on both Yes and No sides
Media Reaction	Generally interested and positive
Post-Reform Discussion	Generally positive, interest waned slowly until second referendum, at which point issue seemed resolved
Final Effect Score	Positive

Figure 29: Effect on Quality of Democracy in British Columbia

5.2 WE'LL HAVE WHAT THEY'RE HAVING: THE ONTARIO CITIZENS' ASSEMBLY ON ELECTORAL REFORM

5.2.1 Background

While a wave of interest in reforming electoral institutions appeared to cross the country in the 2000s following the advent of the British Columbia Citizens' Assembly (Wilson 2009), only one other province, Ontario, would use the same model that BC had used. Ontario's own Citizens' Assembly was in fact modeled almost as a carbon copy of BC's process, with a few small tweaks; it seems to have been a case of not fixing what does not appear to be broken. Thus, while the general idea of Ontario's Assembly was the same in essence as BC's, the environment in which it took place was significantly less forgiving—to both the concept of electoral change as well as the deliberative exercise itself (LeDuc, Bastedo and Baquero 2008).

When Dalton McGuinty's Liberals came to power in 2003 after more than a decade in opposition, electoral reform was, predictably, on the agenda (Wilson 2009). Pilon (2004) suggests part of the motivation for this may have been to offer a distinct policy programme from that of the Progressive Conservatives after a thin manifesto and lacklustre showing in the 1999 election. McGuinty's administration would include a minister assigned specifically to democratic renewal, and within a year, McGuinty himself would announce, at the Dialogue on Democracy conference in November 2004, the upcoming creation of a Citizens' Assembly to be tasked with investigating electoral

reform, as had been done in British Columbia. This initiative joined others aimed at addressing the democratic deficit, such as fixing election dates and setting new campaign finance rules (McGuinty 2004, Stephenson and Tanguay 2009, Wilson 2009). Indeed, during the address in which McGuinty announced that the public consultation on electoral reform would take the form of a deliberative process, he foreshadowed the importance of process by arguing that even a Citizens' Assembly that resulted in the maintenance of the status quo would still be worthwhile thanks to the attention it would draw to the state of democracy and the debate and discussion it would promote (McGuinty 2004). McGuinty's subsequent mention of extant opposition to such an exercise on the basis of the average Ontarian's inability to grasp the issues involved in electoral reform would, however, prove prescient. Not a great deal of information in the form of partisan cues or advocacy for either side of the campaign was ever available, though Stephenson and Tanguay (2009) suggest that even maximal information for all voters would not have increased support for the Yes option to a simple majority, much less the required supermajority.

While the Assembly process would see similar enthusiasm among its membership as in BC, the public's reaction was much more muted, if not outright baffled, and the media's treatment of the issue more contrarian and prickly, offering little counterweight to the natural advantage held by the status quo (see, for example, LeDuc 2011). Where the first Assembly of this sort marked a unprecedented opportunity to examine and discuss democracy—understandable given its novelty—the second example of this process never quite lived up to that ideal, instead being received by an uninterested and uninformed public. Even the Assembly's choice of the arguably more conventional MMP system could not persuade more than a small minority of voters to support reform, and the proposal went down to a quiet defeat in 2007. The specific context of the Ontario Citizens' Assembly, both short-term and long-term, should shed some more light on why a process that was scrupulously executed almost identically to that used in BC met such a different end.

This is the second of the “canonical” Citizens' Assembly cases, and in many respects is simply the BC process, copied and pasted into a different environment. Before

addressing the potential consequences of that different environment, and the loss of the process's novelty or prototype status, we should briefly consider the few tweaks that were made when transplanting the Assembly model. Jonathan Rose (2007), the Assembly's academic director, explains that one important change was to bring in a legislator from each party during the learning phase to speak to the Assembly members about the practical side of working at Queen's Park; this constitutes a break from previous reform efforts in which the voices of the "usual suspects," i.e. the precise politicians one might expect to have strong opinions on the electoral system, went unheard. Rose notes this was helpful in showing Assembly members the conflicting pressures that politicians face and perhaps in mitigating cynicism about the job. In another change, simulated electoral contests were run under differing rule sets during the learning phase in order to show members how the rules can affect the results; to bring the lesson home, the simulated elections would determine what food would be served at the next meeting during snack breaks (Rose 2007). Finally, to avoid too large a deliberative body, only one representative was taken from each riding, plus one indigenous member, and the sample was, as in BC, quasirandom in order to ensure balanced gender and age representation (LeDuc, Bastedo and Baquero 2008).

In other respects, we might expect the Ontario Citizens' Assembly to be something of a "second verse, same as the first" exercise, with a good deal of input and output legitimacy, and a slightly-less-novel opportunity to engage the broader public in a discussion about how Ontario's democratic institutions had been serving citizens. A cynical observer might think Ontario voters more prone to choosing a popular system like MMP as opposed to BC's more esoteric choice of STV, but institutional choice aside, the process should have operated similarly and should have been received similarly to that which had been undertaken in BC. Much of the story here is the explanation of why this did not happen in Ontario. The structural veto points were much the same—legislative approval for the Assembly in the first place, the Assembly's decision whether to keep or to change the existing system, and whether to recommend formally the system they thought best to replace it, and finally, the referendum, complete with supermajority requirement. But other players with the ability to influence veto players would interact differently with this process than their counterparts had in British Columbia. In the end,

the Assembly's recommendation would not achieve the necessary popular legitimacy, and its work would receive little public recognition at all. Disappointingly, these are precisely the attributes that empower a reform process to have effects past its own termination, and in Ontario the conditions simply were not present for the Assembly to have much effect beyond the grave.

Decades of unbroken Progressive Conservative PC rule in Ontario came to an end in the 1980s; Frank Miller's PC government, elected in 1985 and a more ideological variant than Ontario had been accustomed to, gave way to a Liberal/New Democrat (NDP) coalition, and subsequently a Liberal majority government under David Peterson that lasted until 1990, when the NDP secured an unlikely majority victory. This government in turn fell in 1995, replaced by the Progressive Conservatives once more, this time under Mike Harris, another ideological conservative like Miller had been. This administration would see two terms and a change of leaders before its loss to McGuinty's Liberals in 2003, so that in twenty years, Ontarians had gone from a history of fairly moderate and pragmatic government into a comparatively wild oscillation among political ideologies, on the basis of artificial, SMP-boosted majorities. It is clear that, after their 1999 loss, the Liberals were intent on speaking to the perceived dissatisfaction with democratic institutions in the province, believing at the very least that addressing this issue would get them some political traction (though the actual commitment from McGuinty and his eventual Minister for Democratic Renewal, Michael Bryant, appears to have been sincere). By the time the Assembly got started, the discussion in the rest of the country about the democratic deficit and the possibility of fixing it with institutional reform was as well-established as it would get (Wilson 2009).

What could the expectations of the Liberals have been regarding reform? Recalling Pilet and Bol (2011), we should note that the Liberals had formed governments within the previous twenty years, but had been stuck in opposition for eight, and suffered a particularly stinging defeat in 1999. While this might not have fostered an appetite for any one particular alternative system, it might reasonably have increased receptivity within the party to having at least a discussion about electoral institutions. Nevertheless, their recent victory, and potential position as a now-perennial partner-in-alternation with

the PCs, could be threatened by virtually any new electoral system, except possibly AV, which might have permitted them to capitalise on their centrist position to soak up second-preference votes. MMP and STV, for their part, could have done much to curtail the Liberals' future chances, and in fact, as Pilon (2004) notes, could even have hurt the Liberals by casting the democratic legitimacy of their 2003 victory into doubt. Yet the party, once in power, remained committed to a process with a difficult-to-predict outcome, and formed a multipartisan parliamentary committee to decide how to proceed with democratic reform; this body would be responsible for the creation of the Citizens' Assembly plan and the appointment of former judge and cabinet minister George Thompson as its chair in 2006 (Rose 2007, Tanguay 2009). From there, the Assembly followed a similar path to that taken in BC, dividing its work into learning, consultation, and deliberation phases. The Liberals had potentially committed their electoral future, then, to a process that might not give them optimal results in terms of future seat totals, but one that should have had a good chance of success given the ongoing democratic deficit debate.

Precisely as in BC, this is a special case—not one of power-maximisation, but one of contingency, and a variant on elite-mass interaction. Sufficient public support for (or simply awareness of) democratic reform existed to elect a government with a clear intention to engage in such reform, though as in BC, this commitment may not have been the key to getting elected so much as simply not being the previous government. But instead of having its hand forced, government voluntarily put the question to the public, or at least to a mini-public. Politicians would have no further direct influence on the process or its outcome, and a safe position regarding the shape of the process already existed thanks to the prior experience in BC. Little debate or politicking would be needed or possible. As noted above, the multipartisan Select Committee on Electoral Reform was responsible for this part of the process. Struck in June of 2005, it would, later that year, appoint the Assembly's chair and approve a plan for the process closely mirroring the BC Assembly (Wilson 2009). Recruitment would begin shortly afterward, with the Assembly first convening in fall of 2006.

The selection process went ahead much in the same way as BC's had, though as noted above, only one representative was chosen per riding as opposed to two; a similar demographic mix as had existed in BC was also ensured. Rose (2007) notes the potential selection effects in terms of recruiting "joiners," but once again this seems unavoidable. Aside from the differences noted above, the Assembly's leadership then proceeded basically according to the established model. One more difference in how the Assembly decided on which alternate system to design first would become pertinent later on (in Ontario, the Assembly itself was permitted to make this decision, whereas in BC the members did not get to decide which system to model first). Aside from this, the rules under which the Assembly operated were again similar.

The Assembly's guiding principles had been established as legitimacy, fair representation, voter choice, effective parties, stable and effective government, effective parliament, stronger voter participation, and accountability; during the Learning Phase the members would add simplicity and practicality to these (Ontario Citizens' Assembly Secretariat 2007, Wilson 2009, LeDuc, Bastedo and Baquero 2008). The terms of reference were similar to those used in BC, but interestingly, the Ontario Assembly was not bound to keep the size of the legislature the same, a consideration the BC Assembly had been stuck with more or less since the beginning (LeDuc, Bastedo and Baquero 2008). While this offered members a little more deliberative freedom, it would also lead to a more extensive debate regarding how to design an MMP system that would work well in Ontario, but not be rejected by citizens turned off by an increase in the number of MPPs. Still, virtually any alternative was theoretically possible, as had been the case with the previous process, and this Assembly too had a comprehensive ability to choose, albeit within a fairly precise framework.

At the outset of the deliberative phase, the Assembly identified three of its values as especially critical and set them as benchmarks for assessing the current electoral system and any alternatives to it: voter choice, fair election results, and local representation (Ontario Citizens' Assembly Secretariat 2007, Wilson 2009). The attentive reader may notice these to be essentially the same three values that the BC Assembly held to be most important, suggesting that the Ontario Assembly's choice was predicated on a

different assessment of the front-runner systems, not a different slate of values. The two systems chosen as possible alternatives once the Assembly had decided to recommend abandoning SMP were also the same ones the BC Assembly had chosen, namely STV and MMP, but in Ontario, the Assembly strongly supported MMP initially, and this did not change as deliberation wore on (Rose 2007). Per LeDuc, Bastedo and Baquero (2008), the Ontario Assembly seems to have been much more convinced of the virtues of MMP and shortcomings of STV in meeting their similar benchmarks. MMP's victory had its roots in concerns over large, unmanageable ridings in the North and rural areas, limited prior experience with multimember districts, and evidence from New Zealand that choosing MMP would not mean trading off the perceived advantages of SMP. Much of the concern around design was not devoted to choosing between MMP and STV, but rather in deciding on the final shape that MMP should take, and the Ontario Assembly chose to model MMP first, unlike the BC Assembly, which did not have a choice regarding which system to design first (Rose 2007, LeDuc, Bastedo and Baquero 2008).

When modeling MMP, the Assembly struggled with the issue of legislature size. Ideally, they would keep all existing SMP ridings and add the proportional seats on top, but this would have required many more seats, and the Chair had already suggested ruling out overhangs; concerns that the proposal would be rejected by the public on the basis of expanding the legislature too much (or even by an fluctuating number of seats if overhangs had been used) prompted the Assembly to settle for a much lower number of seats in the end (LeDuc, Bastedo and Baquero 2008). The final formula called for a 7:3 ratio of single-member districts to list seats, which in the next election would mean 90 ridings and 39 proportional seats; the former would be elected, as usual, by SMP, and the latter in an at-large constituency, via closed lists and using the Hare quota (Ontario Citizens' Assembly Secretariat 2007). The Assembly's STV model was designed much more rapidly and was defeated by MMP 75-25 in the final vote on which alternative system was preferred; the Assembly would go on to choose MMP as preferable to SMP, and then make the final decision to recommend MMP to the public (Ontario Citizens' Assembly Secretariat 2007). Then-Minister of Democratic Renewal Marie Bountrogianni, the successor to Michael Bryant, informed the Assembly of the administration's intention to run a thorough pre-referendum public education campaign.

Time	Event
2003	Liberals win power; electoral reform part of democratic renewal agenda
2004	Premier McGuinty announces Citizens' Assembly
2006	George Thompson appointed Assembly chair; deliberations begin
2006-2007	Assembly deliberates, recommending reform and proposing MMP
2007	Referendum legislation passed; requires SMP/MMP choice, not Yes/No
October 2007	Referendum held concurrently with election; SMP side wins decisively

Figure 30: Timeline of Electoral Reform in Ontario

5.2.2 Legitimacy

The Ontario Assembly's input legitimacy can be considered more or less equivalent to that of the BC Assembly. It is difficult to envision a criticism of it that could not apply equally to both processes, and the differing number of representatives selected from each riding in the two cases seems more a matter of practicality than anything else. Put otherwise, if BC's Assembly was "for real," then so was Ontario's. In terms of pure public participation, it is essentially the same, but it is important to consider the Assembly's perceived legitimacy, as opposed to simply counting heads. As noted above, BC's Assembly enjoyed significant perceived legitimacy, but in Ontario, as will be detailed more extensively in the output legitimacy subsection, much more vocal criticism was leveled at the very nature of the Assembly process. This aside, a prerequisite to perceived legitimacy would be knowledge that the Assembly existed and of the work it had done, and this was sorely lacking among the public even well into the referendum campaign (LeDuc 2011). What perceived legitimacy the mini-public could have had was dismissed in some media coverage; the Assembly was even accused of empty populism in some editorial pages (LeDuc 2011). Unfortunately, such low levels of public information curtail the ability of input legitimacy both to propel a reform to success and to continue to affect democracy after the end of the reform process. Hints of the ability of elites to have low-key influence over a supposedly hermetically-sealed process become clear in this case.

It seems almost a historical irony that, while BC's process would lead to an unusual recommendation but nonetheless garner significant legitimacy on both the input and output side, Ontario's would produce a much more "conventional" and marketable alternative and still be excoriated by the few paying attention and ignored by the vast majority. In terms of the Assembly's design, it is unclear what could have been done differently to change the minds of the media, though in retrospect it seems clear that the time for a public awareness campaign was during the Assembly's work period, not just afterwards. Would more extensive awareness have helped the Assembly and its proposal, though? LeDuc (2011) notes mixed results; at the Assembly's conclusion, while a majority of voters knew little about what had gone on, a plurality of them suggested they might support the reform proposal, though a third remained undecided and could have gone either way based on polls testing the flexibility of public opinion. As such, the proposal did not land in the most permissive environment imaginable for its success, and that was merely in terms of existing public opinion. The media's treatment of the issue during the campaign would simply seal the proposal's fate, showing that there is a marked potential for elites to influence a reform that had been designed to exclude them more or less wholesale.

Remarkable in the scholarship on the Ontario Assembly is the space dedicated to the hostility of the major media to not only the proposal, but the Assembly itself; while the *Toronto Star* would pipe up during the campaign to criticise MMP quite stridently, its columnist Ian Urquhart had taken issue with the Assembly itself essentially since its outset, and this attitude flowed smoothly into criticism of the Assembly's work (LeDuc, Bastedo and Baquero 2008, LeDuc 2011).⁵ LeDuc (2011) identifies similar degrees of hostility from the other major newspapers, the *Globe and Mail* and the *National Post*. The latter, for its part, invoked Godwin's Law⁶ in comparing MMP to the electoral systems "responsible" not only for the electoral instability in Italy and Israel, but even for

⁵ See also Pilon (2009) on the importance of media as an additional deliberative space during this campaign, and on the utter lack of balance in that space.

⁶ Godwin's Law is a maxim stemming from the ease of making unwarranted historical comparisons in online arguments, summed up as an increasing likelihood, as an online (or other public) discussion continues, that the debate will eventually reference Hitler or Nazism.

the rise of Adolf Hitler. While a more informed public might have been equipped to dismiss such nonsense, the situation in Ontario, as noted, was one of an underinformed public with mutable opinions on the reform. Fear, uncertainty and doubt as applied both to MMP and to the Assembly would prove powerful weapons for the “No” side, which tends to have the advantage in a typical referendum campaign anyway, and which in this case even used the woeful lack of public information as a reason not to support reform (LeDuc 2011). And, as will be seen, third-party sources remained the only font of technical wisdom about either MMP or SMP.

While the Citizens’ Assembly had proposed that the referendum ballot contain a yes-or-no question regarding the adoption of MMP, the Liberal government, when drafting the referendum legislation, instead opted for an either-or question, asking the voter to choose between SMP and MMP. Meanwhile, the Liberal government had chosen to keep silent as a caucus and cabinet on the issue, but the other parties were free to take positions; the NDP supported MMP and the Progressive Conservatives SMP, which at least made it clear to some voters what the views of the “usual suspects” were on the reform (Wilson 2009). At the same time, the public education campaign promised by Minister Bountrogianni was left to Elections Ontario, which interpreted the task so strictly that it offered no information beyond the existence of a referendum question on the ballot that fall regarding an important issue, leaving the Yes and No campaigns and their various supporters with the entire task of educating voters about the new system and how it differed from the existing one, and why this was important (LeDuc, Bastedo and Baquero 2008, LeDuc 2011). The government also ceased providing access to the Assembly’s final report at this time, an odd choice that took the government’s commitment to stay out of the campaign to an extreme degree (LeDuc, Bastedo and Baquero 2008). Were one wont to criticise the government for “throwing the Assembly under the bus,” this would constitute the most damning evidence; given that the Liberal party was internally divided on the issue, though, such a criticism might be unfair (LeDuc 2011). Either way, it does suggest that even a small group of political elites having second thoughts about the proceedings can exercise a telling influence merely through silence. Even these external influences may not have been the whole story, as Stephenson and Tanguay (2009) find that Ontario citizens held self-contradictory attitudes about trust

in government and satisfaction with democracy. Meanwhile, electoral reform failed to be a sufficiently salient issue to overcome the inertia with respect to that satisfaction. Their results do, however, reinforce the attitude that low information levels were the most important nail in MMP's coffin.

The vote, in October 2007, was a disaster for the Yes side; the reform was defeated 63.1% to 36.9%, and its majority approval in five individual districts fell spectacularly short of the required 64 districts (Elections Ontario 2007). The proposal was dead, and unlike in BC, no second chance had been promised, nor would one be. The version of MMP that the Assembly had proposed was about as "sellable" as one could have hoped; it did not require drastic expansion of the legislature, nor did it propose keeping the size the same and thereby blunting the compensatory effects of the mixed electoral rules. The process that produced it, too, was as clean and democratic as the one in BC, but comprehensive knowledge of the suitability of the MMP model, and similarly, deep knowledge of the nature of the process itself were awfully hard to come by during the referendum lead-up, and oversimplifications and mischaracterisations abounded. The Assembly's ability to influence the discussion on democracy from beyond the grave seems nonexistent, given that it was never accorded the legitimacy its BC counterpart was. Its high degree of participation ironically made it an even bigger target, and the debate over democratic institutions in Ontario remains now as muted as ever.

Input Legitimacy Scorecard	
Citizen Participation	High
Citizen Participant Autonomy	High (Ontario Assembly had slightly more internal autonomy than did original in BC)
Final Input Legitimacy Score	High
Output Legitimacy Scorecard	
Public Interest	Low (until after it reported, Assembly was ignored at best)
Media Coverage	Negative (prominent commentators set the tone by criticising the Assembly's recommendation, the Assembly itself, and even the perceived need for reform)
Volume of Discussion	Low (mostly ignored, and what exists is mostly negative; likely reflects widespread elite and public apathy)
Final Output Legitimacy Score	Low

Figure 31: Legitimacy of Electoral Reform in Ontario

5.2.3 Effects

Could one have expected a different result? It is difficult to say that the Ontario Citizens' Assembly left behind much unfinished business. The environment in which deliberation occurred was largely one of indifference, a far cry from a systemic crisis capable of spurring persistent and comprehensive debate, or a feeling among the referendum's "losers" that they would not give up the fight. Even the remaining novelty of the Citizens' Assembly process and its remarkable public involvement appears to have been for naught, or to have backfired. Pilon's (2004) and even Premier McGuinty's (2004) convictions that the Assembly would constitute a critical event or turning point in the way Ontarians view their democratic institutions appear to have been disappointingly optimistic. The 2007 Ontario Election Study did not include in its survey a question that could have tapped directly the public's satisfaction with democracy, making a direct comparison to cases in which we do have such information difficult. Public interest and

sentiment must be gauged through measures such as those we have discussed: the turnout and results of the referendum, and the prevalence of electoral reform as a topic of public discussion afterwards. Again, Stephenson and Tanguay (2009) remind us that, in the wake of the reform campaign and referendum, Ontarians' trust in government was low, but satisfaction with democracy was high, suggesting perhaps a less than-benign apathy, but apathy nonetheless.

The Ontario Assembly stands as an example of a process that worked almost entirely unlike how it was expected to work, and as testimony to how a hostile environment for electoral reform (or for deliberative democracy) can cause a grassroots process to behave so differently from what this study's approach suggests should have happened. As to whether the Assembly can be considered "value-added," we may already say that there was little to which to add anything; the electoral reform debate had been sufficiently muted in Ontario that the Assembly would have been adding fuel to an unlit fire. Even citizens dissatisfied with their democracy were insufficiently motivated to take a stab at solving the situation in this way (Stephenson and Tanguay 2009).

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Provincial-level data not available for this period
Public Reaction	Generally apathetic, sometimes dismissive
Media Reaction	Dismissive at best, derisive at worst
Post-Reform Discussion	Not evident
Final Effect Score	No apparent effect

Figure 32: Effect on Quality of Democracy in Ontario

5.3 ONCE MORE WITH FEELING: THE NETHERLANDS' *BURGERFORUM KIESSTELSEL*

5.3.1 Background

The 2006 *Burgerforum Kiesstelsel* (literally, "electoral systems civic forum") was consciously crafted with reference to the then-completed BC Citizens' Assembly and the still-incipient Ontario Citizens' Assembly, but the recent history of attempted electoral reform in the Netherlands predates this particular body by a few years; both the

Burgerforum and the previous elite work culminating in 2005, though, aimed to move from a highly proportional system to something a little closer to a mixed system while still avoiding major reforms (*Burgerforum Kiesstelsel* 2006, Lucardie 2007, Pilet and Bol 2011, Smith 2012). The *Burgerforum* constituted the zenith of interest in democratic reform in the Netherlands, but a re-evaluation of democratic institutions, as in other cases considered in this chapter, had been on the agenda for some time, with much of the talk devoted to the possible introduction of mixed-member electoral rules (Andeweg 2005, van der Kolk 2007). While the Dutch are no strangers to commissions and bodies of inquiry, their own Citizens' Assembly was distinct from these, given that such a body is by definition staffed, at least initially, by non-experts, who may become nascent experts in their own right thanks to the intense training they receive (Schultz and van Twist 2009). One similarity, however, between the *Burgerforum* and a typical Royal Commission—and therefore, a key disparity as compared to the two Citizens' Assemblies in Canada—was the lack of any automatic mechanism to take the body's recommendation to the people in a referendum; the *Burgerforum* would report to the minister responsible, but this report would be as binding as was the Jenkins Commission in Britain, or the Royal Commission on the Electoral System in New Zealand (Flinders and Curry 2008).

The body itself was put together and set to work in a manner much the same as the procedure used in British Columbia. 140 members were selected using much the same sort of demographically-balanced method as had been used in BC, though obviously in a country without any single-member districts, choosing members by riding is impossible (Lucardie 2007, Fournier *et al.* 2011). Nevertheless, the sample was stratified instead on a provincial basis (Fournier *et al.* 2011). Once again, the bias towards “joiners” and others motivated to discuss democratic institutions, either through dissatisfaction with politics or simply being an electoral systems nerd, was visible in the Assembly's composition. Evidence, however, that these minor representative defects had any substantive effect on the *Burgerforum*'s deliberation or recommendations, was not forthcoming in the panel surveys Fournier *et al.* (2011) conducted among members of the various Citizens' Assemblies discussed here (see also Pal 2012). Evidence of elite tampering was similarly minimal.

The *Burgerforum* took place in a political climate that viewed participation somewhat differently than is the case in British Columbia or Ontario, but despite the chatter about democratic reform and innovation, a similar lukewarm public attitude to major electoral reform held sway in the Netherlands through the early-to-mid-2000s, as would be the case in Ontario during its own Assembly process (Andeweg 2005). This alone might have been sufficient for this bottom-up effort to fail; compounding the matter, the final veto point lay not with the public, but with elites. The *Burgerforum*'s chair, Jacobine Geel, noted in the final report (English translation) that “[t]he Electoral System Civic Forum’s work is complete. Now it is the politicians’ turn. They have received thoroughly-studied and realistic recommendations, and consequently there is no reason for the politicians not to implement them” (*Burgerforum Kiesstelsel* 2006, 2). Clearly, though, those politicians were able somehow to generate a reason to do just that. Indeed, it was made clear to the members by politicians that their recommendations would likely not find fertile ground (de Jongh 2013). At best, these recommendations are now the sort of prior art that could be used by reformers down the road—or at least, they could be, were they still being made publicly available (or even being acknowledged) by the Dutch government.

While the differences in expectations between British Columbia and Ontario are subtle, and could be chalked up to political culture given the similar institutional histories of the two jurisdictions, the Netherlands must be considered in a different way. On a basic level, we can expect that the *Burgerforum*, presumably more novel to Dutch observers than to Canadian ones, would have enjoyed widespread legitimacy. At the same time, the lack of a binding referendum as the automatic final step should leave little room for doubt regarding the eventual outcome. But aside from the endgame, what might make the Dutch case fit into this study’s model differently? Existing institutional arrangements and political culture might make the members settle on different criteria for reform and therefore a different sort of recommendation than in the Canadian processes; this is especially obvious given that the Netherlands did not start with a plurality electoral system as a baseline, though their history with proportional rules is not as long as British Columbia and Ontario’s history with plurality rules (Andeweg 2005, van der Kolk 2007, Fournier *et al.* 2011).

Given the muted and tentative flirtation with the idea of introducing geographical representation through some sort of mixed-member rules, as noted above, we might expect that the prevailing attitude towards change within the *Burgerforum* would be one disposed to the introduction of some territorial districts while maintaining overall proportionality, as could be achieved through MMP or some similar arrangement; that said, it would be reasonable to expect the recommendations to involve only minor changes, given how attached the Dutch political culture is to maintaining proportionality, and the paucity of interest given to territorial representation (Andeweg and Irwin 1993, Andeweg 2005). A system that introduced geographical representation at the cost of proportionality, such as SMP, would therefore have been off the table. Through the 1990s, as the debate on electoral reform slowly gained salience, some discussion of territorial districts as opposed to at-large occurred, but “such debate proceeds only under the strict condition that no change in the electoral system is allowed to impinge upon the principle of proportionality” (Andeweg and Irwin 1993, 89).

One more consideration is the potential of the *Burgerforum* to influence debate over democratic institutions and the quality of democracy generally. With no mandated referendum, the *Burgerforum* was denied a clearly-defined “final round” that might have attracted public attention in a way that even the novelty of a Citizens’ Assembly could not. Meanwhile, even after the failed Assemblies in BC and Ontario, the materials and recommendations associated with those processes are still widely available and still discussed; conversely, the Dutch government’s website has for some time now had no available access to the *Burgerforum*’s recommendations or process report, neither in Dutch nor in English translation; this will be discussed in more detail later. A halfhearted debate on electoral reform and an executive with a paper-thin commitment to going through with any proposed reform hardly make for a lasting effect on democracy, unfortunately. This, however, is likely less of a problem in a jurisdiction where the ideal reform was as minor as what was proposed in the Netherlands.

The lead-up to the *Burgerforum* involved protracted discussion of tweaks to the electoral system, and multiple abortive efforts at designing a reform bill. As early as the 1990s, multi-member constituencies and even full-fledged MMP were being considered

as potential changes (Andeweg and Irwin 1993). In 1994, a newly-elected coalition government composed of the PvdA (Labour Party), the VVD (Liberal Party), and newcomers to government D66 (Democrats '66, though this full name has been abandoned) proposed the introduction of parallel voting and the division of the PR-populated 150-seat lower house (oddly, called the *Tweede Kamer*, or “second chamber”) into 75 list-PR seats and 75 seats elected in multimember territorial constituencies (Andeweg and Irwin 1993, van der Kolk and Thomassen 2006, van der Kolk 2007). Though these parties had been active in the discussion to date on the electoral rules, the emergence of an actual electoral reform proposal was stimulated by coalition dynamics, as the D66, entering the executive for the first time, was in a good position to make it a condition of the coalition agreement. This proposal, considered a weak version of the change reformers really wanted, did not make it through the chamber and the coalition government would later back down, but the VVD had at least followed through on a promise it was less than enthusiastic about keeping (van der Kolk 2007). Discussion would continue, but prove fruitless, until a subsequent shake-up in Dutch politics occurring in the early 2000s.

The next major attempt at reform would occur in 2005, and would play out much like the previous one had, but the roots of this attempt can be traced back a few years prior. In 2002, controversial political leader Pim Fortuyn was assassinated just days before parliamentary elections, and his party list, the List Pim Fortuyn, gained enough seats to alter the balance of power in the legislature and actually gain a position in the executive in coalition with VVD and the Christian Democratic Appeal, or CDA (van Holsteyn 2007). Peter Balkenende of the CDA took the helm, but the government was plagued with scandal and instability and would collapse within a year, forcing new elections at which the LPF's fortunes would reverse, allowing the PvdA to regain many of the seats it had lost to LPF last time and become the second-largest party (van Holsteyn 2007). Nevertheless, the CDA would instead form a coalition with the VVD and D66, with Balkenende in charge once again; the 2003 coalition agreement among them, at the insistence of D66, included provisions to pass an electoral reform bill before the end of that term (Andeweg 2005, Fournier *et al.* 2011).

Balkenende's second cabinet formulated a reform proposal that would have entailed a variant of MMP without parliamentary overhangs (since accommodating them would have required constitutional amendment) and with slightly different rules for indicating a preference for a member of a given party list (under the existing system one cannot simply vote for a party list, but must instead choose a member of it, often the first one on the list). Roughly, the territorially-focused portion of the electoral system would resemble SNTV, with multimember districts but only one constituency vote and no preference ranking (van der Kolk and Thomassen 2006). Controversy would ensue over the proposal's prohibition against running both on a party list and in a territorial district; the coalition's fragile consensus on electoral reform could not survive this controversy, and the proposal would fail when D66's Thomas De Graaf, Minister for Government Reform, resigned over another issue (Andeweg 2005, van der Kolk and Thomassen 2006, Fournier *et al.* 2011). When another D66 member, Alexander Pechtold, took over the position, his strategy would be different; Fournier *et al.* (2011) suggest that Pechtold's reasoning for employing deliberative democracy in the service of democratic reform may have been at least partly an exercise in optics, itself a product of coalition dynamics. Meanwhile, van der Kolk and Thomassen (2006) somewhat more charitably characterise this as an attempt to "depoliticise" the issue. Interestingly, de Jongh (2013) notes the complexity and intractability of the issue thereto as a potential reason for farming it out to the *Burgerforum* in the first place; politicians could not be expected to come to a conclusive agreement on the topic because they had a series of ramified and incompatible vested interests to accommodate. The picture, then, is of a reform executed—or at least attempted—when the time was right, in the style of Shugart and Wattenberg (2001), but one in which the politicians involved did not forget their own interests, and in which they kept control of a critical veto point. In no way would the citizens have the final say on the matter, though, to be fair, coalition dynamics did more than did citizens to push reform to the top of the agenda. The citizens simply furnished 140 safe pairs of hands into which to drop the issue.

Elite imposition had failed, and the *Burgerforum* represented a shift to the particular variety of elite-mass interaction embodied in a Citizens' Assembly. Coalition dynamics ensured a mix of act-contingent and outcome-contingent support for the

process (van der Kolk and Thomassen 2006). As with the other Citizens' Assemblies, some legwork was required to put together a plan detailing the structure of the *Burgerforum*, how it would be staffed, and how it would operate. The project would be administered by a project secretariat created by the Directorate of Constitutional Affairs and legislation, under the auspices of the Ministry of the Interior and Kingdom Relations (de Jongh 2013). More than a hundred experts and authorities on the various topics involved in constructing a successful Assembly, including a small handful of those who had organised the Citizens' Assembly in British Columbia, were consulted, and the final product strongly resembled BC's Assembly, with a chair, a similar staffing process, and a similar agenda complete with the same basic phases (Fournier *et al.* 2011).

Jacobine Geel, a media figure, was appointed chair. As with the other Assemblies, a large random sample of people was drawn, then winnowed down, with the unavoidable self-selection providing part of the criteria for narrowing the sample (de Jongh 2013, Fournier *et al.* 2011). The final selection was done by lot, with demographic stratification as in other incarnations of the Assembly model; interestingly, the process was broadcast online. After staffing, the *Burgerforum* would go through a learning phase, a consultation phase, and a deliberation phase, as was done in British Columbia and Ontario; as was the case in Ontario's Assembly, the *Burgerforum* essentially followed BC's playbook, adding in simulated elections as would be done in Ontario and even allowing the education to continue into the consultation phase (Fournier *et al.* 2011). The *Burgerforum* was given a broad mandate in terms of changing the electoral system, but despite the great freedom in choosing options, the debate would quickly become restricted to only minor changes to the existing system, as will be seen (van der Kolk and Thomassen 2006, Fournier *et al.* 2011).

The *Burgerforum* considered changes to Dutch society, such as the mitigation of the country's former deep divisions and "pillarisation" (according to the consociational pattern) and the shift to a more individualised and issue-based electoral politics (*Burgerforum Kiesstelsel* 2006). Lack of citizen input in parliament and government, classic indicators of a democratic deficit, were also cited, along with an impetus to make government more responsive; de Jongh (2013) notes a burgeoning literature on

legitimacy problems in Dutch democracy that any Canadian observer would find familiar. These factors would influence the selection of principles to be used as criteria in evaluating the existing system and potentially choosing a new one. The members decided that they wanted to settle on a single recommendation rather than proposing multiple alternatives, and that this system would have to be heavily preferred over the status quo within the *Burgerforum* in order to make it to the recommendation stage (de Jongh 2013). The principles that would eventually inform the final decision were chosen through an evaluation of what the existing system did well and what it did badly, compared to what they thought an electoral system should do (Fournier *et al.* 2009). Major considerations in designing an electoral system were noted by Fournier *et al.* to be proportionality, simplicity, maintaining an at-large district, and the role of parties; curbing party proliferation and introducing territorial representation were lower priorities. The *Burgerforum*'s own (2006) report lists more influence for voters, simplicity, proportionality, quality of candidates,⁷ and promoting parties to draw up lists democratically and in a demographically-representative manner. These principles would prompt the *Burgerforum* to make modifications to the existing system in order to reduce its perceived negative effects and help strengthen its performance with respect to what was desired.

The existing, unreformed electoral system for the *Tweede Kamer* is a form of list-PR, with some important variations; there is no option to vote for a party list as a whole, so one must choose an individual candidate somewhere on that party's list in order to indicate a preference for that party (Andeweg 2005, Andeweg and Irwin 1993). The usual way of indicating a party preference when one has no particular candidate preference is simply to vote for the "list-puller," or top candidate on the list, usually the party leader (Andeweg 2005). While there are nineteen different electoral districts, the parties may use the same lists in all of them; no threshold exists save the effective electoral threshold,

⁷ Dutch elections have for some time been plagued by the tendency of parties to put popular public figures—who have no intention of assuming their seats should they win them—at the bottom ends of their lists, to scrape together a few more personal votes that will count for their parties (Andeweg and Irwin 1993, Andeweg 2005).

and the d'Hondt method is used to distribute seats once votes are counted (Andeweg and Irwin 1993). Though votes are cast for individual politicians, this does not really have an effect on the order of precedence when seats are distributed to a list; the rules include a sort of individual threshold that means that an individual candidate must get at least 25% of the Hare quota to win a seat outright, i.e. independently of whether that candidate's party was allocated sufficient seats to let that candidate have one of them (Andeweg 2005).⁸ The use of the d'Hondt quota gives an advantage to the larger political parties, but the system has very low barriers to strategic entry and features very high proportionality, offering new parties a chance to become powerful political players and ensuring that the distribution of seats in the Second Chamber is never a foregone conclusion (Andeweg 2005). That this degree of proportionality be maintained is a necessary condition of any electoral reform; Dutch political culture would stomach nothing less. Majoritarian and pluralitarian reform were therefore never plausible choices. Yet the growing democratic deficit had stemmed from a sense that voters had insufficient influence over the composition of the legislature at the level of individual members; while parties were still central to democracy, and their presence in the legislature had to be kept proportional to their electoral support, increased voter choice was deemed important among reform proponents.

Six options were generated within the *Burgerforum* and then narrowed down to one. In three of these models, only small tweaks were made to the existing system. One system was a version of MMP, while another involved voting for coalitions, and a final potential system was one which would elect chunks of the legislature on a rotating basis (Fournier *et al.* 2011). When the *Burgerforum* settled on a recommendation, the proposed changes were simple; an option would be added for a generic party vote, i.e. a vote for a list as printed and not for an individual candidate. Meanwhile, the practice of giving an individual candidate one's vote would be given a stronger effect by removing the threshold (25% of the Hare quota) at which individual preference votes would have an effect (*Burgerforum Kiesstelsel* 2006, de Jongh 2013). This would personalise politics

⁸ If individual politicians are popular enough to collect this kind of vote share, it is likely that they are already at or near the top of their parties' lists.

somewhat, strengthening the connection between voters and politicians while permitting more information to be articulated by the voter. The increased effects of preference votes in tandem with the addition of a generic party vote would help disaggregate the choice of party and the choice of candidate, and make it clearer to voters which sort of choice they were expressing (*Burgerforum Kiesstelsel* 2006). Additional recommendations not directly related to the *Burgerforum*'s mandate were appended to the report in the hopes that their implementation might tame the democratic deficit (de Jongh 2013, *Burgerforum Kiesstelsel* 2006).

Time	Event
1994	PvdA/VVD/D66 coalition proposes parallel voting; proposal fails
2002	Pim Fortuyn killed; his party enters coalition after legislative elections
2003	Coalition falls; CDA/VVD/D66 form coalition after fresh elections
2005	Coalition proposal to adopt mixed electoral rules fails
2006	Jacobine Geel made chair of <i>Burgerforum</i> , which proposes minor reforms
July 2006	Coalition changes composition, losing D66
November 2006	Legislative elections remove much of previous coalition from office
February 2007	CDA/PvdA/Christian Union coalition forms; no further talk of reform

Figure 33: Timeline of Electoral Reform in the Netherlands

5.3.2 Legitimacy

In terms of pure head-counting, the *Burgerforum* performed in a manner commensurate with its counterparts in Canada, achieving a good degree of sociodemographic representation. Being the last of the canonical Citizens' Assemblies discussed herein, and having followed BC's example so closely, it should not have surprised anyone in so doing. The key difference here is that the input legitimacy ascribed to the *Burgerforum* could in no way act as a heuristic for the public to decide whether or not to approve the proposal; their approval was not solicited. As a result, input legitimacy is not linked to implementation in this case, except to the extent that parliamentarians

could be expected to care about the level of public participation involved in the design of the proposal. It was, on the one hand, a change from the usual proposal, year after year, of some sort of mixed-member system, but on the other hand, it did represent only minimal change from the existing system. This might have been useful had there been any real interest in electoral change outside D66. But as de Jongh (2013), Fournier *et al.* (2011), and van der Kolk and Thomassen (2006) variously indicate, there simply was not sufficient appetite for system change among the politicians themselves, and nowhere near enough among the public for that sentiment to serve as a motivator to politicians. The veto players had allowed themselves a trump card in arranging the *Burgerforum* with no referendum at the end, and public sentiment was insufficient to shut them down; the proposal's only real boosters, aside from the *Burgerforum*'s members, were in D66. The electoral cycle subsequently rendered this support irrelevant, as a new administration came to power and brought with it less enthusiasm for reform than the previous coalition.

As with input legitimacy, the *Burgerforum*'s output legitimacy is considerably less important than it was when discussing BC and Ontario, and for the same reason: no referendum. However attitudes regarding the proposal might have taken shape or been shaped, they would make no difference in the end. Fournier *et al.* (2011) offer multiple explanations for why no referendum was planned; national referenda are rare in the Netherlands, and there was little zeal in the Second Chamber to hold one after the recent referendum on the European Treaty, especially one regarding a change that nobody in parliament aside from D66 really wanted (see also de Jongh 2013). Another key reason there was no public pressure on them to take the proposal more seriously was a lack of media attention to the process; again, the silence of certain elites can speak volumes. The bigger political story was the fall of the second Balkenende government and a new round of elections that returned a D66-free coalition to office while the *Burgerforum* was still in progress, effectively shuffling the veto players (Aarts and van der Kolk 2007, van Holsteyn 2007, Fournier *et al.* 2011). With the only outcome-contingent supporters of reform out of power, all that remained were opponents and erstwhile act-contingent supporters with no reason to continue offering that support. The new cabinet would sit on the recommendation for over a year before responding to it in the negative, citing concerns about the weakening of political parties, and D66's attempts to revive it would

fail (de Jongh 2013). The *Burgerforum*'s origins in coalition dynamics thereby foreshadowed its end.

Input Legitimacy Scorecard	
Citizen Participation	High
Citizen Participant Autonomy	High (deliberative scope was broad, but circumscribed by elite veto power since no binding referendum planned)
Final Input Legitimacy Score	High
Output Legitimacy Scorecard	
Public Interest	Variable (Assembly was supported but political crises and changes in government altered priorities; thus, interest started high but waned as it was diverted)
Media Coverage	Medium (the novelty of the process attracted some positive attention, and there was no widespread criticism of it)
Volume of Discussion	Variable (dropped from mid-reform levels to low; quieted down very quickly after other political issues drew attention away)
Final Output Legitimacy Score	Medium

Figure 34: Legitimacy of Electoral Reform in the Netherlands

5.3.3 Effects

An interesting afterthought to this process is the speed with which it was abandoned and forgotten. Its downstream effects on democracy are difficult to estimate on a qualitative basis given the lack of attention devoted to it afterwards; in fact, for some time now, neither the final report nor the process report (either in Dutch or in English translation) have been available on any Dutch governmental website. Neither their existence nor that of the *Burgerforum* is currently mentioned anywhere on those sites, and the use of the Internet Wayback Machine to access cached past versions of these sites dating back to 2007 was required simply to locate a mention of the pertinent documents and the titles of their English translations (unfortunately, the documents themselves were

not cached and had to be sought elsewhere). That there should be a failure of the political will necessary to implement the recommendations is one thing, but the difficulty of finding an official record—aside from academic studies—of the *Burgerforum*'s proceedings is indeed strange and seems to reflect an almost total unwillingness to acknowledge, if not the democratic deficit, then an important step taken towards its mitigation. When the predominant government response is silence, discussion and debate are difficult.

One might expect a process undertaken in good faith followed by a result that was quickly buried to result in outcry, or at least a deepening of dissatisfaction with the system. Opinion data suggest no such thing. Bovens and Wille (2011) note an isolated drop in satisfaction with how democracy works that was confined to 2003, but then a steady increase in satisfaction during the *Burgerforum*, followed by a plateau and then another increase. Comparative Study of Electoral Systems (CSES) data from 2002 on satisfaction with democracy⁹ show a large plurality of citizens were on the “satisfied” side of things—4.2% reported being very satisfied, and 44.5% were fairly satisfied (Sapiro and Shively 2007). This compares favourably to 22.6% not very satisfied, 2.6% not at all satisfied, and 25.2% in the intermediate category. 2002 was, however, the year in which Pim Fortuyn was assassinated and in which the first Balkenende cabinet fell, perhaps furnishing some explanation for the subsequent dip in 2003. These were not pleasant times in Dutch politics, and the temptation to blame the system somewhat, or at least feel less than satisfied with its operation, may have been hard to resist.

European Social Survey (ESS) data collected from 2004-2008 show the increase Bovens and Wille discussed. Respondents reporting positive values for satisfaction with democracy¹⁰ stood at 59.3% in 2004, increasing to 68% in 2006 and 72.6% in 2008, two years after the reform proposal was shelved (Jowell 2005, 2007; European Social Survey, 2010). Dissatisfaction showed a decrease over this period, from 22.6% in 2004 to 14.6%

⁹ The question asked was in the conventional “On the whole, are you [satisfied] with how democracy works in your country?” format, though the Dutch instance varied from the CSES norm in that it had an intermediate category.

¹⁰ This question used a ten-point scale and was phrased conventionally: “[o]n the whole, how satisfied are you with the way democracy works in [country]?”

in 2006, where it remained in 2008. (Respondents falling into the intermediate category stood at 17.2% in 2004, 14.7% in 2006, and 13.2% by 2008). While this may not indicate broad satisfaction at the final result of the reform process, it certainly suggests no hard feelings over how the process turned out. The new, D66-free coalition was able to abandon the reform proposal with nary a dip in public satisfaction with the workings of Dutch democracy, not even when a referendum failed to materialise. Some stability in government, or at least the end of a less-popular administration with a focus on reform that not everyone shared, may also have contributed to the trend.

Absent a referendum, using a deliberative process to reform democracy *seems* almost pointless. Why take the power of design from politicians if implementation is still up to them? This appears to be a critical opportunity for downstream effects to show that the *Burgerforum* still had a salutary effect despite the shelving of its recommendations, but even its potential independent effects were restricted by the environment in which the process took place. de Jongh (2013) notes the *Burgerforum*'s virtually impossible situation, in that it took place during a time of political instability and unsure support—the members were told outright by one of the visiting parliamentarians that their project had little chance of implementation. It is notable that this news came as a surprise to many of the members, since the inception of the process had signified (incorrectly) to most of them that they had the support of parliament and the executive. One wonders why the lack of a binding referendum, especially given the members' familiarity with the BC Assembly, did not raise more eyebrows and promote a more pragmatic outlook. Later in the process, reminders of the upcoming veto points, specifically securing executive approval, seemed to change the mood of the assembled members, almost taking the wind out of their sails; they had, per this interpretation, possibly been downplaying the political reality in order to be able to continue focusing on their task (de Jongh 2013). By contrast, apparently, the public's mood only grew more sanguine.

On the other hand, the complete absence of any acknowledgement by the current executive (indeed, for several years) that the process even took place, never mind that it produced recommendations, gives us a clear indication of at least the political reality facing the Dutch debate over electoral systems. While the most interested observers will

doubtless continue to discuss the issue, government and public attention have been directed elsewhere, and even if a Dutch equivalent to Italy's COREL, Canada's Fair Vote, or New Zealand's ERC were to spring up, it would be difficult for them to point to a "safe" document of prior art when that document is so difficult to find. One cannot bang a drum if someone else is keeping it out of sight. Meanwhile, widespread public satisfaction with democracy suggests there is no serious impetus to reopen the debate in the near future. The electoral reform debate in the Netherlands, thus, is likely off the political radar for some time, and the *Burgerforum*'s lasting effects, if there are any, probably will not be entirely clear until democratic reform resurfaces as an issue.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Increased after end of reform process; may be related to resolution of political instability, but suggests no lingering resentment
Public Reaction	Interest and support increased towards the end, but no strong backlash after proposal shelved
Media Reaction	Muted after proposal shelved
Post-Reform Discussion	Topic appears to have been abandoned
Final Effect Score	Positive (with qualifications; public may have changed priorities rather than being satisfied)

Figure 35: Effect on Democracy in the Netherlands

5.4 CONCLUSION: SOME ASSEMBLY REQUIRED

Notably, in only three cases involving the use of a Citizens' Assembly, we have seen three very different results. In British Columbia, enthusiasm and interest were high, and reform narrowly missed the threshold for success. In Ontario, apathy was the rule despite a virtually-identical process, and when the public finally did pay attention the reaction was to reject the proposal just as the media had rejected the process when they themselves finally tuned in. Finally, in the Netherlands, a change of government put a group of people in office who had better things to do than consider recommendations to change the rules that had just put them there. In other words, there was in BC an honest-to-goodness intellectual wrestling match between the Yes and No sides at both the elite

and grassroots level, and the reformers simply lost. By contrast, in Ontario and the Netherlands, elites both political and intellectual (including the media) could simply use their direct or indirect influence to ensure that little or no attention was paid to reform, so that it would die quietly. While it would have been impossible to let the process fade away completely in Ontario during the months leading up to the final veto point, since the upcoming referendum was public knowledge, it was easy for elites to complain or remain strategically silent and take advantage of the natural inertia of the No side. As in the cases detailed in previous chapters, a large number of things must go right in order to have even a chance at success, or a near miss, whereas if a few things go wrong the entire process can fizzle out, either at the ballot box or long before it gets to that stage. The final substantive chapter treats “hybrid” cases, which do not feature full CAs, but which nonetheless involve a lot more public input than a typical elite reform. These hybrid cases, too, will show that a referendum campaign can doom a reform proposal, and that it can be frustratingly difficult even to get the reform process to that stage. Those cases, along with the ones just examined, will reinforce a more important point: even the potential of a reform process to influence democracy after the reform proposal it produced has been approved or defeated is mediated by elites. Reaction to a reform process does not occur in a vacuum, and elites can influence the milieu in which that reaction happens, causing it to be muted or even hostile, or simply ensuring that coordinating public support behind that proposal never becomes a significant priority.

6 DIET DELIBERATIVE DEMOCRACY

Hybrid-Process Failure Cases

The cases to be treated in this chapter (Quebec, New Brunswick and Prince Edward Island) do not fit neatly into any one conception of how deliberative democracy should be added to an electoral reform initiative, and can represent *ad hoc* or belated attempts to include some deliberation thanks to the wide recognition of the Citizens' Assembly in BC, especially since all these cases occurred within Canadian provinces, and all took place within a few years of BC's own project. With such an example so close to home and so current, the impetus to try at least some sort of citizen involvement was strong, though the commitment to do so was varying in its intensity. Many of these processes would be drawn out simply because there was no formal, conventional procedure followed as had happened with the CA cases—one committee might report and recommend something only to be followed by another committee or commission, and so on. Predictably, the common element is that they all failed to change the electoral rules, but once again the causes leading to these failures are different, and the potential for lasting effects afterwards varies similarly.

6.1 LOOKING FOR A FEW GOOD CITIZENS: QUEBEC, 2003-2008

6.1.1 Background

Where the processes in British Columbia and Ontario were more or less smooth and linear affairs, Quebec's steps toward electoral reform came in fits and starts, and never quite approached the level of participation achieved in the two Citizens' Assemblies. While public pressure in this case did get the ball rolling, the various responses were inconsistent and the issue tended to lurch from one hurdle to another (Furi and Robertson 2005, Carty 2006, Wilson 2009). Interestingly, save for such an Assembly, Quebec's electoral reform story includes just about every sort of body that could be expected to weigh in on electoral systems. It therefore reads as a litany of different kinds of failures, as elites toyed with multiple possible plans, flirted with citizen

inclusion, and ultimately backed off electoral reform entirely (Wilson 2009). This constitutes the first “grassroots” case, then, that does not include a Citizens’ Assembly proper, but that nonetheless includes citizen participation above and beyond what would happen in a typical Royal Commission. This, along with New Brunswick and Prince Edward Island, should be seen instead as a hybrid case, with elements of elite manipulation as well as a dose of citizen deliberation. Expectations regarding other forms of reform processes can only be imperfectly applied here, especially since the process in each of these three remaining provincial cases was unique. Nevertheless, they hold some utility in permitting us to gauge whether even a small degree of citizen deliberation can hold some positive effect in terms of spurring public discussion about democratic institutions.

Electoral reform had hit the agenda in Quebec before the Citizen’s Assembly trend began, and when it did, it followed the path so typical in Canada, with an expert body, the Estates General, studying the topic first; elites took these recommendations and started fashioning legislation based on them and on other technical advice, namely a working paper by political scientist Louis Massicotte (Furi and Robertson 2005, Wilson 2009). It was only a few years into the process, with a change in government and a postponed referendum on the original elite plan, that more extensive citizen input was sought on the latest version of the elite reform project, in the form of an eight-member Citizens’ Committee that would join nine MNAs (Members of the National Assembly, the legislative chamber of Quebec’s provincial government) to form the Select Committee on the Elections Act (SCEA, or Select Committee). At this point in the process, it moved from very little participation at all to a modicum of citizen deliberation, distinct from simple participation. The efforts of this body would be reported back to the National Assembly, then referred to the Chief Electoral Officer for evaluation, but by the time this final referral was complete, the government’s priorities would no longer include electoral reform (Wilson 2009).

While the proposals in the most recent period of considering electoral reform in Quebec would all hinge on mixed systems, an interesting development is that the Select Committee modified Massicotte’s original proposal drastically in terms of ballot structure

in order to alter the incentives to voters. That the new proposal was referred to the Chief Electoral Officer can of course be read charitably as an attempt to take seriously the consequences of reform, or uncharitably as a way to stall for time and pass the buck, or find excuses not to implement the new system. Reportedly, the Charest government was turned off of pursuing the process further after the two high-profile failures of electoral reform in British Columbia and Ontario (*La Presse* 2008, cited in Wilson 2009).

It is difficult to make clear-cut predictions about how this case would fit the model underpinning this study. On the one hand, the inclusion of ordinary citizens beyond the input normally sought by a body of inquiry is laudable; on the other hand, recruiting eight people hardly constitutes crowdsourcing electoral design as was done in BC and Ontario, and leaves the administration open to accusations that this was done merely to pacify the public regarding citizen input, no matter how genuine their intentions may have been. Therein lies another problem, as the process of investigating electoral reform options was passed from one administration to another after the defeat of Bernard Landry's *Parti Québécois* (PQ) government by the Charest Liberals in 2003. Doody and Milner (2004) suggest that while the Landry administration was perfectly happy to continue to study electoral reform *ad infinitum*, the Charest government was much more likely to act on the matter.

Thus, our trip through the model is informed by considerations faced by both elite reforms as well as citizen-driven reforms. Input legitimacy is minimal, but greater than that of a process that included nothing more than a legislative committee, blue-ribbon panel, or the equivalent of a Royal Commission; as noted above, this can be read in multiple ways. Output legitimacy would depend on whether the public trusted a report generated by a committee in which elites outnumbered ordinary citizens, though at least in this case the main obstacle to overcome would not be simply public apathy and ignorance regarding the reform debate. While the outcome of the design process could not have been expected to stray particularly far from the prior art, it remains interesting that the Select Committee preferred traditional MMP with two votes over Massicotte's one-vote mixed system, suggesting perhaps that increased voter choice might be served by disaggregating the party and candidate votes somewhat. The road to implementation

essentially cuts off there, since the government opted for further study and then halted the process before so much as a referendum could be initiated; the independent effects of process are another matter entirely, given the potential ambivalence about the precise degree of input legitimacy in this process and what it means for government's attention to public concerns about democratic institutions.

The lead-up to the renewed salience of electoral reform in Quebec—aside from the on-and-off discussions about introducing mixed systems or some other form of proportionality that had taken place since the days of former Premier René Lévesque—begins with the provincial election of 1998, which returned a wrong-winner result and thus furnishes us with the seeds of a crisis in democratic legitimacy, something the reformers in Ontario and the Netherlands did not have on their side, but something held in common with the reformers in BC (Doody and Milner 2004). While Jean Charest's Quebec Liberals won the popular vote by a narrow margin, beating the *Parti Québécois* (PQ) under former Bloc Québécois leader Lucien Bouchard 43.6%-42.9%, the PQ took a commanding majority of 76 seats to the Liberals' 48, and the new *Action démocratique du Québec* (ADQ) under Mario Dumont received only one seat despite polling near 12% (*Directeur-général des élections du Québec* 1998). Thus, the major deficiencies in proportionality of SMP were all on display, with a wrong winner as well as a highly disproportionate result for the main opposition and a near-shutout for a minor party whose seat total badly underrepresented its degree of support.

This result has precedent, in that several historical elections elevated parties to power that had not won the popular vote (for example, the *Union Nationale* under Maurice Duplessis in 1944, and under Daniel Johnson Sr. in 1966); incidentally, the disproportionate result in 1966 is argued to be what has made electoral reform a perpetual, if minor, political issue in Quebec in the first place (Doody and Milner 2004, Carty 2006). There is a partisan bent to this recurring disproportionality, in that rural ridings supporting conservative and/or nationalist parties tend to have a distinct electoral advantage over the Liberals, and such parties have proven themselves capable of winning office even when the Liberals beat them in terms of popular vote; Massicotte terms this a “linguistic gerrymander” (Massicotte 1994, cited in Carty 2006). Obviously the parties

that benefit from the peculiar effects of plurality in Quebec cannot be expected to surrender such an advantage readily, which may explain why a mixed system has historically been popular as a potential goal of reform; Carty (2006) suggests it is a safe compromise, echoing previous scholarship that points out the “something old, something new” pattern in successful electoral reforms (see Rahat and Hazan 2011, for example).

While the genesis of the modern end of the reform project lies with parliamentarians themselves, it is incorrect to say they simply took up the cause unbidden; a citizen group dedicated to promoting electoral reform, the *Mouvement pour une démocratie nouvelle* (MDQ), appeared and added to the chorus of voices calling attention to the electoral system, some of these voices including the major parties themselves (Doody and Milner 2004). Indeed, the three major parties had all made some sort of commitment to examining the electoral system in their manifestos at some point in the 1990s; by the time Bouchard resigned the Premiership and his successor Bernard Landry took over, MDQ was prominently applying pressure to the new PQ administration to take electoral reform seriously.

The result was almost stereotypically Canadian;¹ the PQ government, under the direction of its Minister for the Reform of Democratic Institutions, Jean-Pierre Charbonneau, first released a paper outlining the government’s commitment to review the electoral system as well as other democratic institutions, and encouraging public debate on the matter (Minister for the Reform of Democratic Institutions 2002). While multiple democratic reforms were on the table, including a presidential system, the electoral system will remain the focus here. The issue did not go away, and the administration, while not outright strongarmed into action, certainly felt the pressure—as such, this is not simply an elite power-maximisation exercise so much as a confluence of factors. As in so many other Canadian jurisdictions around this period, the time seemed to be right. Subsequent to Minister Charbonneau’s paper calling for public debate, with pressure from MDQ continuing, the Landry government would execute an even-more-

¹ In other words, expert commission followed expert commission with little concrete action taken other than presenting recommendations that would be taken up by a subsequent commission.

stereotypically Canadian response, commissioning an Estates General (a body equivalent to a federal or provincial Royal Commission, only named differently), informally termed the Béland Commission, to study democratic institutions; it would report in 2003 with a document called “*Prenez votre place!*” or “Take Your Rightful Place!” outlining its recommendations for democratic reform (Estates General on the Reform of Democratic Institutions 2003). At the same time a separate Committee on Institutions, whose brief also included electoral reform, had been accepting public submissions (Doody and Milner 2004).

The idea of following up the Estates General with a referendum on its recommendations had been floated, but as with many aspects of that particular inquiry, this point of the plan also ended in failure (Wilson 2009). Doody and Milner (2004) note that the plan for the Committee on Institutions to hold province-wide public consultations simply never materialised, though written submissions were accepted for the duration of the process, through the time of Charbonneau’s paper and up to just before the creation of the Estates General. At this point, the level of public input had not breached that of a typical Royal Commission, and the pressure from MDQ was less oriented towards enhancing the process’s input legitimacy as it was towards getting something done; MDQ encouraged its supporters to send submissions to both bodies. Meanwhile, the Estates General continued without the support of the Liberal party, which had its own more focused plans for electoral reform; its report, unfortunately, would be released near the end of the electoral cycle, and Landry’s government would be defeated by Charest’s Liberals. Béland’s committee’s recommendations would not survive the transition in government, and the Liberals, for their part, would instead pursue a much more circumscribed democratic reform agenda, focusing on fixed election dates and reforming the electoral system to the exclusion of the other issues considered previously (Doody and Milner 2004, Furi and Robertson 2005, Carty 2006, Wilson 2009).

Under Charest’s government, there would continue to be a Minister for Reform of Democratic Institutions; Charest would appoint Jacques Dupuis to this position, and Dupuis would proceed with plans to construct a reform bill. This bill would be centred upon the modified version of MMP proposed by Louis Massicotte, in his working paper

“In Search of a Compensatory Mixed Electoral System for Quebec,” at the behest of the administration in 2004. Notably, Massicotte’s recommendation involved a system that resembled MMP in every way save for ballot structure; no list vote existed, only a constituency vote, and the list vote would be determined on the basis of vote share totals in the constituency votes (Massicotte 2004, Furi and Robertson 2005, Wilson 2009). The system proposed in Dupuis’s reform bill would retain this feature. While this bill was drafted in 2004, the next step would come in early 2005, when the administration created a Select Committee on the Elections Act, tasked with evaluating the reform bill; nine parliamentarians of all political stripes would sit on this committee, but eight ordinary citizens, four men and four women, would also be asked to form a Citizens’ Committee as part of the SCEA and accompany these MNAs on their consultation tour (Furi and Robertson 2005, Wilson 2009).² This is the critical part of the story as far as this analysis is concerned, and the SCEA’s decision and the process used to reach it will receive somewhat more attention than the prior portions of the reform process.

Taken from a convenient starting point in 1998, this reform represents several different kinds of reform process, with political elites prepared to act alone, special committees and then bodies of inquiry and even single experts empowered and tasked to solve the issue, and finally citizens brought belatedly into the fold. The most salient part for this study, however, is that which included the SCEA, with its Citizens’ Committee; this therefore qualifies as a hybrid reform, a special case of elite-mass interaction with characteristics of top-down as well as (limited) bottom-up reform. Carty (2006) notes some critical differences between this reform and that attempted in BC, aside from the obvious glaring difference in citizen participation; citing the differences in approach as an indication of distinctly regional responses to democratic reform issues, he characterises Quebec’s process as “narrow agenda—insider crafted—conservative proposal” as opposed to BC’s “wide agenda—outsider built—big change proposal” process (26).

² The inception of the SCEA is the point at which the distinction established in Chapter 2 between participation and deliberation becomes important. The input legitimacy of this process derives from both, but neither constituted a particularly large dose of legitimacy on its own.

Despite the prevalence of insiders, we should pay some attention to the criteria by which citizens were chosen to play their admittedly limited role in this process. 2300 people submitted their names, and of these, four men and four women were randomly selected to join the committee; Minister Benoit Pelletier, successor to Minister Dupuis, noted both the diversity inherent in the eight members, who represented Quebecers of all ages and regions, as well as the novelty of including this degree of citizen participation (*Secrétariat aux institutions démocratiques et à la participation citoyenne* 2005). The issue of sample size does not seem to have been a consideration in this assessment. Additionally, no reference appears to have been made to any sample stratification in order to ensure demographic diversity. As such, our first hybrid process represents a dramatic break from the Citizens' Assembly model, even if we accept the proposition that this level of citizen participation was desired in the first place because of the example set in British Columbia. The primary mission of the Select Committee was to consult, and as will be seen, their recommendations would not stray very far from the sort of mixed system perennially recommended for Quebec by some body of experts or another.

Understanding the institutional design decisions of the Select Committee will be easier with an understanding of their pedigree. While, as noted, discussion of a mixed system dates back to the 1970s, the Select Committee's design is more readily contrasted with the content of the reform bill they were set to evaluate, which itself grew out of specific proposed MMP-type systems in the 1990s (Doody and Milner 2004, Carty 2006). Charbonneau's 2002 paper, explicitly citing the democratic deficit as among the motivations of the government in attempting democratic reform, outlines the contrast between the status quo option of SMP and the other extreme of purely proportional rules, and goes on to note that most likely the preferred solution will be some sort of intermediate, mixed system. Much space, compared to the other alternatives, is devoted to an explanation of the basic template for a system like that used in the Scottish parliament, in Germany, in Italy, or in New Zealand. This would seem to reflect the tradition of prior art in Quebec as regards electoral reform.

The Estates General would furnish the next instalment of proposed reform in 2003 in its "Take Your Rightful Place!" report. The consultations would be distilled down to

four core values that citizens expected the voting system to embody: proportionality, maintaining the voter-to-MNA link, more permissive conditions for party formation and representation, and regional representation (Estates General 2003). The Estates General would advocate proportionality, but via a system of “regional proportionality” resembling either a number of regionally-based PR lists, or alternatively, a few super-sized STV districts, since there would also be *panachage*. Twenty-one districts would be created in total, each with its own lists. Incidentally, the same report would also recommend that this voting system proposal be subject to approval by referendum; obviously this referendum, intended to be held no later than halfway through the government’s next term, did not happen (Estates General 2003).

When the process entered its next stage, it would be the Charest Liberals in charge, commissioning a working paper from Louis Massicotte which was to outline a potential mixed electoral system for the province. Massicotte’s system, as noted, had much in common with MMP. Massicotte’s treatment is comprehensive, covering how the system would compensate for disproportionality, at what level it would do so, what proportion of top-up seats is needed, what formula should be used to distribute compensatory seats, what to do about overhangs, ballot structures, *panachage*, and double candidacy (i.e. standing for election both in a territorial district and on a party list). His recommendation included a 60/40 split between constituency and list MNAs, which would have come out to 75 and 50 respectively in the then-125-seat National Assembly (Massicotte 2004). Electing constituency MNAs using two-ballot runoff or AV was deemed pointless, since the top-up seats are the ones used to effect proportionality; small parties could also be punished under such rules, and they would be unfamiliar to voters. A small sacrifice in proportionality was deemed worthwhile to maintain the MNA-constituent link, and to avoid overhangs. Interestingly, Massicotte argues that a two-vote ballot is far less important to ensuring proportionality than are other aspects of the system, and that smaller parties could cherry-pick regions in which to run candidates, whereas they would have to run in all possible territorial ridings under a one-vote system in order to pick up compensatory seats. Two-vote ballots are also criticised for increasing the incidence of spoiled ballots, and finally, a potential way to game the system, once used in Italy, by running constituency and list candidates under different party labels in

order to distort the calculations used to determine proper assignment of compensatory seats (Massicotte 2004). For his part, Massicotte takes this possibility seriously enough that it, along with the other reasons cited, makes a one-vote ballot the superior option; he does, however, note that this gambit has only been used in Italy, and not yet in Germany where it is at least theoretically possible. Also interestingly, while *panachage* would be possible on the list portion of the ballot, a variant on double candidacy would be required to avoid two classes of MNAs—specifically, a “recycling system” in which the prime spots near the top of each party’s list would go to that party’s constituency candidates from that region who had lost, but performed over a certain threshold. In many ways, this system appears to be proportionality designed to look and feel as much like SMP as possible.

On the basis of this recommendation, the Charest Liberals moved ahead with their reform bill, which stayed fairly faithful to Massicotte’s system. It would keep the single-vote ballot structure and the “recycling system,” but the National Assembly would be split 77-50, since it had grown to 127 seats; the PR districts would number 24 at the least, as in prior proposals, but potentially up to 27 (Wilson 2009). Carty (2006) characterises this as a relatively conservative proposal, intended not to turn off potential veto players who might oppose something more radical; while the system would address the “linguistic gerrymander” fairly effectively, it would not do much to dislodge the Liberals and PQ from their positions as the two most powerful parties. This apparent compromise, which causes the process almost to veer back towards one of elite accommodation, would constitute the proposal the government was prepared to stand behind, but before implementing it, further input was desired. It was at this stage that the Select Committee was stricken.

The Select Committee was frank about the strengths of SMP in its report, but would ultimately recommend replacing that system (SCEA 2006). It is at this point that the Select Committee’s reasoning diverges from Massicotte’s. After considering the input gathered through public meetings and submissions, six of the eight members of the Citizens’ Committee authored a majority report in which they claimed that the single-vote ballot structure would promote strategic voting and punish minor parties unduly

(Wilson 2009). On the contrary, this feature was deemed to be counterproductive in terms of the values the Committee had identified, namely diversity of political expression, equal weight of votes, fair regional representation, institutional traditions (read: keeping the desirable aspects of SMP), and stable government (SCEA 2006). The Committee decided to stand by the seat divisions in the reform bill, and take an approach of adding proportionality to existing institutions rather than attempting to design something more proportional that would constitute too much of a break from existing traditions. The proposal within the reform bill as a whole was rejected, with modifications including an emphasis on addressing compensatory seat distribution at the provincial level in a way that did not distort regional representation, and a return to the traditional two-vote ballot of typical MMP (Wilson 2009).

The story does not end here; these recommendations in turn were referred to the Chief Electoral Officer of Quebec, who would report in December of 2007. The purpose of this referral and of the report was to investigate the potential effects of running elections under different rules, including whether proportionality would be affected, and whether representation would be different for women, minorities, minor political parties, and regions (Chief Electoral Officer of Quebec 2007, Wilson 2009).³ The report concluded that “[t]he effects of the various voting systems are not neutral” (4) and that, among other things, the Citizens’ Committee had been correct to note that a one-vote ballot would put smaller parties at a disadvantage (Chief Electoral Officer of Quebec 2007, Wilson 2009). The report did not make a recommendation or endorsement, however, and the Chief Electoral Officer would leave the choice to citizens and elected representatives. By that time, however, the preference of the latter group was inaction, with a predictable result. After the Charest Liberals withdrew their commitment to reform, no further steps would be taken.

Time	Event
1998	PQ wins legislative majority in “wrong-winner” election

³ While the full report is available online only in French, an English summary is available and is cited here.

2002	PQ government releases policy paper on democratic renewal
2002-2003	PQ government creates Estates General to study reform
2003	Estates General reports; Committee on Institutions generates no proposal
April 2003	Liberals win majority in legislative elections
2004	Liberals draft reform on basis of Louis Massicotte's recommendations
2005	Liberals create Select Committee on the Elections Act to review reform
2006	Select Committee reports, modifying Massicotte's proposal to MMP
2007	Chief Electoral Officer reviews report; no recommendation
2008	Liberals no longer committed to reform process; reform "on ice"

Figure 36: Timeline of Electoral Reform in Quebec

6.1.2 Legitimacy

After treating so many cases in which there was so much to say regarding their high respective degrees of input legitimacy, it is almost jarring to return to the previous tendency of low or barely-noticeable citizen participation. While the inclusion of eight random (as was noted incessantly in government announcements on the topic) citizens in the Select Committee was certainly novel, and touted at every possible opportunity, it can in no way compare to the levels of participation in BC or Ontario; instead of a deliberative body, the Citizens' Committee was an advisory body at best, though admittedly a change from the typical blue-ribbon panels assembled for such purposes. Thus, even the inclusion of citizen deliberation is tempered by the reality that the scope and final authority of that deliberation was circumscribed. And while the Ministry's press releases, as noted above, made much of the diversity of the assembled candidates, no mention at all is made of any sort of pseudorandom sorting or sample stratification used to ensure demographic diversity, and we can be certain that had such practices been used, they would have been mentioned prominently. In terms of representativeness, we almost have to take Minister Pelletier's word for it. Perhaps that is beside the point, as eight citizens can hardly be a large enough sample to achieve mirror representation when even

the large samples used in the three canonical Citizens' Assemblies had their own representative deficiencies. In short, this is a low-input-legitimacy case, especially for one that featured so much emphasis on citizen deliberation.

Interestingly, with no extensive learning phase to go through, the eight citizens ironically remained closer to “ordinary” than did their counterparts who were given the benefit of a crash course in electoral systems. But since their aims were so narrow—evaluate the Massicotte proposal and the reform bill based on it—they would not have needed to know as much. In asking how representative the body was, we should also note that this was hardly public deliberation in the sense that it had occurred during the Assemblies. It is indeed difficult to compare such deliberative efforts to one that, placed alongside them, appears a token attempt at best.

Once again, with no eventual referendum on the final reform proposal, the output legitimacy factor is minor at best, at least as pertains to public evaluations of the reform. Put simply, public opinion did not matter that much, and public evaluations had no bearing on implementation. Instead, as in the cases in chapters 3 and 4, this stage was left more or less entirely in elite hands, and other pressures, such as the electoral cycle, can come to bear on the process in a way that does not happen when the final stage of the process is instead a referendum. An interesting parallel exists with the situation in the Netherlands, where an election shuffled the coalition in office and left no party there with a stake in reform; in Quebec, an election reduced Charest's Liberals to minority status, and LeDuc (2009) suggests they may simply have decided that they had bigger fish to fry. Along with the disillusionment noted above after reform efforts in other provinces failed, as well as the inability of the Select Committee (2009) to come to a unanimous recommendation which every member would be prepared to sign, this took the wind out of reformers' sails. Without some continued discussion of the issue by academic, political or media elites, there no reform movement left to speak of.

Alternatively, we may look at what sort of effect the process's output legitimacy might have on public discussion of democratic institutions, quite apart from implementation. If anything, the haphazard approach to reform, the repeated delaying and buck-passing, and the arguably token effort to involve citizens might actually reinforce

the perennial cynicism regarding the electoral system in Quebec, and an unreformed system is likely to persist in displaying Massicotte’s linguistic gerrymander. While media coverage at the time seemed to imply that reform was dead for the time being—or “on ice,” as *La Presse* (2008, cited in Wilson 2009) put it—Quebec’s electoral history shows that all of this has happened before, and suggests that it will all happen again.

Input Legitimacy Scorecard	
Citizen Participation	Medium (citizens were specifically tasked with participating in the design process but did not comprise the majority of the body)
Citizen Participant Autonomy	Medium (citizens could not have final say and did not agree completely on the final proposal)
Final Input Legitimacy Score	Medium
Output Legitimacy Scorecard	
Public Interest	Variable (generally stable at medium to low, with spikes during major events in reform process; swayed by climate of reform in Canada, but drawn away by other issues)
Media Coverage	Variable (generally stable at medium to low, with spikes during major events in reform process; picked up on novelty, but recognised this is a perennial, drawn-out issue in Quebec)
Volume of Discussion	Medium (no extensive enthusiasm, some attention paid)
Final Output Legitimacy Score	Medium/hard to quantify (the issue is cyclical, so the public’s tendency to consider a reform process a legitimate use of resources/topic of attention waxes and wanes)

Figure 37: Legitimacy of Electoral Reform in Quebec

6.1.3 Effects

While it was tricky to set expectations for Quebec’s reform process since 1998 as a whole, the different parts of it that can be identified as top-down or bottom-up

performed about as we might expect. Elite-driven sections of the story featured a mix of act-contingent and outcome-contingent support, and safe reforms designed not to aggravate potential veto players; as has become depressingly predictable, they also included delays and an eventual failure when the executive of the day simply decided electoral reform was no longer worth pursuing, a pattern we have seen before. Meanwhile, the bottom-up—if it can even be called such a thing—portion of the process, interestingly, produced a proposal at odds with what the elites had been discussing up until that point. This parallels BC's experience, in which citizens gave much more attention to voter choice; those of the Citizens' Committee who could come to an agreement did not agree with the one-vote ballot, and chose instead to disaggregate the choice with a two-vote ballot instead. As Blais, Carty and Fournier (2006) said of the BC Assembly's decision to promote voter choice, "[t]his is not a value that typically gets much attention in political scientists' or politicians' assessments of a desirable electoral system. Apparently when ordinary voters think about electoral systems they give it considerable importance" (6). Even a tiny sample of citizens is enough to see this effect.

One final consideration regarding how this case fits the theory should be noted. While the process itself may have been too inconsistent to show noteworthy independent effects—and in fact there does not exist the sort of opinion research covering the post-Committee period which could confirm a large independent effect in the face of plenty of evidence that there was not one—neither through implementing a new system nor through acting as a steam valve for democratic discontent did this process solve the key problem of which democratic malaise and debating the electoral system are merely symptoms. The linguistic gerrymander remains, and will in all likelihood continue to generate wildly distorted electoral outcomes from time to time. As though Quebec electoral politics were an earthquake zone, a renewed discussion of electoral reform need only wait for the next "big one."

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Provincial-level data not available for this period
Public Reaction	Not particularly strident; tuned out
Media Reaction	Not evident
Post-Reform Discussion	Issue lost salience
Final Effect Score	No apparent effect

Figure 38: Effect on Quality of Democracy in Quebec

6.2 PUTTING EVERYTHING ON THE TABLE: THE NEW BRUNSWICK COMMISSION ON LEGISLATIVE DEMOCRACY, 2003-2006

6.2.1 Background

When New Brunswick undertook democratic reform, ambitions for the process would exceed electoral reform, though as usual that will be the focus herein; the Commission on Legislative Democracy would examine multiple aspects of New Brunswick's democratic institutions. While the level of citizen participation would edge out that seen in Quebec by a mere one citizen, the body's expansive deliberative mandate would mean a leash far longer than the one afforded the Citizens' Committee in Quebec, and even the three Citizens' Assemblies dedicated to electoral reform (Furi and Robertson 2005, Wilson 2009). A holistic approach was deemed necessary in order to tackle the democratic deficit, and the potential reforms were recognised to be interrelated, with far-reaching consequences for other institutions (Cross 2007). The Commission itself was the fulfilment of an election promise made by incumbent Premier Bernard Lord during an electoral contest in 2003 that would see his Progressive Conservative party re-elected with a reduced majority (McLaughlin 2007). He made it quite clear that the electoral result meant his party would have to follow through scrupulously on its promises, among which was the creation of a deliberative body of inquiry whose aegis would be virtually every aspect of New Brunswick's democratic machinery. Citizen deliberation, as opposed to merely public participation in the form of presentations or submissions, figured in these plans.

Discussion of electoral reform, even in government, did not begin in 2003 in New Brunswick. As early as 1996 the Department of Municipalities, Culture and Housing released a discussion paper that proposed a wide range of updates and amendments to electoral laws, covering just about everything but the voting system itself. This comprehensive scope would be maintained when the Lord administration moved ahead with the Commission on Legislative Democracy. Interestingly, McLaughlin (2007) emphasises that this process, unlike those in several other provinces, was not an initiative of a newly-elected governing party that had for many years been confined to opposition and perhaps punished by the electoral system—it was established by an incumbent government that had all too recently tasted the spoils of winner-take-all election rules and likely believed it could continue winning under those rules.

The Commission on Legislative Democracy was yet another process whose recommendation, MMP, was intended to be put to a referendum which in reality would never happen. Once again, a change in government was responsible. Its degree of citizen participation is more or less commensurate with that in Quebec, though as noted, its mandate was the broadest of any reform process considered in this work. Also worthy of note is that three Commission members of the original nine (one would later withdraw) were former New Brunswick MLAs, which requires that we consider “citizen participation” to be a relative term (McLaughlin 2007). The Commission represents another hybrid case, and another failure to enact electoral reform despite the combined efforts of elites and a small group of citizens. In contrast with Quebec’s example, however, this rather circumscribed inclusion of citizens in the deliberative process predates British Columbia’s Assembly experiment, rather than being hurled into the process as an apparent afterthought once the Assembly’s example had been set.

Another hybrid case requires a modified set of expectations. In terms of input and output legitimacy we can expect that this case should resemble the Quebec experience, though less haphazard and with fewer referrals of the file to this or that ancillary body. Where outcome is concerned, concern is typical in the Canadian context for maintaining geographical representation, so most likely a hybrid system would be on the table from the beginning; recalling that BC’s choice of STV was somewhat unconventional, MMP

seems to offer the safest bet, as it has the “something old, something new” combination of which reformers are often enamoured. Considering that this process explicitly included elite opinion, the chances of an unexpected recommendation, as in BC, seem low.

In terms of implementation, the cases considered up to this point highlight the perils of embarking upon a reform process without establishing from the start a mechanism for implementation at the end, such as an automatic and binding referendum. Absent such a mechanism, the final say on whether reform happens or not defaults back to the government of the day, and all too frequently the government has either embraced other priorities or has been ejected from office and replaced by another administration uninterested in finishing what its predecessor started. To be fair to the Lord government, the intention had always been to finish off with a binding referendum, but the electoral cycle is not fazed by unfinished business in terms of democratic reform (Laghi 2006, Carty 2006).

This sort of process, however, had a scope so broad that we ought to expect it to stimulate much discussion, unless that broad scope is overwhelming in terms of spurring debate, a perspective that is likely unfair to the New Brunswick voter. Are there any factors that might cause the electoral reform issue to fall off the radar, or conversely, continue to draw attention? Siaroff (2007) notes that New Brunswick’s small assembly size is a factor in evaluating the performance of its electoral system, and that smaller legislatures are more vulnerable to the effects of vote distortion. One need look no further than Frank McKenna’s legendary 1987 victory, in which his Liberals not only ousted the sitting Progressive Conservative government of Richard Hatfield, but took every seat in the legislature in doing so, to see such vulnerability in action (Elections New Brunswick 1987). While it is unrealistic to expect performances like this to be common, the small-legislature issue means that New Brunswick will likely continue to see its share of disproportionate results. Thus, as in Quebec, a structural issue of the electoral system ought to continue to highlight the issues with its performance, which might keep the debate alive regardless of the effects of a highly-visible reform process.

Aside from that aberrant result in 1987, New Brunswickers had seen some inflated majorities since, in the elections of 1991, 1995, and 1999 (Cross 2005). As noted

above, though, the Lord government had not been stewing in opposition when it came to decide that democratic reform belonged in its electoral manifesto; instead, McLaughlin (2007) suggests, part of the impetus may have been that Lord's agenda was one of modernisation in general, and that institutional reform to tackle the democratic deficit was seen as a part of the change needed. At any rate, it does not appear that pressure from the opposition caused the incumbent party to adopt this plank, as the election's central issue was anything but electoral reform. At the same time, the place of the opposition in government was important; in 1987 there had been no opposition, and since then, disproportionate results in a small assembly had made it difficult to achieve fair multipartisan representation in committees (Cross 2005). Part of making government itself more functional, therefore, was enhancing the representative strength of the opposition.

While it is clear from the terms of the Commission's mandate that the Lord administration was pushing for actual reform as opposed to simply passing the issue to another body and hoping it failed—the Commission, after all, was instructed to consider what form of proportional rules ought to be instituted, and not given the option of recommending that SMP be retained—the government's concern about the democratic deficit makes this initial act of elite imposition carry at least a shade of elite-mass interaction (New Brunswick Commission on Legislative Democracy 2004, Cross 2005). The path of empowering a blue-ribbon panel to deal with this issue is also typical of historical efforts at reform, but the limited inclusion of citizen deliberation in the Commission is novel and is what prompts the inclusion of this case among the hybrids. Importantly, the clear advantage of the winning party under SMP contests in New Brunswick means that reformers could not have been ignorant of the potential consequences of establishing proportional rules. Again, part of the intent was to ensure better balance between government and opposition, so it would be difficult to call this elite seat-maximisation. Instead, given the confluence of debates over the democratic deficit and the repeated lopsided elections, this seems simply like a reform whose time had come, and the Lord government appears to have acted accordingly.

Again, this is a hybrid process, beginning as elite imposition but ending as something closer to elite-mass interaction. The Lord government may simply have been reading the public mood, too, when adding electoral and democratic reform to its platform, and as such, at least a hint of elite-mass interaction was present from the beginning, though not the kind of public pressure seen in, for example, Quebec or even British Columbia. All indications seem to be that had the Lord government received a third term, it would have gone through with the referendum it had already scheduled for 2008, so elite support for the process appears to have been outcome-contingent, not act-contingent. That the next administration could so quickly quash reform plans suggests that act-contingent support was not a factor at all, since the only relevant veto players were the ones sitting on government benches. This abrupt change of course would remove from the public its chance to be the final arbiter and place New Brunswick's endgame in the same class as the Netherlands and Quebec. Interestingly, in Quebec a change in governments seemed only to accelerate reform plans, but a loss in that government's seat share caused it to abandon them; in New Brunswick, a reduced majority after an electoral beating only motivated the Lord government to move ahead, whereas a change in government resulted in the project's being scuttled entirely.

The Commission was staffed with private citizens, appointed based on expertise in a decidedly non-random process, but representing the province's regional and linguistic demographics as well as being balanced by gender (McLaughlin 2007). Lorne McGuigan and Lise Ouellete were named co-chairs, and David McLaughlin and William Cross were named Deputy Minister responsible for the process and Director of Research, respectively (New Brunswick Commission on Legislative Democracy 2004). Similar to other deliberative bodies, it would go through a research phase, a consultation phase, and a deliberation phase. Part of the Commission's task would be to seek extensive public input, but the inclusion of "ordinary" citizens in its membership seems not to have been much of a factor; that said, much was made of the diversity and representativeness of the group. This appears to be an especially important consideration given New Brunswick's historical divide along cultural, regional, and linguistic lines.

As noted previously, the Commission's mandate was extensive. Aside from its being assigned to recommend a proportional replacement for SMP, the Commission was to investigate electoral boundaries, fixed election dates, ways to increase turnout and modernise voting, transparency in government and expanded roles for MLAs, and direct democracy (New Brunswick Commission on Legislative Democracy 2004, Cross 2005). The focus in this section will be the primary goal of the Commission, namely generating a recommendation for voting system reform. And while the task of other bodies was either legislated to be quite narrow or quickly determined by the membership to be so (as in Quebec and in the Netherlands respectively), this body's open-ended task is nevertheless narrow as far as this analysis is concerned, since the recommendation of a proportional system was essentially preordained.

Despite the request to consider proportional alternatives—ruling out runoff and AV systems—the Commission still had a number of options open to it, and could well have surprised everyone with an unusual recommendation such as STV. That said, numerous factors likely constrained the Commission's choice. For one thing, Cross (2005) and Carty (2006) note the comparative trend towards favouring proportional systems when engaging in successful or attempted electoral reform, and that in many ways MMP or some other closely-related mixed system often seems to be the go-to solution, since it represents a compromise among competing expectations and has something for everyone. It often provides an attractive balance of continuity and change, helping reformers feel that they have achieved something while serving to mollify their opponents. Perhaps more important than this background trend towards MMP as the obvious choice is the demographic makeup of the province. MMP retains the territorial representation needed to represent the various regions and concentrated cultural and linguistic groups of New Brunswick, and can permit the proportional aspects of the system to accommodate regions as well (Carty 2006). Finally, though Premier Lord would restrict his influence over the Commission to an initial meeting at the start of the process, much of the purpose of which was to answer questions and emphasise the Commission's complete independence, he commented at one point that changing the electoral system ought to require a referendum. As a result, McLaughlin (2007) suggests that saleability concerns may have become a concern in electoral design.

After the various kinds of electoral systems had been detailed in background presentations, Cross's (2004) research presentation to the Commission noted that several options were available, including list-PR sorted by regions, a mixed system with its PR component also sorted by region, a mixed system with a province-wide list, a "one-and-a-half-vote" system much like the one Louis Massicotte proposed in Quebec, and STV. The values noted as the criteria by which these options were to be judged included proportionality, local representation, substantial opposition (something not seen in other jurisdictions' lists of values, and likely peculiar to a small legislature), fairness to small parties, voter choice, effective and stable government, and representation of minorities and women (Cross 2004). The options were grouped thematically as either mixed systems (with single-member districts alongside larger ones) or all-multi-member-district systems (which included list-PR as well as STV). A later document, which came after the Commission had settled on a variant of MMP, described the issues to be taken into account when designing such a system (New Brunswick Commission on Legislative Democracy 2004). These included the ratio of list seats to constituency seats, the potential for two classes of MLAs, the issue of list organisation (regional lists would respect demographic cleavages but province-wide lists would enhance proportionality), whether to have open or closed lists (and which option would be superior in terms of increasing representation of women and minorities), which electoral formula should be used, and whether to permit double candidacies and risk the problem of the "zombie" politician (defeated in the constituency vote but elected in the list vote, or vice-versa).

In its final (2004) report, the Commission notes that its initial goals were established as "[f]airer, more equitable and effective representation in the Legislative Assembly; [g]reater public involvement in decisions affecting people and their communities; [m]ore open, responsive, and accountable democratic institutions and practices; and, [h]igher civic engagement and participation of New Brunswickers" (4). The democratic values explicitly cited as criteria for institutional reform in general were fairness, equality, representation, openness, efficacy, accountability, inclusivity, and choice; interestingly, the most common public request was for an effective opposition. The values specific to electoral system design were local representation, fair representation, equality of the vote, and effective government. SMP is argued to fail on

all but the first, since its tendency to return a hamstrung opposition rump limits the effectiveness of government as a whole, if not the executive's power. The Commission's (2004b) recommendation begins with a proposed increase in the size of the legislature from 55 to 56 seats, with a minimum of 36 of those representing single-member districts elected under plurality rules. Four PR districts would be created, with the explicit intent that the total number of PR seats be divisible by four so that the districts could be equal in magnitude. The two-vote ballot structure was proposed specifically to allow voters to disaggregate their candidate and party choices. The system would use the d'Hondt formula, with no legal threshold, but with a by-design effective electoral threshold of between six and seven per cent in the regional lists. Party lists would be closed, with dual candidacies not permitted (New Brunswick Commission on Legislative Democracy 2004). Finally, the Commission would recommend a binding referendum on adopting the new system. While the recommendations were made final in late 2004, the report was officially released to the Premier—and tabled in the legislature on the same day—in early 2005 (McLaughlin 2007). It would be over a year, however, before Lord's government would respond, with a report titled “Improving the Way Government Works” (Government of New Brunswick 2006).

Time	Event
1987	Liberals win every seat in legislature in lopsided election result
1996	Discussion paper on non-voting-system electoral reform
1999	PCs win lopsided legislative majority
2003	PCs win second consecutive majority, promise democratic renewal
December 2003	Commission on Legislative Democracy established
December 2004	Commission proposes modified MMP; 2008 referendum planned
2006	Liberals win majority, cancel referendum, abandon reform

Figure 39: Timeline of Electoral Reform in New Brunswick

6.2.2 Legitimacy

Given that the selection of Commission members does little to pre-empt accusations of elitism, this process gets comparatively low marks for input legitimacy, at least in terms of public participation. The evaluation is boosted, however, by the small degree of deliberation included. Its extensive public consultations put it about on the level

of the Quebec Select Committee, perhaps just a little above a Royal Commission in that the blue-ribbon aspect was combined with some citizen membership, and not just public submissions. Accounts of the process (see Cross 2007, McLaughlin 2007) note the diversity and representativeness of the group, and McLaughlin adds the interesting consideration that since the work of the Commission would deal explicitly with political issues, people with political experience should be represented on it. This is a different conception of diversity than is typically seen in such deliberative bodies, though the concern for regional, gender, and linguistic representation did remain. It is also only fair to note that no sitting politician was involved in the deliberative process.

On the other hand, the perceived legitimacy of the body is almost irrelevant. The government that empowered it was already inclined to take it seriously, whereas the public had little knowledge of the process at all—indeed, electoral reform would continue to fail to capture the public interest for some time (McLaughlin 2007). Emphasis was instead placed on the “quality” aspect of output legitimacy as opposed to general approval, given that the Commission was set up to reflect expertise rather than the collective wisdom of a large group of ordinary citizens. In the end, with no referendum, it would only be output legitimacy that mattered to the elites shepherding the process along, and it became clear that two different governments could have different interpretations of how salient and worthwhile the Commission’s work had been. The public would simply have to live with the consequences of whatever level of output legitimacy and relevance the succeeding administration assigned the proposal.

A link between government evaluations of the Commission’s work and a chance at gathering the public’s evaluations of it was made in Lord’s (2006) response to the Commission’s report. The official government response included support for a referendum and, refreshingly, the date (12 May 2008) on which that promised referendum would occur. The idea was to give citizens sufficient time to educate themselves on the issue, as the Commission itself had not really attracted a lot of public interest (McLaughlin 2007). Lord had made good on what he had said more or less all along was his government’s intention (Laghi 2006). Nevertheless, no mention was made in the report of the independent Yes and No campaign organisations that the Commission

had recommended be established (New Brunswick Commission on Legislative Democracy 2004, Furi and Robertson 2005). The report also notes that future referenda should include a double majority threshold, echoing the practice in BC.

The report includes a timeline of the plan the Lord government eventually followed to put the recommendations into practice, but it ends with the 2008 referendum. This optimistic prediction was eventually contradicted by reality when Lord's government was defeated. The public would never have a chance to express its evaluation of the Commission's output legitimacy, as Shawn Graham's Liberals took power later in 2006 and released their own report, "An Accountable and Responsible Government" (Government of New Brunswick 2007). While they accepted and acted on some of the Commission's ancillary recommendations, they declared that no case had been made for changing the electoral system, and canceled the planned referendum. No further action would be taken on electoral reform by Graham's government, though in a final irony it should be noted that Graham won a majority in 2006 without winning the popular vote (Elections New Brunswick 2006).

Input Legitimacy Scorecard	
Citizen Participation	Low (group handpicked to be representative, but staffed by experts in large part; citizen input stated to be important but not really sought beyond level of a Royal Commission)
Citizen Participant Autonomy	High
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	Hard to categorise (not much evidence of interest, so this indicator is not very useful)
Media Coverage	Medium (elite observer commentary not widespread, but generally favourable)
Volume of Discussion	Variable (from medium to low; present in anticipation of referendum, but quieted quickly without much protest after new government abandoned plans)
Final Output Legitimacy Score	Medium

Figure 40: Legitimacy of Electoral Reform in New Brunswick

6.2.3 Effects

Though the Graham government sustained the rhetoric regarding the connection between modernisation and democratic reform, its commitment to electoral reform in specific had never been evident—it had in fact criticised electoral reform proposals while in opposition—and its cancellation of the MMP referendum does not come as much of a surprise (Government of New Brunswick 2007). As McLaughlin (2007) notes, little has been made since of the reform issue since. Barring an influx of outcome-contingent reform support to government benches, or public mistrust of the electoral system's reaching a crisis level, stasis appears to be the order for some time. Even when the process appears to be running smoothly and sailing through veto points, there is little that can immunise it from a change in who occupies those veto points. If anything, this simply furnishes a case for the serious reformer to establish a binding referendum from the

outset, though if this is done with a simple act of the legislature, it is hard to see how one could prevent a successive administration from changing course.

While this is where independent effects of process might be expected to have their turn at promoting debate, the levels of interest in New Brunswick seem to have been low, despite the repeated issue of distorted results. This leaves little pertinence for public perceptions of the Commission's input and output legitimacy, and indeed, questions regarding satisfaction with the reform process, the electoral system, or democracy in general were not addressed in such opinion research as was actually done in the province around that time.

Given that Lord's re-election and Graham's victory both returned legislatures with substantial numbers of MLAs on opposition benches, perhaps the biggest bone New Brunswickers had to pick with their electoral institutions has been addressed for now. It remains to be seen whether opinions will change and the issue will merit discussion again should SMP return to its old habits of promoting abnormally lopsided majorities to government, since, as in Quebec, the chief structural feature of the election which led to its being identified as a target for reform in the first place remains. But at the moment, little exists to promote discussion among anyone but the most fervent reformers.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Provincial-level data not available for this period
Public Reaction	No prominent outcry after reform shelved
Media Reaction	No strong opposition to abandoning reform
Post-Reform Discussion	Not evident
Final Effect Score	No apparent effect

Figure 41: Effect on Quality of Democracy in New Brunswick

6.3 COMMISSIONS CREATE COMMISSIONS: THE COMMISSION ON PRINCE EDWARD ISLAND'S ELECTORAL FUTURE, 2003-2005

6.3.1 Background

The final hybrid case to be considered is that of Prince Edward Island, in which a single-member commission would give rise to a small (seven members) appointed

deliberative committee much like those in Quebec and New Brunswick. Like those two processes, this one also seems to have a lot in common with the Jenkins Commission and other elite efforts that featured extensive public consultation, but tempers this elite influence with a small dose of public deliberation; PEI features four federal ridings, and one from each was chosen to participate (along with one representative from each of the three official political parties) in the Commission on Prince Edward Island's Electoral Future, which would follow the initial commission and design a mixed-system recommendation that would, this time, actually be put to a referendum (Wilson 2009). As a result, the case belongs here with the other hybrids, as each of them so far has involved a similarly low, but still non-zero, level of citizen involvement over and above the typical Royal Commission. Importantly, that involvement entailed deliberation in each of these cases. This sort of process, used in three of the five Canadian provinces that were considering electoral reform during this period, is, oddly enough, the more typical of the two when compared to Citizens' Assemblies. While it is the Commission on Prince Edward Island's Electoral Future that constitutes citizen-driven reform in this case, the story begins with the prior Prince Edward Island Commission on Electoral Reform, under Justice Norman Carruthers. (Longer descriptors for the two bodies will be used to avoid confusion.)

The efforts at reform begin there, but prior art dates back a little further; as early as 2002, Elections PEI had been tasked to produce a report on proportional representation for presentation to the legislature (Elections PEI 2002). This research paper is more of a backgrounder, and even the report of Justice Carruthers would not land on one specific recommendation (Carruthers 2003b). Notably, the research paper had been requested and the Commission on Electoral Reform tasked with its mandate while the Progressive Conservative government of Pat Binns was in its second term, and the process continued after the administration's election to a third majority term. Once again, this process was not necessarily a bugbear of a party that had been stewing on opposition benches for a long time. However, former Liberal member Jeannie Lea's (2009) insider account suggests the dissatisfaction, at least of politicians, with the lopsided outcomes common to SMP when used with a small legislature, citing the same sort of drastic underrepresentation of the opposition as had been seen in New Brunswick.

Carty (2006) reminds us of the incipient norm that governments considering electoral reform should include some novel sort of citizen input; like New Brunswick and Quebec would a few years later, PEI made a small effort to this end, though again nowhere near as extensive as a full Citizens' Assembly. The work of Elections PEI and even Justice Carruthers had been deliberately inconclusive, and Carruthers argued that although electoral system change was necessary, the final decision on what specific system to recommend as a replacement for SMP should involve citizen deliberation, as distinct from previous modes of participation, followed by a referendum (Carruthers 2003b, Cousins 2004). That said, the decision would come down to a double-majority plebiscite, though even that level of safety for reform opponents would not be needed. Reform was soundly rejected in the referendum, not even approaching a simple majority, much less the 60% supermajority threshold (plus simple majority in 60% of electoral districts) Binns had imposed to the distinct irritation of reform proponents (Lea 2009).

This hybrid process went through a distinct elite-driven stage before it reached its marginally-citizen-driven stage, and as such, expectations for its compliance with this study's model should be tempered, as in the cases of Quebec and New Brunswick. The fit, as with those cases, will be imperfect. As in the other Canadian (read: Westminster) jurisdictions in which citizen-based reform was contemplated, we should expect certain patterns to emerge in the design process, namely a move to proportionality (as seems to be the norm in pluralitarian and majoritarian jurisdictions), concern for maintaining local representation, and expanded voter choice (Carty 2006).⁴ To this we can add a concern over the place and strength of the opposition, since this is a small legislature like New Brunswick's, where SMP similarly resulted in systematic underrepresentation of the opposition's support. MMP, the "usual suspect" in recent electoral design, would seem the likeliest outcome, and indeed Justice Carruthers had, while not outright endorsing that system, heavily implied it was the best choice (Carruthers 2003b, Cousins 2004).

⁴ See also Carty, Blais and Fournier (2006) and Blais, Carty and Fournier (2008) regarding the notion that ordinary citizens place extra emphasis on voter choice when debating electoral system design.

This last hybrid process included a very low number of citizens involved in deliberation, but about as representative a group of them as could be had with a sample that small. This contrasts favourably, at least, with a Royal Commission or similar body of inquiry whose citizen participants in the deliberative process number zero. Output legitimacy can be expected to receive a boost given the continuity of prior art, from the Elections PEI report through Justice Carruthers's work on the one-member Commission on Electoral Reform—no out-of-the-blue choice of a less-popular electoral system like STV would surprise anyone. And once again, output legitimacy matters, at least to the extent that the voice of the public would be heard in a non-binding plebiscite. This, however, opens up the process to the same problems that bedeviled Ontario and even BC, in that clearly-defined Yes and No campaigns would never be established and public debate and even awareness of the process prior to the referendum would, as in Ontario, not approach particularly impressive levels (Lea 2009).

The chances this process had to affect the debate on democratic institutions in PEI even after its termination are as difficult to predict as in Quebec and PEI. Again, the structural factors of which lopsided majorities are a symptom still remain, and could continue to produce such results, provoking a later return to the electoral reform issue. At the same time, concerns with how the referendum process played out (to be detailed in the output legitimacy subsection) could leave the kind of bad taste in reformers' mouths that would only encourage them to keep trying, though we should note that the same criticisms of the process's endgame were present in Ontario, where the issue is effectively off the radar. Should electoral reform return as an issue, or should the trust of Islanders in their democratic institutions change for the better or worse, it will be tricky to say how much of it was a result of this process's independent effects and how much can be ascribed to the unfinished business of electoral reform.

It might seem intuitively odd that sitting governments, or parties used to winning at least some of the time, would decide to pursue electoral reform, but as in the other hybrid cases, as well as that of BC, distorted electoral results—no wrong winners in this case, but lopsided majorities and undersized oppositions for over a decade—were difficult to ignore (Cousins 2004). Amid growing discussion of the democratic deficit,

institutional reform (or at least discussing potential institutional reform) seems to have become the go-to solution, if not for the problems themselves then at least for the democratic malaise they spurred (Cross 2005). As noted, Binns's government had been willing to speak openly about the electoral system as early as 2001, when a five-member special committee of the legislature was assigned to the issue, and reported that it merited further attention (Cousins 2004). In 2002, Elections PEI was tasked with evaluating how alternate electoral systems would operate in this setting. Chief Electoral Officer Merrill Wigginton would, in April 2002, deliver the "Report on Proportional Representation" which recommended no system in particular but did note the possibility of solving (and creating) democratic problems through electoral reform (Elections PEI 2002). The report was also clear that a referendum and a substantial education campaign prior would be needed.

In 2003, Justice Carruthers was appointed as the sole member of the Prince Edward Island Commission on Electoral Reform (Furi and Robertson 2005). The purpose of this body was to follow up on the discussion of the electoral system that had already started, and evaluate whether SMP would continue to be useful or whether another system should be chosen to replace it. Carruthers was given a fairly open mandate for this process, and would leave the question similarly open-ended. In April of 2003 he released an interim report describing four possible replacements to SMP in order to spur discussion, before releasing a final report late that year (Carruthers 2003, Furi and Robertson 2005). Carruthers, too, advocated that the public be the final arbiter of change, noting the need for a referendum and even going so far as to advocate a Citizens' Assembly (Carruthers 2003). While again not settling on a particular system, Carruthers noted the advantages of hybrid or correctional systems, in that they keep territorial representation and then correct the infelicities of single-member districts and plurality rules by using compensatory procedures. Therefore, such a system would be the kind most likely to gather the most support and to fit the Island's needs.

With an answer implied, but not definitively chosen, the Binns government would go on, a year later, to direct appointment by standing legislative committee of the eight-member (one citizen from each federal electoral constituency, and one parliamentarian

representing each major provincial political party, plus one chair) Commission on Prince Edward Island's Electoral Future, whose function would be to settle the question for good and set the terms of the referendum (Furi and Robertson 2005). Citing low public engagement, Binns had noted it would be improper to move forward with reform legislation at this time (CBC Prince Edward Island 2005). Given that at any time the administration could have abandoned efforts, it seems fair to say there was at least some outcome-contingent support for reform. Nobody in power could deny the detrimental effects of a constantly-underrepresented opposition (Cross 2005). As with the other hybrid cases, the time was simply right for discussing this matter, and elites who went along with the process had to have known that seat-maximisation was likely the opposite of the reform's eventual result—and it is hard to imagine that parties used to alternation in government and inflated majorities would use the electoral system to hedge bets on the share of seats they would get when in opposition. Either Cross (2005) and Carty (2006) are correct to observe that following through on electoral reform at least to the point of citizen involvement is becoming the trend, or perhaps a referendum is seen as an easy out for a government that has lost the will to continue with electoral reform.

As a hybrid process, this effort, like the other hybrids, displays aspects both of elite imposition and of elite-mass interaction. No serious public pressure or crisis motivated the Binns government to consider democratic reform, but the democratic deficit is more a chronic affliction than acute. Again, this is not an elite power-maximisation exercise, and it is likely that outcome-contingent support was present in the administration; meanwhile, a tiny opposition would have had neither the capacity nor the inclination to act as veto player. The Commission itself was a mix of insiders and outsiders, though their selection was nowhere near as representative a process as BC's (Carty 2006). Indeed, the participation level in the Commission falls far short of Carruthers's recommendation of a full-fledged Citizens' Assembly. The Commission's own report notes that the citizens chosen to accompany the three parliamentarians were selected—with no mention of randomness or stratification—from a list of interested citizens compiled on the basis of responses to newspaper advertisements, which introduces a more serious, but unavoidable, problem of self-selection than the Assemblies proper had faced (Commission on Prince Edward Island's Electoral Future 2005). The

result, however, did ensure that one citizen from each federal electoral district had been chosen.

The Commission's mandate explicitly notes Carruthers's recommendation for further study by a citizen body, which the Commission would do the bare minimum to fulfill (Commission on Prince Edward Island's Electoral Future 2005). Further points of the mandate include a focus on evaluating MMP for PEI, and even conducting the post-deliberation public education campaign leading up to the eventual referendum (Commission on Prince Edward Island's Electoral Future 2005). From the language of the mandate it seems a choice of MMP was foreordained, and the Commission would be concerned mainly with details like setting a referendum date, hammering out the actual model, and explaining it to the citizens as part of the education campaign. It should be noted that the Commission's mandate required it to set winning conditions for the referendum analogous to those used in BC, a clear reference to the double supermajority requirement.

No specific values were set out by the Commission that could be used as criteria for evaluating different electoral systems, though it makes sense that with the focus already so strongly on MMP, the "values" portion of the debate was long since concluded. With respect to prior art, the top value articulated by Justice Carruthers had been vote equality, which could and did mean a number of things, including fairness in district populations as well as fair legislative representation for the opposition and minor parties (Carruthers 2003, Wilson 2009). Thanks to the potential for "zipper" lists alternating between members of different groups in need of representation (often men and women, but in this case geographical regions), closed lists were recommended; these would stand alongside the single-member districts that Carruthers had recommended not be abandoned and which the Commission was technically bound to include in its model (Commission on Prince Edward Island's Electoral Future 2005). Thanks to public input, the Commission removed the option of dual candidacies long before deliberation began in earnest.

The result was a fairly typical MMP system, with a 17:10 ratio of constituency to list seats and a two-vote ballot structure. There would be one closed province-wide list

(offering greater proportionality in a small legislature, and possible since Prince Edward Island lacks the persistent cultural divisions of New Brunswick), the compensatory seats of which would be distributed according to the d'Hondt formula (Commission on Prince Edward Island's Electoral Future 2005). A five per cent threshold would be established for list seats. No alternative to this configuration was really possible, since parallel voting and STV, both systems which the Commission had investigated briefly, were excluded by the Commission's mandate. The superior "saleability" of MMP, though, would likely have played a role in its choice even had other options been permitted (Carruthers 2003, Wilson 2009).

Time	Event
2002	Elections PEI releases background paper on proportional representation
2003	Commission on Electoral Reform recommends deliberative reform body
2004	Commission on PEI's Electoral Future established
2005	Commission on PEI's Electoral Future proposes MMP and referendum
November 2005	No side wins decisive referendum victory; Premier declares reform dead

Figure 42: Timeline of Electoral Reform in Prince Edward Island

6.3.2 Legitimacy

As with the other hybrid cases, the Commission on Prince Edward Island's electoral future cannot score more than a few token points for citizen inclusion. In terms of head-counting, it is outperformed by Quebec's Citizens' Committee and arguably commensurate with New Brunswick's not-quite-elite, not-quite-grassroots Commission on Legislative Democracy. With this small a sample, demographic representation is basically impossible aside from the geographic representation that was actually achieved (and no doubt aided by the province's small size). Even partisan diversity among the elite representatives on the Commission was given more primacy than demographic diversity. This constitutes an interesting extension of McLaughlin's (2007) contention that since New Brunswick's own deliberative body was considering political issues, politicians

were well-suited to give input; in this case, however, it was current and not former politicians taking part. This does not necessarily count as a strike against the Commission's representativeness so much as an alternate take on whether politicians should indeed be taken seriously as stakeholders in electoral reform, though justification for including party representatives was not included in the announcement of the Commission.

Though in this case the public would have a somewhat meaningful contribution at the end of the process through a referendum, their perceptions about the Commission appear to have been less important than evaluations regarding the proposal itself. Rather than a bold, out of the blue initiative in BC, which drew scrutiny simply for its novelty, the Commission appears simply to have been the last step in a slow ballet of electoral reform, and with only a tiny citizen-deliberation component it appears to have been open to less questioning or criticism than the Assemblies proper. The discussion prior to the referendum simply does not prominently feature evidence that citizen input was used as a heuristic one way or the other (CBC Prince Edward Island 2005, McKenna 2006, Lea 2009). More important would be the quality of the proposal itself, though as we have seen, it is easier to oppose one than to propose one, and at any rate almost nothing can revive electoral reform once the government engaged in it has changed its mind, as the somewhat more irked observers and participants might argue happened in PEI (McKenna 2006, Lea 2009).

Discussion of output legitimacy requires treating both perceptions of the Commission's outcome and recommendations, as well as the events of the referendum campaign. While the Commission had not attracted a great deal of public interest as it worked, this changed once the referendum campaign began (McKenna 2006). As debate heated up and discussion became more commonplace, opinions divided on the new system, though the No side does not appear at any time to have challenged the credibility of MMP on the basis of the process that was used to generate the recommendation. At the same time, the recommended establishment by government of independent Yes and No campaign organisations did not happen. These were instead organised by third parties, and Commission members themselves were forbidden from campaigning (Lea 2009). In

many ways, this aspect of output legitimacy appears to follow the pattern of elite reforms, though perhaps the MMP proposal did not have the political pedigree or status of, for example, the RCES recommendation in New Zealand or even the Jenkins Report in Britain. As a result, public annoyance over a perfectly good recommendation that had been collecting dust for years simply was not present, and instead, news sources would speak of a reform process that had seemed to drag on forever (CBC Prince Edward Island 2005). This framing combined with government reticence in empowering twin Yes and No campaigns shows once again that subtle elite influence is possible via decisions about what information is repeated and how.

The campaign itself was another issue. While the two sides staked out their positions, Premier Binns instituted the aforementioned double supermajority requirement (as seen in BC), and while this in itself is hardly a break from the trend, what is striking is that he did it with only a month to go before the vote (McKenna 2006). Reform proponents were, naturally, irritated that the government seemed at the last minute to be trying to make a Yes victory impossible (CBC News 2005). Lea (2009) echoes this view, adding that a number of other considerations made the referendum battle unfair to the Yes side. In contrast with BC's procedure, the referendum would not be held concurrently with a provincial election, nor did such elections even occur on predictable fixed dates as in BC. Lea also blames voting day problems—one-fifth of the normal number of polling stations was available, and no voter list was compiled, leading to greater-than-usual confusion among citizens regarding where to vote. Even Justice Carruthers voiced his disapproval of how the referendum had been run (McKenna 2006, Lea 2009).

In the end, turnout (33%) was so poor⁵ and the result—36.01% in favour of reform, and 63.99% against—so crushing for the Yes side, Premier Binns declared that PEI was not ready for electoral reform (CBC News 2005, McKenna 2006). He would

⁵ Multiple sources (McKenna 2006, CBC News 2005) found it noteworthy to report, in the same breath, that turnout for a provincial election the day after a hurricane had exceeded 80%.

later soften this conviction somewhat, and reformers would also declare the battle to be far from over, but nothing has since come of it (CBC News 2005, Lea 2009).

Input Legitimacy Scorecard	
Citizen Participation	Low
Citizen Participant Autonomy	None
Final Input Legitimacy Score	Low
Output Legitimacy Scorecard	
Public Interest	Low (interest mostly confined to reform advocates)
Media Coverage	Medium (mostly focused on the length of the process)
Volume of Discussion	Low (debate was never prominent, quieted quickly after)
Final Output Legitimacy Score	Medium

Figure 43: Legitimacy of Electoral Reform in Prince Edward Island

6.3.3 Effects

A hybrid case nonetheless plays out much like an elite failure—citizen involvement, tangential as it was, did little to change the nature of the debate, which resembled those held over elite proposals in other jurisdictions. Even though this was the only one of the hybrid cases to feature a referendum, sceptical assessments of the process suggest that it is almost as easy to scuttle one’s own reform project using a referendum as it is simply to announce that reform is off the table. As far as its effects on the debate over democratic institutions in general, the limited citizen participation used in PEI had no apparent effect on the nature of the debate or on its continuation after Premier Binns declared reform to be dead. Indeed, the debate, such as it is, remains nearly silent. As with the other hybrid cases, we can only speculate as to how things might have turned out had a Citizens’ Assembly been held, though Ontario furnishes us with a reminder that such a process is not always a guarantor of input legitimacy and lively debate—it can also lead to dismissal and sharp criticism.

While various pro-reform commentators remain divided (McKenna 2006, LeDuc 2009, Lea 2009) on whether the reform impetus is indeed dead, our concerns range beyond that. The aim here is to determine whether the nature of this process had any independent effects beyond the end of reform efforts, but the extremely limited bonus input legitimacy of this process appears to correspond to a lacuna in the referendum debate regarding the legitimacy (or lack thereof) of the deliberative body. It was simply business as usual, another elite proposal to be debated. The history of elite deliberation on the issue leading up to the final Commission seems only to have reinforced this idea. Citizen participation may, after all, have a minimum threshold merely to be noticed, never mind have a lasting and independent effect on the discussion regarding democratic institutions. As was the expectation, this hybrid case leaves the question open.

Effect on Quality of Democracy Scorecard	
Satisfaction with Democracy	Provincial-level data not available for this period
Public Reaction	Muted; very low referendum turnout, No side wins massive majority
Media Reaction	Muted, generally consistent with Binns's declaration reform is "dead"
Post-Reform Discussion	Not evident
Final Effect Score	No apparent effect

Figure 44: Effect on Quality of Democracy in Prince Edward Island

6.4 CONCLUSION: THERE AND BACK YET AGAIN

In no case treated in this chapter did electoral reform itself succeed. Reasons include an about-face by the government that started the process, or that administration's replacement by another not so enamoured of reform; to this we may add failed referenda (following both Citizens' Assemblies and hybrid processes), which can support either the interpretation that public support really was insufficient, or more cynically, that elites knew that relying on a referendum to veto reform for them while letting them claim that the people have spoken was a safe bet. As noted earlier, the point of treating these cases has been to set the stage for an evaluation of whether the story ends there, and whether the zero-for-three success rate of hybrid reforms in three Canadian provinces (and the

identical record for Citizens' Assemblies) belies the true story about the effect of deliberative democracy. It appears that the true Assembly cases are much easier to evaluate in this regard, either because they received more attention, or because they had sufficient input legitimacy to register as something beyond the typical, blue-ribbon-panel process, or elite imposition. In each case, however, the best common indicator of how the public now feels about its democratic institutions may well be that the reform movement in each place has effectively stagnated, suggesting that citizens are either satisfied with democracy or cannot be bothered to continue articulating their problems with it and how they would like things to change.

7 DELIBERATIVE DEMOCRACY, WHAT HAVE YOU DONE FOR ME LATELY?

7.1 REFORM, RECALCITRANCE AND RELAPSE: SOME QUALITATIVE TRENDS

Now that we have reviewed the cases that represent the sample population, we may briefly discuss some of the more obvious qualitative trends, which will furnish the remaining discussion in this chapter and inform our conclusions about deliberative democracy and paths to electoral reform in general. While the power of elites to get whatever they want might underpin a seat-maximisation model of electoral reform, and while under a politics-of-electoral-reform model they might still seem extremely influential, even the small sample population examined in depth here shows that elites cannot get whatever they want, whenever they want it, and the power of public influence is manifest in those cases where the public actually cares to exercise it. That public influence, however, is not applied in the same fashion in all cases in which it plays a role; in some, the public's influence is most prominent in the design process, whereas in others it appears that the public's greatest influence was applying the pressure necessary to get the job done at all—or failing to apply any pressure and consequently letting the process fall by the legislative wayside.

For the purposes of this study, it is not simply the public's degree of influence upon the process, wherever in the process that influence may have been exerted, that constitutes the whole of the analysis. The public's perception of the process and its content is also presumed to influence the outcome, whether that be the electoral system chosen, its acceptance or rejection in a referendum should there have been one, or simply the public's attitude to their own democracy after the process is complete. The novel aspect of this study was, of course, the contention that the show is not over once the proposed reform is accepted or defeated, and that instead, the process itself and not simply the outcome can have a lasting influence on the quality of democracy, or at least on public perception thereof. In short, the argument has been that process matters.

While that notion is scarcely revolutionary, one novel addition of this study has been to suggest hitherto-unconsidered mechanisms through which process might matter. The critical mechanism herein has been legitimacy, specifically the twin concepts of input and output legitimacy (Scharpf 1997, 1999; Boedeltje and Cornips 2004, Sharman 2008). Indeed, it is through this bifurcated application of legitimacy that this study's model permits reform processes to influence democracy. Even if a process fails to change electoral laws, it may serve to air some democratic dirty laundry, or to restore a measure of public confidence in the electoral system's legitimacy and appropriateness, and indeed in democratic institutions in general. This, at any rate, has been the theory.

In practice, while elites cannot always get what they want, they are very good at avoiding what they don't want, and it is a rare situation indeed in which their hands are forced so comprehensively as to result in electoral reforms that they absolutely did not want and over whose nature they have little control. The successful elite-mass interaction cases discussed in this study—Italy, Japan and New Zealand—show that when a dissatisfied public wants change and enters into the electoral reform game in earnest, it can not only win, but win big. More to the point, perhaps, when elites lose, they lose big. But this is comparatively rare and requires a lot of historical contingencies to line up just so. Should they not, the potent and profound ability of elites to apply the brakes to change asserts its dominant role, and reform of the electoral laws becomes much less likely. And as we move away from rare situations where all the factors lined up and consider reform scenarios that were less than a slam dunk for the reform movement, so too does the elite potential to influence input and output legitimacy increase. Quite plainly, elite manipulation of the electoral design process in order to ensure a level of continuity with the old, familiar rules has potential to affect output legitimacy. The public may feel the process did not accomplish much more than cosmetic changes and dissatisfaction may remain. A lack of input legitimacy, on the other hand, could also lead to a process which, after its completion, may leave the public feeling as though nothing was solved and that democratic institutions and elites are just as distant and indifferent as they have always been. Thus, while there is potential for a process to leave behind a pleasant smell, there is certainly also potential for the fallout of a botched or hijacked electoral reform process to be acrimony, cynicism and distrust, and this is true even in cases where a Citizen's

Assembly was used, or cases in which a referendum showed that “the will of the people” did not support reform, ending the discussion. As we might expect, the discussion of electoral reform is one in which silence and acquiescence are sometimes offered only with bitterness.

Indeed, the historical progression of cases that were considered in this study shows a series of lessons for would-be democratic reformers. In jurisdictions and political cultures in which the public pays scant attention to institutional issues or is accustomed to the manipulation of those structures, elites can and will do what they want, as in France in the 1980s. The next major leap came with the culmination of three major electoral reform projects in 1993, all of which involved critical referenda on the topic. While the symbolic power of a referendum to signal that the debate is decided cannot be denied, its power to end the debate in reality is at best imperfect. While New Zealand made the switch to its new electoral rules successfully, with plenty of opportunity for review of how the new system functions and whether the public continues to approve, more than twenty years down the line some degree of debate remains. Meanwhile, Japan’s reforms can be seen uncharitably as a case of arrested development, and of course the reforms in Italy led to a decade and a half of attempts to finish what was started, cynical tinkering, and outright backsliding, all to the detriment of the public’s attitude toward its own democratic systems, an attitude which ought to have reached its nadir in 1993 when public confidence in democratic institutions was so lacking that systemic collapse was a real possibility.

If Italy’s key problem lay in getting the project finished, Britain’s lay in getting it off the drawing board at all; for a decade after the watershed intellectual justification for change and comprehensive plan for its execution was developed, only stasis resulted, and when an opportunity for reform did arise, it was an opportunity for an undesired reform and only came about as a result of parties jockeying for parliamentary and electoral position within the dynamics of a parliamentary coalition of parties stuck in opposition for over a decade. A referendum offered grudgingly by a governing party, with change opposed by that governing party and with an unappealing option that even reformers disliked forced onto the ballot, Britain’s reform process can hardly be called a fair outing

for electoral reform even as proponents of the status quo crowed that the debate was settled. Would-be reformers could be forgiven, on seeing the litany of elite failures, for believing that something more than elite decision-making followed by a referendum would be required, and for fondly regarding deliberation.

The final lesson, learned over the course of the past decade and crystallised in the results of this study, is that even a grassroots reform process like a Citizens' Assembly is no panacea against cynicism and disillusionment. Even when input legitimacy is at its historical peak, as it was during the three Citizens' Assemblies proper in BC, Ontario and the Netherlands, the reform process's endgame can have a positive or negative effect on citizen confidence in democracy, and the power to influence which one eventually happens is largely the province of elites, yet again. From a cynical perspective, a Citizens' Assembly is merely an innovative and entertaining aside, but the conditions of the process are negotiated and set by elites, and even though the referendum is largely beyond elite control, the potential of elites to affect the campaign—as noted should one compare the referendum campaigns in BC and Ontario—is extraordinary. In fact, as shown in Ontario and the Netherlands, all elites need do is ignore the process, and unlike most problems when ignored, this one will go away. Elites have the power to shape debate, establish the rules for a referendum (or whether there will be one), determine the degree and nature of citizen participation, and influence interest levels in a fundamental way by either stimulating discussion or simply remaining silent on the issue.

Thus, a simple and instructive trend to note in the results of this study is that the veto-points approach remains as pertinent as ever for understanding a variety of institutional reform processes, and in the end, the preponderance of veto opportunities remains under the control of elites. While this study's framework is partially validated in that it appears an electoral reform process can influence the quality of democracy and the public's democratic experience beyond the alteration of electoral rules or the maintenance of the existing rules, the nature of that influence may be positive or negative, meaning that even a Citizens' Assembly can cut both ways in terms of its effects on democratic institutions. As ever, the onus is largely upon elites to ensure that the reform process, even if technically unsuccessful, does not end up as a cause for further cynicism, or more

red ink in the democratic deficit. The most powerful new tool in the democratic reformer's repertoire is, alone, still no match for politics.

7.2 POINTS OF COMPARISON

A more detailed effort at comparing and contrasting the various cases treated in this study will require identifying critical aspects upon which to base the comparison. Obviously, the cases are sorted into chapters on the basis of the traditional measure of success or failure, i.e. whether electoral laws changed. Whether the cases constituted elite imposition or elite-mass interaction has also been noted on a case-by-case basis. But other factors are also important, and consequently, we will engage in detailed comparison of cases on the following points:

- Historical events, such as a wrong-winner election or other contingencies that may have caused a temporary boost in awareness of the electoral system and demand for change;
- Whether a grassroots mechanism of any sort was used versus whether electoral laws changed or did not change, as a reminder of the basis of comparison for the entire study;
- The degree of citizen involvement as compared to whether that involvement appears to have accomplished anything or boosted legitimacy, and specifically, whether the use of a Citizens' Assembly affected legitimacy;
- Whether knowledge of the degree and nature of citizen input affected propensity to support the eventual reform proposal;
- Endgame conditions, including whether a binding referendum was held, what the rules were for that referendum, how the campaign took shape, and whether public satisfaction with democracy appears to have improved.

Each of these items will furnish, finally, some answers to the central questions of this study, namely whether and how much process matters, and what the independent effects of process, positive or negative, may be. As noted above, electoral reform is still about politics, but these answers will expand our understanding of just how politics

affects the likelihood of electoral reform and what confidence in democratic systems will look like once a reform initiative has succeeded or failed. For each major comparison, a table or series of tables will be used to make clear what unites and divides these cases.

7.2.1 Historical events

While it was never really a contentious point that historical contingency can have a profound effect on whether a reform attempt succeeds, or in fact whether it even gets started, we should still pay some attention to the kinds of historical events that can virtually guarantee success versus those that impede it, and note that some historical events appeared not to have much effect at all, or at least sufficient effect to get a process started but not finished. We will begin by comparing cases that had a significant, public-confidence-shaking event precipitating reform with those that did not, and noting which ended in successfully-reformed electoral laws and which did not. For the purposes of this comparison, acute crises (such as a wrong-winner election, abnormally lopsided majority, or massive corruption scandal) will be considered, whereas situations of chronic democratic malaise without a recent flashpoint will not be considered major historical events.

	Electoral laws changed	Electoral laws unchanged
Major event	Italy (I), Japan, New Zealand	BC, Quebec, New Brunswick
No major event	France	Britain, Italy (II), Ontario, Netherlands, Prince Edward Island

Figure 45: Major Historical Events and Whether Electoral Laws Changed

France is the outlier here, since no electoral event more unusual than a ruling party in fear of losing power at the next election is to blame for precipitating the drive to reform. Given that the common thread among the democratic crises in the remaining cases that had them is the sudden and acute loss of public confidence, we may safely set France aside, given that the public did not seem to pay much attention to the reforms at all and proceeded to crush the incumbent party at the ballot box anyway. The remaining cases form a spectrum of sorts, in which those with no major event pushing reform onto

the agenda unsurprisingly did not see electoral laws change, and even among those cases where some electoral or other anomaly had occurred, only those three in which confidence in the system was at a disastrous nadir saw the pressure last long enough to ensure successful reforms. BC, Quebec and New Brunswick had seen a number of lopsided and even wrong-winner electoral outcomes in the years leading up to their reform efforts, but in none of these cases was the public so utterly disgusted and fed up as in Italy (1993), Japan and New Zealand. It may be that acute crisis will stir up sufficient sustained public support for a change, or at least for elites to believe that they had better enact change should they wish to retain their positions, whereas a chronic democratic malaise, while it might be addressed by institutional reform, is not a sufficiently acute condition to motivate that same public pressure. Furthermore, while the problem apparently must be acute, the public discussion must also shift so that electoral reform is treated as the go-to solution. Oddly, in the three provinces which had seen wrong-winner elections and lopsided majorities, both of which outcomes are direct results of the SMP electoral system, electoral reform was never embraced all that broadly as the solution, with the possible exception of BC. Even in BC, where elites legislated away much of their veto power, the final arbiter would be a referendum requiring a supermajority; perhaps a political climate more hostile to elites or electoral institutions might have seen elites reticent to set the bar higher than 50% plus one.

Surprisingly, the trend here appears to be that events that can be directly tied to the infelicities of the electoral system (vote distortion under SMP, mainly) may simply be recognised as occasional side effects of the system and do not irritate the public sufficiently to demand change and see it through to the end. Meanwhile, events tied only indirectly to the electoral system—corruption and clientelism in Italy and Japan, and executive dominance and arrogance in New Zealand—were enough to throw the entire political system into crisis, with the added complication that public attention and debate eventually shifted to the electoral system as the culprit. It is difficult to say why this trend is apparent, except to speculate that it may be easier to blame the electoral system for a long-festering problem than it is to blame it for acting like itself and producing results that are uncommon, but expected to occur once in a while.

7.2.2 Citizen involvement and success

Since this study admits of multiple degrees of citizen involvement, resulting in some “hybrid” cases where no Citizens’ Assembly was held but citizen input over and above a typical elite effort was in fact sought, two comparisons will be needed here. First, we will consider cases on the basis of whether a moderate to high degree of citizen input was included versus a low to negligible degree of citizen input. The watershed line here will be whether private citizens were appointed to a semi-permanent office as part of a decision-making body, like an Assembly or other committee or commission, or whether citizen input was limited to submissions to a public inquiry or other major study. In the former case, the degree of citizen input will be classified as moderate to high, whereas in the latter it will be considered low.

	Electoral laws changed	Electoral laws unchanged
Moderate to high citizen input (high input legitimacy)		British Columbia, Ontario, Netherlands, Quebec, New Brunswick, Prince Edward Island
Low to negligible citizen input (low input legitimacy)	France, Italy (I), Japan, New Zealand	Britain, Italy (II)

Figure 46: Input Legitimacy and Whether Electoral Laws Changed

	Electoral laws changed	Electoral laws unchanged
Citizens’ Assembly used		British Columbia, Ontario, Netherlands
Citizens’ Assembly not used	France, Italy (I), Japan, New Zealand	Britain, Italy (II), Quebec, New Brunswick, Prince Edward Island

Figure 47: Use of a Citizens' Assembly and Whether Electoral Laws Changed

Not only does the Citizens’ Assembly model fail to get on the scoreboard with even one instance of successfully-reformed electoral rules, but all paths to reform that involve moderate to high levels of citizen input fail similarly. A few caveats present themselves here: since both the Citizens’ Assembly model specifically, and the notion

that electoral reform should involve more citizen deliberation generally, are recent developments, they are at once a product of a brief period of enthusiasm for debating electoral reform (a luxury, perhaps, of good economic times) and a small sample. Had the innovative idea of using deliberative democracy and mini-publics to reform democratic institutions been introduced even fifteen years earlier, it might have seen application in one of the major electoral reforms of 1993, or played a part in establishing an electoral system in a new democracy—the point is that the model would have had more chances to succeed at a task that ends all too often in failure (Levick 2013).

These caveats aside, it seems safe to say that the citizen-centric model, whether or not a Citizens' Assembly is used, furnishes at least no better odds than an elite-driven process (and possibly worse odds). As noted previously, a typical account of the potential of the Citizens' Assembly model might stop there, but the crux of this study is the potential for such a process to have added value beyond whether the electoral rules change or not. To understand the value of a citizen-driven model, we will have to dig deeper and consider the other factors in electoral reform successes and failures.

7.2.3 Citizen involvement and legitimacy

While the cases are sorted into chapters roughly on the basis of how comprehensively each reform process involved citizens, we will examine whether significant citizen involvement correlates with enhanced output legitimacy, since we already know that it has been hitherto incapable of actually getting electoral laws changed. We will consider involvement, once again, in two ways: whether citizen involvement was moderate to high, or low to nonexistent, and then whether a Citizens' Assembly or any sort of mini-public was used. In this way we can determine whether high-input-legitimacy processes appear consistently to produce quality work; if they do not, it may be more evident why their proposals tend to fail. If they do produce highly-regarded work, another explanation will be needed for why citizen-centric reform processes fail to get electoral laws changed. (The question of whether input and output legitimacy affect propensity to *support* the proposed change is subtly different and will be treated in the next subsection.) Cases in which little attention was paid to the reformers'

work will be classified as low output legitimacy, since inattention to a reform proposal is nearly as bad for that proposal's survival as direct opposition to it, if not worse.

	High output legitimacy	Low output legitimacy
Moderate to high citizen input (high input legitimacy)	British Columbia, Prince Edward Island	Ontario, Netherlands, Quebec*, New Brunswick*
Low to negligible citizen input (low input legitimacy)	Italy (I), Japan, New Zealand	France, Britain*, Italy (II)*

*difficult to classify; see below.

Figure 48: Input Legitimacy and Output Legitimacy

	High output legitimacy	Low output legitimacy
Citizens' Assembly used	British Columbia	Ontario, Netherlands
Citizens' Assembly not used	Italy (I), Japan, New Zealand, Prince Edward Island	France, Britain**, Italy (II)**, Quebec**, New Brunswick**

**difficult to classify; see below.

Figure 49: Use of a Citizens' Assembly and Output Legitimacy

Note that Italy is difficult to classify once reform efforts after 1993 are considered. On the one hand, the failure of the public to engage seriously with subsequent reform efforts (as evidenced by the low turnout at referenda on the topic, and the simple absence of an environment that forced elites to complete the reforms or be thrown out) could be read as indicating a high degree of output legitimacy for the 1993 reforms. In other words, by this point the necessary work was complete and nothing more really needed doing. On the other hand, this seeming apathy could indicate low output legitimacy not only for the subsequent reforms towards the end of the 1990s and beyond (because nobody paid much attention to the issue), but also for those of 1993, since the public had had its say in a referendum preceding the 1993 reforms and may not have cared much what happened afterwards so long as *some* functioning system were established. It is also tricky to tease apart output legitimacy (or its absence) from simple

cynicism at repeated efforts to reform the electoral system. What is clear is that by the end of the 2000s, output legitimacy did not matter very much in Italy, since the electoral system would change at the whim of elites and citizens' views on the matter were clearly beside the point. Similarly, the prolonged timeline of reform in Britain, punctuated by rapid movement once this became politically expedient, may have poisoned the reformers' chances at output legitimacy, since respected prior art was discarded in favour of a political compromise on a topic the public did not even find to be particularly politically salient in the first place.

Another important factor in output legitimacy is the respect paid by the media to the work of reformers—should it be lambasted regularly in the media, public opinion may turn against it regardless of its quality, and should it be ignored by the media, the public may not have enough information to form an opinion. Some remaining difficult-to-classify cases are explained by this factor. Waning media and public attention may move in tandem, especially when a binding referendum is not on the agenda; this happened both in Quebec and in New Brunswick. In Ontario, even though a binding referendum was held, the media had been criticising or outright dismissing the Assembly and its work for so long that the Assembly's work never did accumulate much output legitimacy among the public. For this reason, Ontario is clearly classified as having low output legitimacy even though a virtual carbon copy of the BC process was used.

Differences become stark once the distinction is made between high and low input legitimacy and the presence or absence of a Citizens' Assembly. Only BC's Citizens' Assembly was afforded a large degree of output legitimacy and respect even from those who opposed the potential reform. In Ontario, opposition to or dismissal of the reform proposal and the process that generated it were difficult to separate. And in the Netherlands, the reform proposal was shelved with no referendum ever scheduled, to virtually no cries of protest. No citizen groups sprung up to keep the pressure on government to respect the *Burgerforum's* recommendations. As is plain, input legitimacy need not correlate with output legitimacy; it is possible for the work of elites to be widely respected, and it is possible for the work of citizens to be criticised or outright ignored regardless of the objective quality of the work (Cutler *et al.* 2008, Blais, Carty and

Fournier 2008).¹ Since process type and input legitimacy frequently vary together in this study, this furnishes further evidence that process type need not independently move output legitimacy. The question remains, however, whether the two forms of legitimacy may themselves have downstream effects on the quality of democracy independent of actual electoral reform. Before we tackle this question, we should briefly consider whether input and output legitimacy together—as opposed to simply process type—can affect the propensity to support the proposed reform, and thus have an indirect effect on the likelihood that the proposal will be enacted.

7.2.4 Heuristics and support

This effect on whether the proposal is adopted is obviously most significant in cases that featured a binding referendum. Citizens' Assemblies can be considered to have added value in democratic reform as compared to traditional elite processes if it is the case that their enhanced legitimacy boosts the likelihood that change will be enacted, or at least supported. Again, since Citizens' Assemblies have been so rare, judging them solely on whether their proposals were successfully enacted may be unfair, and as such a fairer criterion for judgment is whether they function as a heuristic, affecting support for their own proposals. In other words, process would matter because some processes would come with a built-in boost to the levels of public support their proposals would enjoy. Certainly were this the case, reformers would be well-advised to use the Citizens' Assembly model in order to tilt the odds somewhat further in their favour.

While we have already established that both process type and degree of input legitimacy have an unclear (or at least complicated) relationship with output legitimacy, when speaking of heuristics we must note that in some cases input legitimacy may be used as a proxy for output legitimacy. In other words, for some members of the public, if a reform process enjoys a high degree of input legitimacy, this may be reason enough to

¹ Pilon (2010) offers the important insight that elite manipulation of the process and the stability or instability of partisan positions on reform matter a lot more to the outcome than does public knowledge regarding the design of the proposed reform—if the party system is stable, then many parties will support business as usual, and these positions will in turn influence the public. If a party's position on attaining office is pro-reform, but this changes during the course of the reform process, a failed result is also fairly predictable.

afford it a similarly high degree of output legitimacy and to support the proposed reform, because “ordinary citizens” comprised the body and produced the recommendation.² The obvious counterpart is the idea that elite-produced reforms may be dismissed as political manoeuvres or cynical ploys, but each idea can be reversed. It is all too easy to dismiss a Citizens’ Assembly recommendation because the members were not experts (and indeed the media did this all too frequently in Ontario), whereas a case can be made for trusting elite proposals simply because they are written by those expected to have the most experience with the systems they are reforming. We can categorise cases based on degree of input legitimacy as compared to public support for the recommended reforms, noting that since we have already established an unclear relationship between process type and output legitimacy, it is not necessary to judge whether output legitimacy affects propensity to support reform (and in fact they may be difficult to disaggregate anyway) in order to understand whether citizen-centric reform processes add value to the quality of democracy; the path from process type through output legitimacy is essentially broken. (The final subsection will deal with the remaining path from output legitimacy to successful or failed implementation and to the quality of democracy.) Similar to the previous table, the “low support” column will also serve to catch cases in which proposals received little attention.

	High support for proposals	Low support for proposals
High input legitimacy	British Columbia	Ontario, Netherlands*, Quebec*, New Brunswick*, Prince Edward Island*
Low input legitimacy	Italy (I), Japan, New Zealand	France*, Britain*, Italy (II)*

**these cases saw recommendations met largely with apathy.*

² The flipside to this coin, that some members of the public may support an Assembly’s recommendation because of the high level of training afforded its members, does not come into play here since that is a feature of the process’s design and not directly related to input legitimacy (Cutler *et al.* 2008).

Figure 50: Input Legitimacy and Ultimate Support for Reform Proposal

What is clear once again is that low public support and elites' ability to let the matter of electoral reform die are correlated. All four cases with high support for the proposed electoral reforms are cases where electoral reform was attracting a lot of public attention, so that the issue could not simply be ignored. The remainder of the cases, i.e. those with low support for the proposals or in which the proposals did not attract much attention, are the ones in which elites could do more or less what they wanted, or at least avoid doing what they did not want to do. Thus, while the nature of the Citizens' Assembly in BC furnished a handy heuristic for deciding whether or not to support STV, in other cases the ability of the process to be used as a heuristic is less clear. In France, for example, the public was largely tuned out of the debate since they were accustomed to political manipulation of electoral institutions; a similar situation appears to have been developing in Italy since 1993. Elite reform efforts are not worth opposing, in these cases, but neither are they worth paying much attention. In Britain, debate occurred but was only modest, and in that case the reform proposal's genesis in coalition dynamics made sure that the heuristic worked the other way, and that the decision on the proposed new system was in fact a referendum on the performance of the Liberal Democrats. Similarly, in Ontario, leading commentators established the tone of opinion regarding the Citizens' Assembly fairly quickly, ensuring that its potential as a heuristic was either to show voters that as the Assembly was worth ignoring, so was its proposal, or that in fact both were worthy of opposition and criticism. In the Netherlands, Quebec and New Brunswick, public support for the proposal would never get a chance to be translated into votes, and the issue of electoral reform quietly and quickly left the political radar in each jurisdiction. While one might argue that the governments in Quebec and New Brunswick might not have callously tossed aside the recommendations of a full-blown Citizens' Assembly had there been one, we should remember that the new governing coalition in the Netherlands did just that. Meanwhile, the elites in Ontario one might have expected to take the lead in shaping the debate abdicated that role, virtually ensuring that no debate at all materialised. And public pressure was not sufficient to prevent the governing party in Prince Edward Island from imposing last-minute changes to the criteria for a Yes victory,

effectively scuttling its own reform. Even the potential for a reform process to serve as a heuristic in deciding whether or not to support reform can be modulated by elites.

7.2.5 Endgame conditions

While process type, as noted, does not necessarily affect output legitimacy directly, it does strongly correlate with input legitimacy, since the process types are classified on the basis of how much and what kind of citizen input they feature. One thing worth considering when examining how the end of the process affects satisfaction with democracy is how the presence of a binding referendum—an opportunity outside the design process for citizens to weigh in on the basic question of whether change should happen—affects acceptance of the process and outcome. Cases in which the unspoken understanding was that a referendum would eventually be held, but nevertheless none was held, will be classified with cases in which no referendum could reasonably be expected. The factor in question, after all, is how the referendum itself, and not the anticipation of one, affected the “aftertaste” left by the reform process.

	Positive effect	Neutral/indiscernible	Negative effect
Referendum held	British Columbia, Italy (I), Japan, New Zealand	Britain, Ontario, Prince Edward Island	Italy (II)
No referendum held		France, Netherlands, New Brunswick	Quebec

Figure 51: Use of a Referendum and Effects on Quality of Democracy

One thing to note first is that the effect on satisfaction with democracy was positive in Italy (1993), Japan and New Zealand *at least* to the extent that a major crisis of confidence in the democratic system was remedied in each case. Similarly, in the more recent cases that featured neutral or indiscernible effects on satisfaction with democracy—really, just continued apathy and disillusionment—the electoral reform debate is claimed to be more or less settled for now, so if it is the case that the quality of democracy could have been affected by a change in electoral rules, these processes ensured that this kind of change will not happen for at least a generation. In cases where a referendum was held and a positive aftereffect was achieved, it was widely accepted that

there was a problem to be solved and that electoral reform was a good solution; even British Columbia's No victory was narrow, so that it felt like there had been a point to the whole process. By contrast, in Ontario, weak interest in the Assembly and in reform in general translated to a negligible effect, since the referendum was in effect on a question few cared about. Similarly, in Britain, the question became about something else entirely, namely coalition dynamics, and to the extent that it was a referendum on electoral reform, it was one on a proposal prepared as a political compromise and at odds with what even its strongest proponents wanted. In Prince Edward Island, the referendum was not treated as a decision regarding an innovative, citizen-generated recommendation, but rather one quite similar to typical elite proposals. A public that had lost interest in the process voted accordingly. Finally, in Italy post-1993, seemingly endless referenda on changing minutiae of the electoral system without the real potential to deliver comprehensive and complete electoral reform simply soured the public on change and caused them to tune out yet another aspect of political debate. Perhaps there is a limit to the number of times citizens can be asked detailed, intricate and mostly pointless questions about how to solve problems they wanted solved years ago.

France, once again an outlier, changed electoral systems without a referendum or even the slightest attention paid to the public's position; fitting, since the public paid equally scant attention to what they saw as typical elite behaviour. The Netherlands furnishes a more complex example, but in the end there was neither a referendum nor sufficient outrage to force one back onto the agenda. Both the Netherlands and New Brunswick saw elections mid-process, and in both cases the only party that cared about electoral reform was removed from office. In the case of New Brunswick, the opposition party that took power instead had been sharply critical for years of the previous government's reform initiatives. While the election in New Brunswick can hardly be considered a proxy referendum on continuing the process of electoral reform, the issue certainly did not rate highly enough to keep Bernard Lord's Progressive Conservatives in power; similarly, in the Netherlands, D66 was not able to command sufficient support for its democratic renewal plans to maintain a place in the governing coalition.

Quebec is once again difficult to classify since electoral reform is a perennial topic, hauled out when SMP delivers an odd result and forgotten again when a more interesting political issue arises. Nevertheless, it seems fair to classify it as a negative effect, since this process left in place conditions that will likely lead to a repeat of the same old debate. And at the very least, we see that likely no good will come of failing to hold a referendum on change, though it is not clear that a No victory “settles” the matter among disappointed reformers, who may be less and less likely to offer losers’ consent the more difficult the referendum’s criteria were.

The upshot of this comparison appears to be that, given the immense influence elites have over the political climate and the shape of the debate during a reform process’s final stages, whether or not a referendum is held is less important than how favourable elites are to a possible Yes victory, and how much they feel they can get away with versus how pressured they feel not to exercise their veto potential. In situations where elites can set supermajority requirements—in some cases quite late in the process—or stifle a debate by refusing to participate in it, it becomes clear that elites can still veto the process or doom it to failure without actively opposing it, perhaps without even lifting a finger or raising their voices. In the end, elites not only decide whether the process is slated to end with a referendum but are the final arbiters of whether a promised referendum will indeed go ahead as planned. They decide the rules of the referendum. They have an enormous influence on the campaign, from the decision whether or not to establish independent groups to spearhead the Yes and No campaigns, to the decision whether or not to endorse the recommended changes or whether to acknowledge the campaign at all. Some consolation can be gained from the finding that elites generally cannot damage confidence in democratic institutions too terribly, at least not without resorting to egregious behaviour such as the cynical manoeuvres of French and Italian elites, manipulating electoral rules and actively encouraging the public not to care about them. The remaining case that can be fairly placed in the negative column, Quebec, is there simply because the process failed to break a cycle of deterioration in public trust in the electoral system. In no case did the public come out of the process seriously soured on the electoral system, or clearly thinking less of their democracy than they did at the outset of reform efforts.

7.3 NO GUARANTEES: WHEN A CITIZEN'S ASSEMBLY GOES WRONG, OR GOES NOWHERE

What causes a Citizens' Assembly to fizzle or fail? All three proper Assembly processes completed the work assigned them and produced the recommendations that were the object of the process. It may not be fair to state that the Assembly itself failed, but we can certainly note that the process failed to add enough value to boost reform to the levels of support it needed in order to be enacted, and in most cases the postulated "steam valve" effect did not occur. No serious problems were solved, least of all those involving electoral institutions, and the public was in most cases left feeling much the same about democracy as it did before the process, with the added knowledge that the topic would not be reopened for some time. In all fairness, it may be a stretch to declare failure in BC, where the Yes side came within two percentage points of a supermajority requirement; what may be less evident is that it is hard to declare Ontario's process a failure given the tremendous disadvantages its proposal faced during the campaign period, and even the Dutch process was shelved by the governing parties before its plan ever had a chance to go before the electorate. In each case the failure lies somewhere other than the process type.

A more pressing question is whether a Citizens' Assembly can be stated to have any added value, given that it is certainly not a guaranteed solution for getting a reform proposal enacted. Is there any point to holding such an Assembly, then? Is it good for democracy? Future additional cases will add to our understanding of this, but until then, it is worth noting that only the very first Citizens' Assembly enjoyed widespread output legitimacy and gathered anything approaching significant support for its work. Had the work of the Ontario Citizens' Assembly and the Netherlands' *Burgerforum Kiesstelsel* landed in environments less hostile to (or less indifferent to) reform, or in Ontario's case less hostile or indifferent to the very process, results might obviously have been different. At the same time, had opinions of the BC Assembly not been affected by its novelty, the fate of its proposal could have been a more pronounced failure. But this only serves to reinforce two lessons: a Citizens' Assembly may be able to improve confidence in democracy, but it cannot necessarily overcome apathy, and neither can it overcome elite

intransigence. In this sense, despite the intrinsic benefits of using a Citizens' Assembly to reform democratic institutions—and indeed, some democratically-minded reformers might argue, the growing moral imperative to do so, just as relying on a referendum gradually became expected—the Assembly model does not constitute a magic bullet for reformers. Its potential to effect rules change is as yet unrealised, and its potential to affect the quality of democracy and public trust in democratic institutions independently of the fate of its proposed reforms cuts both ways. It is capable of temporarily improving perceptions of democracy, as in BC, or it can lead to continued indifference or at least fail to make a dent in that indifference. The central problem is shared by elite-centric reform efforts; these too may end in a positive result for citizen trust in democracy, or a neutral or negative result. Most notably, it seems that the two processes share the same basic weakness. No matter what happens in the middle of the process, the beginning and the end are always dictated by elites. Even in Italy in 1993 this was the case. This should in no way constitute an indictment of the Citizens' Assembly model as a reform tool. The lesson is that a Citizens' Assembly is only as good as the elites who set it up, and those who preside over its final stages.

A caution, then, to the unequivocal support for deliberative processes such as these is that, just as the more trenchant critics of the three Assemblies charged, the process is open to manipulation. It would be hard to argue that any of the three of them did feature such manipulation, aside from the overly cautious supermajority referendum requirements in BC and Ontario, but the model is malleable enough that a government could promise an Assembly to address the electoral system and still set the process up so as to make change virtually impossible, perhaps even securing a renewed (if grudging) confidence in the status quo. If elite-driven processes can feature manipulation, so too could a mini-public or other high-input-legitimacy option, in theory; even deliberative democracy can be poisoned candy offered to reform proponents. Just as elites have a great deal of power over how likely a reform is to succeed no matter what path to reform is taken, it is also true that elites have great power over whether a process is seen to be legitimate. It is likely that they will, most often, prefer a path to reform that appears as legitimate as possible, though given a sufficiently apathetic or cynical public, elites can try to maximise their power or cut their losses just as they did with France's 1986 shift to

proportional rules or Italy's bizarre 2005 *porcata*. What any sort of reformer, whether he or she prefers top-down or bottom-up reform, ought to remember is that that voters with low information about a reform may use whatever process produced that reform as a heuristic when deciding whether or not to support it, or care about it at all. The impression given the public by that process depends heavily on how elites designed, administered, and responded to that process.

7.4 TIME AND CHANGE HAPPENETH TO THEM ALL: HISTORICAL CONTINGENCY

As noted in the first detailed comparison above, historical context can play a major, if not pivotal role in the success of a reform proposal. But we must also consider what role it plays in whether and how process matters. As was shown above, neither process type can guarantee a successful electoral system change if the proper conditions are not in place, and a wrong-winner election or lopsided majority is not likely to be enough. Process type essentially dictates the level of input legitimacy, and that can in turn influence how the process type is used as a heuristic, but so too can historical circumstance. While Britain's Liberal Democrats, for example, appeared to have a sincere drive to reform, that they entered office with a coalition partner that opposed reform and would force them to water down their proposal affected how that proposal was received, in this case as a stand-in for every other way in which the Lib Dems were perceived to have sold out to the Conservatives in entering a coalition with them. British Columbia, on the other hand, had the distinction of hosting the first-ever Citizens' Assembly on Electoral Reform, and this novelty might well have sweetened the attitudes of observers who would later use that attitude as a heuristic in deciding whether or not to support STV. Ontario voters uninterested in the Assembly process were unlikely to become terribly interested in the issue at the heart of the Assembly, and those who mistrusted the process likely mistrusted the result. Certainly this was the case for media analysts such as the *Toronto Star*'s Ian Urquhart. Finally, interest in the workings and the work of the *Burgerforum* in the Netherlands more or less departed along with the party that had championed them when it left office.

Meanwhile, if we consider the three reforms that originated in fundamental crises of confidence in democracy, we see that in each case the process type was indirectly used as a heuristic. In Italy, tacit support was given beforehand to whatever electoral reform the 1993 technocratic administration would eventually propose. The subtext was merely that it had better be sufficient to prevent utter collapse of the political system, and that if it could do that, it was good enough. The process involved elites working for reasons other than electoral self-interest and with disastrous consequences awaiting in case of failure, and this process would have to generate something functional, or else. In Japan, commitment to electoral reform was practically all that united the ideologically-diverse opposition parties, but the opponent they ganged up on, the governing, LDP, was a safe and popular target because of its involvement in major corruption scandals. The opposition parties had come together at just the right time for their hastily-negotiated electoral reform plan to be seen as a proper rebuke to LDP and a sufficient solution to the corruption problems of the time; significantly, LDP had little to do with this process and its own electoral reform proposal had recently failed. Because of cynicism over broken election campaign promises and radical ideologically-driven policy shifts by both major parties even as those parties governed on the strength of SMP-inflated majorities, the by-comparison impartial RCES report in New Zealand landed in a climate in which it was seen as the safe, uncorrupted option, and the long-awaited solution to the problems of executive dominance and “elective dictatorship.” The design process, although completed by elites, was completed by elites at whom most of the electorate was not angry. At the same time, the elites forced kicking and screaming into enacting the reforms, despite their timid efforts to avoid it, were seen as sufficiently cowed by public pressure and sufficiently inconvenienced by the new rules that it must have reinforced the impressions of disaffected New Zealanders that the electoral reforms were the right thing to do.

Citizens of 1986 France and post-1993 Italy had plainly tuned out the debate on electoral reform. Again, the nature and scope of the reforms were less important than the figures who had proposed them—in this case, the precise people about whose electoral system preferences people cared the least. Elites could be expected to display only the most cynical and self-serving behaviour when addressing electoral design, and would manipulate the process with such audacity and impunity that the public need pay no

attention. It is reasonable to suspect that future elite-centric attempts to reform the electoral system in these countries will be met with similar cynicism and apathy, though it is open to question to what degree establishing a Citizens' Assembly in either country to investigate an issue in which the public has lost interest would help matters. In the three hybrid cases of Quebec, New Brunswick and Prince Edward Island, electoral reform went from a hot topic to being studiously ignored by elites. In each case, it is likely that the small degree of actual citizen involvement was insufficient to capture the public's imagination. As in the Netherlands, the potential for each process to be used as a heuristic in decision-making was limited by the sparing attention devoted to the business of reform.

Historical circumstances may have also affected the staying power of each process's independent effects on the democratic deficit and satisfaction with democracy. The central question of this study is whether the path to reform chosen can affect the quality of democracy regardless of whether the reform is implemented. The mechanisms by which this can happen are affected by historical circumstance, too—under the right historical circumstances, for example, an entirely elite-generated reform can nonetheless appear to assuage a recent crisis, as in Italy, Japan and New Zealand. In such a case, historical contingency has ensured a climate in which reform will be accepted so long as it appears to address the problem, and the general public impression afterwards will be that democracy functions more smoothly (as compared, admittedly, to a period of collapse). Conversely, a citizen-generated reform may nonetheless be viewed as a solution in search of a problem should there not be a sufficiently-acute political crisis in recent memory. Therefore, even the remarkable input legitimacy of citizen deliberation may not leave citizens feeling better about their institutions if a Citizens' Assembly occurred during a time when its mandate is seen as frivolous or its topic of reference is considered obscure or irrelevant. The example of Ontario comes readily to mind. Indeed, most of the reform processes of the 2000s would have been robbed of much of their ability to command public attention once economic issues began to dominate the news cycle and the politics of the day, though it is worth noting that 1993, a banner year for electoral reform, was also not a terrific year for the economies of the countries whose electoral systems changed that year. The issue may instead be centred upon the attention

spans of both elites and citizens, and insufficiently-acute problems with democracy may be met with reform efforts so slow that they run out of steam before completion, as the public loses interest or a new administration takes office. A further implication is that, to put it simply, stalling works; opponents of reform have the advantage when problems that can be blamed on or at least associated with the electoral system are not glaring enough or recent enough. Recalcitrant elites who cannot risk overt opposition to reform may nonetheless prolong the process long enough that recent crises fade into the past and furnish the public less impetus to keep the pressure on elites to complete the reforms they started. If the historical circumstances that can lead to a successful electoral reform are rare, so too are those that can lead to improved confidence in democratic institutions independent of the reform's implementation.

7.5 THE BOTTOM LINE: ELITES ON BOARD (OR ELSE)

One important lesson learned by examining the patterns seen in these cases can be summed up as follows: with elites on board, reformers can win, but without elites on board, reformers will lose. The distinction is critical. While any sort of elite resistance, active or passive, is usually enough to cause reform efforts to fail, even when elites do their best to help the process along to its very end it is no guarantee of reform, as seen in BC. In many cases, in fact, some elites may support reform, but if others, such as the Conservatives in Britain, Berlusconi and *Forza Italia* in Italy, the Liberals and Progressive Conservatives in Ontario, everyone but D66 in the Netherlands, or the Liberals in New Brunswick, fail to support it or encourage (either passively, as in Ontario, or actively, as in Italy) apathy, it may be enough to doom the process. In four cases—incidentally, they are all elite successes—elites enacted reforms in conditions that meant their political survival hinged on the task. Of these, France is once again the outlier since the reforms were meant to forestall an anticipated electoral defeat, whereas in Italy, Japan and New Zealand, elites were fighting to preserve the democratic system as they knew it, even as the extant party system collapsed. In no other case were elites designing and enacting reform with their own futures at stake. At worst, they may have faced a few uncertain elections as they familiarised themselves with competition under new rules, the design of which may even have been farmed out to a mini-public. Without the threat of

certain electoral punishment in the event of failure to enact satisfactory electoral reforms, elites may instead have shifted their attention to the threat of uncertainty and unfamiliar electoral rules. Alternately, their previous dissatisfaction with those rules may have dissipated after a few iterations of the electoral cycle, in cases in which “the party that was once aggrieved by election results managed to return to power later” (Lundberg 2011, 489).

Returning to the separate arguments of Boix (1999), Benoit (2004) and Colomer (2005) that elites get what they want, and Renwick’s (2010) rejoinder that the reality is more complicated and involves politics, we may modify the position based on the findings of this investigation to say that while elites may not always get exactly what they want, they are nonetheless good at avoiding what they do not want. It is certainly not the case that elites got what they wanted in Italy (1993), Japan or New Zealand, but instead, the success of reformers hinges at least in part on the circumscribed ability of those elites to avoid what they did not want. Reform was happening whether they liked it or not, and the best they could do was try to temper it. In every other case, elites had more freedom to exercise veto power, and in each case they did, in varying ways. In France, when the parties alternated in power, the new government restored the old electoral laws. In Italy, Berlusconi sabotaged turnout at referenda on electoral reform proposals and then enacted his own reforms to stave off electoral defeat, the potential loss of his job making electoral reform worth considering. In the Netherlands, Quebec, and New Brunswick, the respective governments simply cancelled planned referenda or shelved reform plans and never spoke of them again. In BC, Ontario and PEI, sitting governments set supermajority requirements for binding referenda on duly-recommended proposals. In Ontario and Britain, one or more major political parties, unable to oppose reform outright, simply remained silent on it, and in PEI members of the committee that recommended reform were unable to campaign for it, while the government of the day did not follow through on its original plan to establish independent agencies to lead the Yes and No campaigns; this was instead accomplished through third parties.

Time and again, we see that even when elites do not outright get what they want—which, to be fair, is comparatively rare—they have a number of tools at their

disposal to make change very unlikely, so that they can hang on to what they have. They shape everything from the design process to the requirements for implementation to the very debate over reform. A traditional analysis of electoral reform would conclude here with the observation that elites have tremendous power over the outcome of the reform process; this investigation goes further to suggest that elites have power over how that process affects democracy regardless of whether reform is enacted or not. Every process postulated in this dissertation to be in operation during an electoral reform process depends in some way upon, or can be affected in some way by, the elites with final veto power over the electoral system. It is difficult to conceive of a citizen-centric reform process that could bypass every last veto point, and in the absence of such a thing, elite support—or at least a lack of elite opposition—constitutes the bottom line for reformers.

7.6 CONCLUSION: ASSEMBLING A BETTER DEMOCRACY?

This study aimed to answer a small set of important, hitherto-unexamined questions about electoral reform. What is the use of a Citizens' Assembly? Can a Citizens' Assembly, through the mechanisms of input and output legitimacy, add bonus value to the electoral reform process over and above the effects of the new electoral system? Does process matter? The model that constituted the analytical approach of this dissertation was applied to twelve disparate cases, with the contention that, while the traditional account of how electoral reform affects the quality of democracy tends to stop with the mechanical and psychological effects of the new electoral system, a more complete account should consider how process type itself affects the quality of democracy and citizen satisfaction with democratic institutions. Input and output legitimacy were proposed as the mechanisms by which this independent influence would operate; both moved by process type, and moved independently of the design process's outcome, they in turn were argued to affect the likelihood of successful implementation of a new electoral system, as well as to have their own independent effects on public perceptions of democracy.

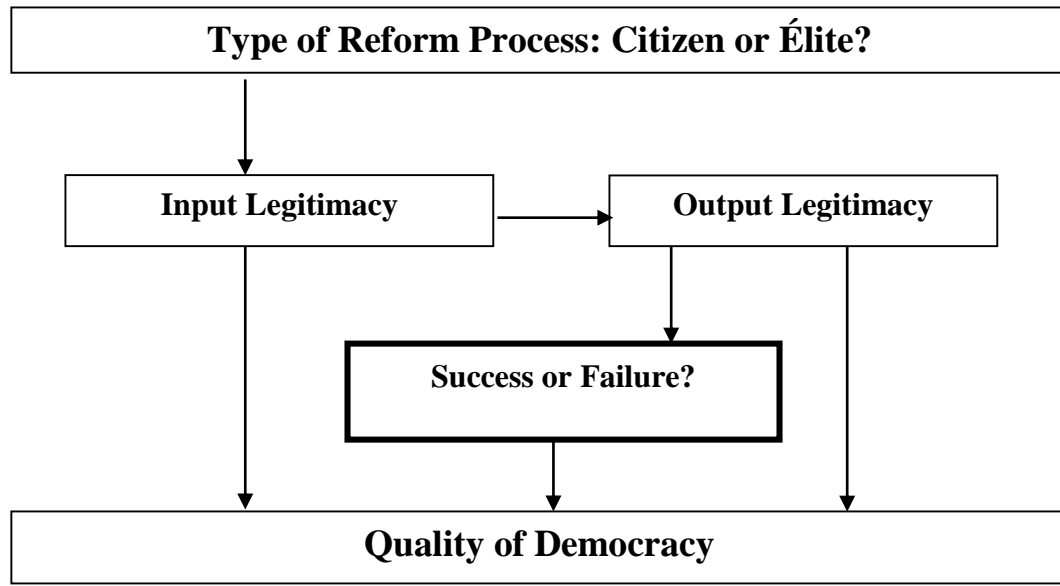


Figure 52: Simplified Model of How Process Affects Democracy

The link from design outcome to quality of democracy has been made quite clear in the electoral systems literature upon which this study depends, and need not be elaborated here. While the link from process type to outcome has been hinted at in this study's accounts of which processes led to what kind of reform proposals and why, a fully-fleshed-out theory of institutional choice that purports to explain the reasons why certain reform processes choose particular electoral systems, and how they arrive at these choices, is nonetheless a matter for later research. Finally, the link from outcome to implementation—i.e., how the choice of system to include in the reform proposal—is more or less equivalent to evaluating whether the proposed reform actually solves the problem that prompted reform. If the new electoral system directly addresses the problems of the current system, as in Italy, Japan or New Zealand, it may be more likely to be implemented, whereas if it is not considered an appropriate choice, as in Britain, it may be rejected simply for not being what reformers really wanted to stand behind.

The link between process type and input legitimacy is, in fact, almost definitional; an elite-driven process naturally has little input legitimacy whereas a citizen-driven process has a lot of it. More interesting are the links from input legitimacy to implementation and to quality of democracy, as well as the potential correlation with output legitimacy (unrealised potential, as we have seen). Input legitimacy's effect on

implementation operates specifically through the use of the reform process itself as a heuristic device for deciding whether or not to approve of its work and whether or not to support its proposal. This, as we have seen, can cut both ways, and is one critical reason to be careful with the choice of process type at the outset of a reform project. Finally, input legitimacy's effect on satisfaction with democracy is not guaranteed and is contextual; both an elite reform and a Citizens' Assembly can land in a favourable or hostile political or intellectual climate. Whether the efforts of reformers can have effects past the fate of their reform proposals is therefore uncertain, and depends heavily on whether the elite attitude towards continued debate is permissive or restrictive.

The link between process type and output legitimacy is, as discovered above, broken. There is not a clear relationship between the type of process and the output legitimacy afforded its work. Both elite-centric and citizen-centric efforts may have their work respected or dismissed. The closest analogue to this kind of link operates by proxy; input legitimacy correlates in some cases with output legitimacy, in that approval of the way the reform plan was generated can lead to approval of the plan itself, because input legitimacy or other aspects of process are used as heuristics for arriving at this decision. Further research on input and output legitimacy must take into account the potential of this link. This same process of heuristic reasoning allows input legitimacy to influence output legitimacy, which in turn influences implementation by affecting the propensity to support the reform proposal, whether in a referendum or through sustained pressure upon elites until they get the hint. Finally, output legitimacy can independently affect satisfaction with democracy positively by showing that citizens can in fact have a deep and thoughtful debate about democratic institutions, but apathy stemming from low output legitimacy was closer to the norm in the cases studied here. And indeed, frustration that the good work done by reformers may be rejected, dismissed or ignored could conceivably contribute to a situation where the choice of process type has a hand in making the democratic deficit worse by convincing people that the system is broken and cannot be fixed. This latter scenario, thankfully, was not really seen in the cases studied except in post-1993 Italy, where the public seems simply to be tired of dealing with parties and politicians in general.

The contribution of this study was to add input and output legitimacy to our discussion of the politics of electoral reform and to try to determine whether the manner of process used to reform democratic institutions can have an effect on satisfaction with and quality of democracy even after the fate of its reform proposal is settled. The initial question was, what is the use of a Citizens' Assembly? This and previous investigations have noted that a Citizens' Assembly can make reasoned and well-thought-out proposals and produce work of high quality. Nevertheless, while a Citizens' Assembly can boost input legitimacy to unprecedented levels if the citizens involved are given sufficient freedom to deliberate, output legitimacy is not guaranteed and depends in part upon whether there is sufficient knowledge of and trust in the process itself for the public to use the process as a heuristic in deciding to support the Assembly's work. And, as we have seen, this depends at least in part upon how elites shape the debate. As such, a Citizens' Assembly is a remarkable and useful tool that still cannot perform its intended functions unless the elites administering it are prepared to see the process through to its end and maintain a permissive climate for learning and debate. These elite responsibilities, as shown in this study, are all too easily abdicated.

A more precise formulation of the question involves the theoretical contributions of this study, namely adopting input and output legitimacy as potential mechanisms through which process type might affect the health of a democracy independently, and specifically as potential mechanisms through which a citizen-centric process might add value, whereas an elite-centric process might subtract it or cause damage. Some of these links were found to be broken or to operate in unexpected ways; specifically, process type does not directly or clearly influence output legitimacy, but input legitimacy can do so, and input legitimacy is directly connected to process type. The answer here is that input and output legitimacy have the potential to add or subtract value, but whether they do either, and which one they do, once again depends in great measure upon whether elites have fostered a permissive or hostile (or apathetic) climate for the reform debate. To wit: can the choice of process type add value? If it is permitted to, yes. Can the choice of process type subtract value? If care is not taken, yes. The way in which elites set up, administer, and frame debate pertaining to the reform process has a more fundamental

effect on the “aftertaste” of reform than the process type used, and even an elite process can go right—or, seen otherwise, even a Citizens’ Assembly can go wrong.

After all this, does process matter? Obviously, within the model, process can have a number of effects, but the major determinant of the effects on democracy that were the subject of this study is not process, but the elites who establish, perhaps participate in or simply administer said process, and who determine the response to the process’s completion. The path from the beginning of reform to public trust in democratic institutions may pass through process type, but how the public will feel about its own democracy in the end is largely determined by factors someplace outside the model. Again, should elites foster a permissive and supportive climate for deliberation and subsequent debate, the model functions as expected. Should they fail to do so—by setting impossible requirements for enacting change, losing interest in reform, or turning on their own proposals—the model cannot function properly. If would-be reformers want to make sure that the benefits of a citizen-centric reform process such as a Citizens’ Assembly do in fact occur, they must not only consider process type, but also the distinct possibility that some elites may in fact have more power over the reform process’s eventual endgame than they do. The decision to give back to citizens such a significant say in how democratic institutions function, and to reform democracy by using more democracy, will mean nothing in the absence of elites with the sincerity and fortitude to see the project through to its end. The final lesson (and the main contribution of this dissertation) is, then, perhaps unsurprising. The path to reform is important, but elites determine how important and the manner in which it is important, getting both the first and last word. Process matters, but elites matter more. Thus, would-be reformers interested in addressing the democratic deficit and the quality of democracy must now consider not only the quality of the electoral system that will be used, and not only the type of process used to generate and pitch that system, but also, the quality of the elites who maintain veto power. Perhaps democracies *ought* to be reformed with the cooperation and participation of citizens, but they *will not* be reformed without the cooperation and participation of elites.

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