

[*Revolution or Renovation?*]

REFORMING LOCAL POLITICS IN EUROPE

*Herwig Reynaert
Kristof Steyvers
Pascal Delwit
Jean-Benoit Pilet
(Eds.)*

COMPARATIVE LOCAL POLITICS

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Revolution or Renovation? Reforming Local Politics in Europe

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Introduction.

Local Government in Transformation: Momentum for Revolution or Incremental Renovation?

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Herwig Reynaert
Pascal Delwit

Almost a century and a half after J.S. Mill's fierce advocacy of local government as an essential means to widen the scope for the participation of the citizen in politics and a place oriented functional device for efficient service provision (Stoker, 1996: 5-7) ¹ public debate on the role and mode of the local level is still continuing. These normative discussions have often given birth to actual reforms. Throughout Europe a wind of political and institutional change seems to be blowing through municipalities, giving new life to the phrase coined by

¹ To this traditional dual normative underpinning of local government, Sharpe (1970: 156-158) adds the value of 'liberty': by a division of powers on a area basis that of the sovereign (i.c. central government) is restricted, the latter of course being dependent on the degree of subordination of the local level to its central counterpart.

Dente and Kjellberg (1988: 1) long after the time it was written: "...few government reforms have been as widespread as the reforms at the sub-national level that have taken place in the last two or three decades".

In recent times these changes have been extended not only to countries in East and Central Europe which did not have a prior democratic local government tradition, but they also seem to have been reinforced or even accelerated with globalisation, the flow of national competencies to supranational bodies (e.g. Europeanisation), the subsequent quest for a 'new localism' or the move to a post-bureaucratic state with a greater involvement of the private sector in formerly exclusive public affairs often identified as underlying causes (Hambleton et. al., 2002: 2-15; John, 2001: 9- 14). The extent to which these factors have the actual potential to put local government under strain might thereby be subordinate to the perceived pressure they put on traditional values and operations at the local level. As Kersting and Vetter have noted (2003: 11-14) it is essentially the latter that underpins the discourse and the practice of this 'new reform movement'.

The intention of this publication is to contribute to the scholarly debate that has been emerging on these local government reforms. This will be achieved by using a comparative perspective as the starting point for analysis. By comparing the dynamics of change in different European countries the interplay of general reform tendencies with different traditions, institutions, cultures and political challenges is brought out, providing implicit clues to an understanding under which circumstances different or equal patterns of change might occur. It is clear that such an ambitious approach can only be partially addressed in one volume. It must therefore neither be understood as a final assessment of all reforms and the circumstances under which they might occur nor as a full account of all local government systems in the whole of Europe. The intention is rather for it to be a complementary effort, paraphrasing Greenstein (1967), to clear away the underbrush in the comparative study of local politics in line with the evolving literature in this direction (Caulfield and Larsen, 2002; Kersting and Vetter, 2003; Denters and Rose, 2005).

The latter restriction is also due to the context from within which this volume has arisen. In December 2004 an international conference was

held in Ghent focussing on local government change and attended by many scholars in the field of local government. By confronting the comparative insights from keynote researchers in a specific field of reform with the country-centred contributions of national experts an attempt was made to tackle the reform patterns in breadth as well as in depth. This volume therefore is designed in a similar way.

In order to provide the reader with a framework within which to place the aforementioned reforms in the existing context of local government, the rest of this introductory chapter is devoted to answering two questions: 'What is there to reform?' (referring to the traditional systems of local government in the European polity) and 'How is it to be reformed?' (relating to the broad types of reform identifiable). The position of the different keynote and country-expert contributions is referred to here.

1. What is there to reform?

Traditional systems of local government in Europe

Across Europe a wide variety of local government systems exists embedded in local historical development within the boundaries of the various nation states. There are however some comparative models which allow us to replace the somewhat strange mix of institutions, traditions and cultures provided by country names by theoretically useful categories focussing on the fundamentals of local government organisation. Part of this research takes central-local government relationships as a point of departure for analysis. Vertical power relations enter the framework of study at this point.

1.1. Vertical power relationships: localities between self-government and central agency

One of the classic models for classifying local government systems was developed by Page and Goldsmith (1987: 3-11). These authors distinguish three factors they assume vital to categorise governmental systems. *Functions* refer to the extent to which local government operates as a functional distributor of public services. Although these functions might also vary in nature or mode of delivery, the mere for-

mal responsibility for their execution tells little about the autonomy with which they are shaped. *Discretion* is related to the ability of local decision-makers to determine the type, level, provision and funding of these services. In practice the level of autonomy is largely influenced by the type of regulation exercised by central government. Statutory regulation is limited to the main lines of the governmental process while its administrative counterpart allows a more detailed interference of central government in local affairs. Finally the nature, frequency and importance of contacts between local and central governmental players determine the level of access localities have to their central counterparts.

In applying their framework to a number of European unitary states², Page and Goldsmith found these dimensions to be interrelated giving rise to a distinction of two different governmental types. In the Northern systems (Scandinavia and the UK) local government acts as a broad service provider with a high degree of discretion as to the extent to which this functional role is fulfilled. Self-government prevails at the local level with governmental players from both levels operate at a somewhat separate and complementary level. Access to central government then is rather low. In the Southern systems (France, Spain and Italy) the opposite holds true. The functional capacity of local government is rather low while administrative regulation is the traditional muzzle for local autonomy. The 'colonisation' of central government (e.g. by the accumulation of political offices or party functions) then is a counterweight of access for local decision-makers. The authors suggest a number of factors which might account for these variations: the existence of a centralising Napoleonic tradition, a Catholic and feudal-clientelist political culture and the late introduction of the welfare state orients the relatively small municipalities of the South towards their 'political community' function while services are mainly provided by the field agencies of central government (Page and Goldsmith, 1987: 156-168).

² Making their model difficult to apply to a number of federal countries with differences between governmental systems within national borders.

For other authors governmental traditions are not limited however to the dichotomy suggested by Page and Goldsmith. Usually the degree of internal variation within the Northern group is especially stressed; the typology proposed by Hesse and Sharpe (1991: 605-608) forms a good example³. The Franco-group seems very comparable to its Southern counterpart⁴. Here local government operates in a political rather than in a functional way. Localities focus on the community identity of an outlined geographical entity. Central government provides services through locally operating field agencies and exercises extensive control over the limited autonomy of its local counterpart. By mechanisms of political colonisation the latter strives to ensure its interests at the central level. In the Anglo-group neither tutelage from central government nor administrative interdependence between central and local players is very outspoken. Despite its *ultra vires* tradition local government enjoys a relative extensive degree of discretion with a subsequent 'horizontal' relationship between centre and locality. It should be noted however that in this tradition local government has (almost) no constitutional status, leaving the door open to intensive reform and centralisation potential for central government⁵.

A similar degree of functional capacity can also be found in the last category identified by Hesse and Sharpe. In the Northern and Middle European group, however, the former is more in balance with the striving for local democracy: "...local government is commonly granted a general functional power over and above specific statutory powers..." because localities also function as political entities. Beside this functional-discretionary clout local government is far more constitutionally anchored. Next to a number of countries blending elements from the Southern and the Northern tradition of governmental relations⁶ this

³ Bennet (1993) comes to a similar distinction of dual (decentralised), fused (centralised) and mixed systems.

⁴ It includes France, Italy, Belgium, Spain, Portugal and Greece.

⁵ Countries like the United Kingdom, Ireland, Canada, Australia and parts of the United States have this governmental tradition. One should only bring the extensive reforms to the UK local government under the Conservative (1979-1997) and subsequent Labour (1997-...) government into mind (Wilson and Game, 2002).

⁶ The former West-Germany, the Netherlands, Austria and Switzerland.

category also includes a core of Scandinavian countries⁷. Specifically the extent to which the latter can be considered as a distinct category of governmental tradition led Loughlin (2001) to develop a fourfold typology in which the Northern and Middle European group was further divided into a Germanic and a Scandinavian tradition (largely decentralised and extensive in functional capacity) causing Rose and Ståhlberg to speak of a Nordic *local* welfare state (2002: 525-526).

A fundamental puzzle in all of these models is the ranking of countries in East and Central Europe. Some label the newly emerging governmental systems as a distinct post-communist type based on a common legacy of (nominal) democratic centralism under communist party dominance (with a vertically organised and centrally controlled interplay of public administration and economic organisation) and characterised by an evolution from local state government to local self-government. In practice this is often accompanied by the introduction of political democracy at the local level and a tendency towards market oriented management reform (Baldersheim et al., 1996: 23-25). However, the search for and practice of decentralisation and sub-national government reform in this geographic area produced in the words of Illner (2003: 24-25)⁸: "...an extreme heterogeneity of the ex-communist world" in terms of the functions, size, electoral, executive and financial organisation of municipalities. This volume then might contribute to a better understanding of the transformation of local governments in this area.

It might be assumed that the structural conditions furnished by these governmental traditions outline the basis from which reform patterns rise to the surface and affect their vary nature. Where Sharpe (1988: 89-100) identifies the general (but relative) mutability of sub-national boundaries, a growing functional load partially taken up by the local level and an enduring (sub-)urbanisation as primary forces pressing towards local reform, the extent to which these factors lead to actual change and the specific form they take varies according to systemic

⁷ Norway, Denmark and Sweden.

⁸ The author develops a sixfold typology of local government systems in the ex-communist world: East-Central Europe, the Baltic States, the South-East European Zone I, the South-East European Zone II, the core countries of the former USSR and the other republics of the former USSR.

traditions. In the Southern or Napoleonic group the combined effect of the existence of a centrally oriented jurisdiction ('prefectoralism') controlling elected local government and (in)directly providing services through field agencies with a nearly 'frozen' basic entity of local government (communalism) in politico-spatial terms has long ruled out major structural changes in the local government system.

Instead, the imperatives created by the aforementioned demands are often accommodated by the introduction of a new level of government between the prefecture jurisdiction and the localities, characterised by the same author elsewhere as the 'rise of the European meso', (Sharpe, 1993: 1-8) absorbing some of the evaporating state power⁹. One could argue that in the Napoleonic states the tension between the persistence of existing political communities and functional service needs (mainly led by a logic of scale) often is solved to the detriment of the latter. Whereas Napoleonic states thus leave their local government structures largely intact, the Northern group tends towards an outright restructuring response to meet specific functional demands. Comparable assumptions were formulated by Kersting and Vetter (2003: 22-25): for these authors the extent to which reforms are pushed for and adopted is positively related to the degree of local autonomy underpinning the governmental tradition in a given system which is in turn dependent on the functional responsibilities and degree of discretion of local government¹⁰. This volume may help us to scrutinize whether these assumptions (still) hold true and to what extent they do.

One should be cautious however, in interpreting intergovernmental relations and the position of the local level only as the dichotomy between local self-government and agency for other spheres of government. Whereas the question of autonomy implicitly rests on the as-

⁹ Sharpe notes that the introduction of this new regionalism is of course only partially due to the challenges imposed on local government.

¹⁰ In times of economic decline reforms initiated by the centre as well as by the local level itself might be more important in highly decentralised systems where functional responsibilities are high. The latter is also often accompanied by a larger need for democratic legitimacy reinforcing the pressure towards reform of a participatory nature.

sumption of political separateness¹¹, recent tendencies show intergovernmental relationships are transformed in a direction towards integration and multi-level governance with classic notions of subordination giving way to negotiated partnerships and subsidiarity (Baldersheim, 2002: 203-210). It thus might well be that behind formal arrangements of local government systemic traditions (and subsequent openness for reform) new roles and potential for the local level are emerging.

1.2. Horizontal power relations: from local presidency to ceremonial leadership

Focussing on vertical power relationships already provides important clues on the organisation of local government: in what functional perimeter does it operate, to what extent is local autonomy encapsulated in central regulation and how do mechanisms of access have a 'softening' effect on the traditional subordinate position of the local level? It leaves, however, part of the story untold: how are local governments internally organised? How is political leadership conceived? What is the relationship between intragovernmental bodies? Focus should therefore be on horizontal power relationships within localities. Again some different traditions throughout Europe can be identified.

Mouritzen and Svava (2002: 23-66) provide a fourfold typology of intergovernmental forms. In the strong-mayor form an (elected) mayor controls the majority of the city council. He is actually and legally in full charge of all executive functions. In such a system, public administration is often responsive to political leadership. Political norms thus dominate administrative ones¹². In the committee-leader form one person is clearly the political leader without always formally having the title of mayor. Executive functions are usually shared: at least part of them rest within collegiate bodies, often standing committees composed of elected politicians and sometimes administrators. Usually re-

¹¹ With local government being 'closest to the citizens', hence in the best position to represent their interests and as a grass roots democracy in need of autonomy and freedom from interference.

¹² France, Spain, Portugal, Italy and parts of the US can be classified in this category.

ciprocal influence and shared roles emerge between politicians and administrators¹³. In the collective form a collegiate body (often an executive committee) is responsible for all executive functions. This body is composed of elected politicians often presided over by the mayor. As in the committee-leadership form political and administrative roles usually overlap¹⁴. The council-manager form makes a clear distinction between political and executive roles. The latter are in the hands of a professional administrator (city-manager) appointed by the council. This council has general authority over policy but is restricted from involvement in administrative matters. It is a relatively small body headed by a mayor who only has presiding and ceremonial functions. Administrators and politicians here have separate roles sometimes giving way to an autonomous influence on the part of the former in local policy-making¹⁵.

An alternative comparative typology of horizontal power relationships was developed by Bäck (2005: 80-87) based on the combination of two dimensions: the extent to which local government is organised along consociational or majoritarian lines and the dichotomy between monistic and dualistic systems¹⁶. Assembly governments combine monism with consociationalism: the executive power is in the hands of a proportionally based committee of the council. Parliamentarianism has similar monistic foundations but is organised along majoritarian lines: a collective executive body is appointed by the council in a non-proportional mode¹⁷. Presidentialism then is dualistic according to majoritarian principles: a (separately elected) mayor appoints his own cabinet of deputies, often regardless of the party-political composition of the council. Semi-presidentialism has the same dualistic underpinning though mayors are often surrounded by a collective

¹³ A system that can be found in Denmark, Sweden and the UK.

¹⁴ A tradition found in Belgium and the Netherlands.

¹⁵ This system can be found in parts of the US, Ireland, Finland or Norway,

¹⁶ A model also less oriented on the relationship between politicians and administrators.

¹⁷ Assembly government and Parliamentarianism resemble the committee-leader form of local government according to Bäck.

executive appointed by the council (tendency towards consociationalism)¹⁸.

Although imperfect, there seems to be an interaction between vertical and horizontal power traditions in Europe. While the strong and presidential leadership form seems to prevail in the Southern and Napoleonic systems, the North is somewhat more divided. In the Nordic countries committee-leadership and council-management emerge referring to parliamentary systems with a different degree of administrative autonomy, a distinction also found in the Anglo group. Since research so far is lacking, the position of the North and Middle European group as well as that of its East and Central European counterpart remains somewhat unclear.

2. How is it reformed?

Types of local government reforms in Europe

Though reforms might strongly vary in the nature, extent or form in which they appear in different political systems, recent literature shows a comparative categorisation can be made focussing on the main intentions and tendencies within these local government reforms. As Vetter and Kersting (2003: 11-14) note, the intentions of reforms are closely linked to the normative question of an enhanced legitimate local democracy. In order to arrive at the latter, two principles can traditionally be distinguished which both are assumed to have an impact on the goal and nature of local government reforms. Input-legitimacy on the one hand refers to the inclusiveness (of the preferences) of members in the democratic polity. Responsiveness as a goal then is achieved by the different means of participation.

Output-legitimacy on the other hand focuses on the effective and efficient production of policy-outcomes oriented towards 'the common welfare'. As a result of environmental changes traditional ways to

¹⁸ (Semi-)presidentialism is comparable to the strong mayor form of local government.

achieve these forms of legitimacy have come under pressure¹⁹. In Europe, from the 1970s onwards, an economic crisis placed financial strains on the political system with indirect effects on local government giving way to a neo-liberal reform strategy aiming to establish a modern (i.c. more effective and efficient) public administration (output-pressure). Similar social changes within the population occurred. As a result of processes of post-industrialisation a value-shift emerged pushing toward political participation and openness of the political system. At the same time, processes of supra-nationalisation often diminished the transparency and accessibility of political decision-making in general. Hence, a democratic vacuum emerged with the subsequent input-pressure often falling upon local government²⁰.

2.1. Political reforms: transforming the public domain

As a result of these 'modes of pressure' reforms were intended and executed at the local level which can be categorised according to the different logic through which they aim to enhance governmental legitimacy. Political reforms mainly focus on the input-side of local democracy. Here an improvement in participation and leadership is being sought. While Kersting and Vetter (2002: 17-19) distinguish between changes leading towards more direct participation, (such as the direct election of mayors, local referenda, etc.) and their counterparts in traditional representative democracy (personalisation and widening of the electoral system, new forms of governance and citizen-participation, etc.) Caulfield and Larsen (2001: 16-17) refer to a general transformation of the public domain. Classical forms of participation (elections, party membership, etc.) thereby give way to new modes of involvement which are more direct, ad-hoc and narrow in scope. At the same time, the public domain is redefined: while citizens become to a greater extent consumers of the policy-outcome, respon-

¹⁹ As mentioned the perception of the existence of such a pressure might outweigh its actual appearance for key-decision-makers in reform found their discourse and actions on the former.

²⁰ Probably strengthened by the traditional qualification of the local level as 'closest to the citizens' and thus as an effective laboratory for public sector reforms.

siveness swings more towards perceived output-quality than to input-inclusiveness. Meanwhile (executive) political leadership is strengthened redefining the role of decision-makers more in the direction of a strategic steering management.

Part I of this volume will be dedicated to these political reforms, scrutinising them from different perspectives, among which changes to the classic linkage mechanism between citizens and elites in elections is an important one. While N. Kersting tackles the question of electoral reforms in a comparative contribution, others focus on country-specific situations. The direct election of mayors is studied by J.-B. Pilet, K. Steyvers, H. Reynaert and C. Devos in Belgium and by J. Heurtaux in Poland. T. Kostelecký focuses on the interplay between political parties and local electoral reforms in the post-communist Czech Republic while C. Riollo and G. Minaldi attempt to study the impact of electoral reforms in Italy on the role and functions of local government in general and the local political class more specifically. A link between the electoral perspective and the participatory one is offered by J. Rodríguez who takes up the question of the interaction between general electoral reforms and new mechanisms for citizen participation in the context of Spain.

Participatory reforms are also the subject of a contribution by C. Premat who compares the use of local referenda as a means of citizen involvement in France and Germany. While the transformational nature of these media is studied by M. Bützer for Switzerland, M. Leyenaar takes up the important question of their inclusiveness in terms of gender and ethnicity. R. Karakaya then scrutinises the barriers limiting the use of e-democracy in facilitating political participation. The last perspective from which these political reforms are studied is that of political elites. While A. Magnier focuses in a comparative contribution on the role conception of mayors in a changing leadership environment, the question of the changing recruitment and socio-demographic background forms the subject for the chapters of H. Reynaert, K. Steyvers and D. Verlet for the Flemish and P. Delwit for the Brussels region of Belgium. By focussing on elites G. Soós studies the level of institutionalisation of local political party organisations in Hungary.

2.2. Administrative reforms: towards a new interplay of territories, functions and local management

Administrative reforms then point towards output-legitimacy. Here the main goal is to achieve more effective and efficient local government. These reforms are related to the spatial, substantial and executive conditions of local government. In territorial terms boundary reforms are put forward aiming at the improvement of local service delivery and (as a result of an efficiency driven 'logic of scale') often leading to municipality amalgamations. As alternatives to the latter, forms of intermunicipal co-operation or multi-level governance with negotiated partnerships might emerge however. In functional terms a general tendency towards decentralisation occurs either under the form of effective political devolution of powers or by task delegation related to questions of boundary and size and depending on traditional central-local relationships. Contingent demands for enhanced fiscal capacity and financial reform then emerge (Caulfield and Larsen, 2002: 18-20).

Management reforms contain a number of changes often referred to by the label of 'New Public Management'. Falling revenues for local government combined with an increased demand for service delivery (strengthened by a raising of public service quality to private sector standards) led to a logic of a more effective and efficient public administration underpinned by a new instrumentalist view on bureaucracy based on management principles (global budgeting, cost/benefit analysis, benchmarking, etc.). Citizens here become consumers of administrative output (satisfaction surveys, complaint management, etc.). As a result new players are included in the production and distribution of services (privatisation, contracting-out, public-private partnerships, etc.). At the same time a more functional division of labour occurs between politicians and administrators. While the latter become responsible for the effective management and execution of public services the former set strategic goals and control policy-output (Gabriel and Eisenmann, 2002: 20-22).

Part II of this volume will take these administrative reforms into consideration. While L. Rose scrutinises territorial and functional reforms from a comparative perspective, B. Denters starts from the recent dualistic reform movement in the Netherlands in order to study func-

tional shifts within local government. A similar perspective is used by T. Steen and A. Wille in comparing recent (intentions for) reforms in the Netherlands and Flanders. H. Bäck then focuses on the interrelationship between political entities on different territorial levels in Sweden and the party identity and the institutional questions this provokes. The same interrelationship is the basis for the contribution of E. Wayenberg exploring the existence of political localism in Flanders. A. Agh and K. Kádár show how problems of functionality might arise from territorial consolidation and the extent to which capacity-building under the form of small regions can be introduced as a means to solve this institutional deficit. A similar tension between territorial and functional government is identified by M. Breuillard in her comparison of the French and the British cases. M. Callanan finally studies motivation for service measurement in Irish local government by tackling administrative reforms from the managerial perspective.

3. Between revolution and renovation: heading for local governance ?

An important question which could be added to the above is that of a potential interdependence and one-dimensionality of the reform patterns distinguished. While the logic of both legitimacy enhancement and the change patterns resulting from them seem to suggest two 'separate worlds of local government reform', in reality both intermingle. Theoretical distinction then separates out entangled practices. On the one hand this seems to be the result of a somewhat 'built-in tension' between output- and input-orientation: intentions to enhance local government efficiency might create problems for democratic inclusiveness and vice versa. On the other hand it might be because the practice of reform shows the mutual impact of both types with the introduction of the one having consequences for the other. Local government reform is often a question of mixed strategies and balances between goal orientations. We are convinced that the chapters in this volume show the latter to a significant extent.

Others however have moved beyond the level of mere empirical reform blending. The interplay of structured changes in their opinion gives way to a development often labelled as from 'local government'

to 'local governance'. Governance as an end state of reform can be conceptualised in the ideal-type of John (2001: 14-17). First of all governmental institutions proliferate (creation of new levels and special purpose agencies) and are restructured (including decentralisation and the introduction of non-state players in the governmental process). Then, new networks emerge in a horizontal orientation (sometimes in the form of regimes) as well as in a cross-national direction. Subsequently, new policy initiatives are taken leading towards local innovation and capacity-building in a less unified bureaucratic fashion often accompanied by a redefinition of the role of the centre and subsequent revived initiatives. As a response to the dilemmas of co-ordination and accountability that result from these changes a fourth dimension of governance can be identified: the search for new mechanisms of control and accountability (e.g. new modes of citizen involvement) and more prominent forms of executive leadership (fragmentation, complexity and broadened inclusiveness push for leaders who can 'pull the shifting framework of local decision-making together').

The extent to which such a development actually takes place is closely linked to the central guiding question reflected in the title of this volume. Are the reforms taking place leading to a revolutionary shift in local government giving way to a whole new framework for the level identified as closest to the citizens? Or do they rather have an incremental significance referring to a gradual renovation of the local layer, still predominantly relying on the traditional answers to the questions of functionality and democracy dating back to the era of Mill? As with many phenomena in political science the answer probably lies somewhere in between. The balance between revolution or renovation is probably dependent on the broad circumstances of reform (economic conditions, political culture, etc.), the specific local government tradition present in an area of reform and the nature and strength of the pressure under which political or administrative reforms occur. Here we already have first indications based on existing intergovernmental relationships.

As already mentioned the general acceptance and conditions for success for local government change can be linked to broad systemic traditions identified in the European polity. We noted above that the extent to which reforms are pushed for and adopted can be positively

related to the degree of local autonomy underpinning the governmental tradition in a given system, which in its turn is the result of the functional responsibilities and degree of discretion of local government. While Southern governmental systems often leave the structures of the local level intact (looking for other ways to solve functional dilemmas), Northern systems seem more keen on an outright restructuring response to meet specific functional demands. But also the very nature of reforms could be linked to these traditions.

An initial assessment by Vetter and Kersting (2003: 345-349) has shown that, while as a general tendency efficiency oriented reforms (with managerial reforms outweighing their territorial and functional counterparts) seem to be dominant over participatory reforms, nevertheless distinctive patterns have emerged. In the Northern systems of North and Middle Europe a strong emphasis on enhancing efficiency exists complemented by participatory reforms. This reformism is even more outspoken in the Anglo group with the UK as a good example of major local government shifts. Countries from the Franco group then show few participatory reforms and less important management reforms while territorial consolidation and functional capacity, tackled by a new regionalism or intermunicipal co-operation, are more on the 'renovation' part of the reform comparison. Not surprisingly changes are most 'revolutionary' in the East- and Central European area, linked to the recent establishment of democratic local government.

Their conclusions could be complemented by the statement that openness to managerial (and administrative) reforms versus their participatory counterparts might also be dependent on existing intragovernmental relationships. In systems with a more obvious role separation and functional division of labour between politicians and administrators (Northern committee-leaders or council-managers), managerialist reforms pushing for more efficient and effective governance could be more outspoken while in Southern strong and presidential forms of local government expectations are more oriented towards a further strengthening of executive political leadership as a means to achieve 'better local governance'.

A final element to be raised is that it is important not to restrict the analysis to just the outcomes of such reforms of local government structure. In order to fully understand the dynamics driving European

local democracy nowadays, factors leading to such changes cannot be ignored. Not only what comes downstream must be considered, upstream determinants have to be scrutinised as well. This analytical attitude would avoid taking local government reforms as logical and rational evolutions which are not linked to broad ideological choices and party political considerations. In this volume, these elements are covered in most chapters, paving the way for further research.

As made clear from the above, this volume unfortunately cannot provide a final answer to all of these intriguing questions. As the chapters focus on specific reforms often within limitations of time and geography only partial clues can emerge giving mere suggestions and empirically underpinned hints to parts of the framework developed in this introduction. We hope that in future volumes of this series the same and other scholars will further scrutinise the questions that are sure to emerge without any doubt from this one. To remain within the comparison of this section: this volume rather should be considered as a renovating onset for forthcoming research than that it forms a revolutionary and final answer to the question of local government reforms.

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PART 1.

LOCAL POLITICAL REFORMS
IN EUROPE



Chapter 1. Reforming Local Electoral Systems in Europe

Norbert Kersting

Introduction

“On the one hand, local governments are to act as the vehicle of local democracy, providing services responsive to local needs and conditions. On the other hand, local governments must constitute the local branch of the nation-state administrative apparatus, executing State policies in key policy areas. Here, bureaucratic efficiency is the key objective” (Pierre, 1990: 38).

This dual function of local government is also captured by Fritz Scharpf’s (1999) democratic theory which offers two perspectives to arrive at democratic legitimacy. On the one hand, democratic regimes gain acceptance by responsiveness and by acting in accordance with the preferences of their citizens. This responsiveness can be attained in different ways (e.g. direct or representative democracy). It strengthens the input-legitimacy of the political system. On the other hand, legitimacy can be achieved by effectively delivering public services and promoting the common welfare, that is by increasing the output-legitimacy of the respective system. Although these two paths, the “local administrative reform” and the “parliamentary reform” are often con-

sidered as a contradiction (Dahl and Tufte, 1974), neither of them can finally be neglected in order to promote the stability and survival of a democratic system (see Kersting and Vetter, 2003).

The reforms of the local administration focus on the implementation of new layers of government, functional and financial decentralisation, devolution, deregulation, boundary reforms/amalgamation and inter-municipal co-operation. In the case of an internal reform of the administration, this also encompasses budgeting reforms, e.g. output orientation, global budgeting, intra-organisational decentralisation, customer orientation, privatisation as well as public private partnership instruments and third sector strategies. The political or parliamentary reform is divided into reform strategies facing personal centred democracy with electoral reforms, direct election of mayors (strong executive mayors), the new role of councillors and, on the other hand, reforms in the local issue centred democracy with the implementation of local referenda, advisory boards for interest groups and forums (open space conferences, participatory budgeting etc.) (see Kersting, 2001, 2004a; Caulfield and Larsen, 2002: 13).

We may expect “reforms of the local administration” to be mainly directed towards improving efficiency and effectiveness, while “local political reforms” are generally intended to enhance citizen involvement and local political participation, thereby strengthening the input aspect of local democracy. In the following chapter, we will discuss whether this is a simplified assumption and whether the reform strategies are intervening and the reform paths are two sides of one medal. It is obvious that the definition is difficult. Is the third sector approach an instrument of administrative reform or a new method of political participation? Is the new role of the councillors the result of the new steering models? Here, we will not focus on these instruments of the administrative reform (see for details Kersting and Vetter, 2003), because the main focus is on electoral reform. However, these reforms are also not easy to define. The electoral reforms and the direct election of the mayor are part of a local political reform. Direct election of the mayor is influencing the local administration and is definitely changing the community power structure. However, introducing a new strong mayor might be considered part of the new public management reform. Most of the electoral reforms are within the representative local

democracy, some have also an effect on the issue centred democracy. In most countries where direct democracy exists at the local level, the two modes of reform are implemented at the same time (see Kersting and Vetter, 2003). The different reform paths may often be mixed. In the following chapter we will also analyse whether the electoral reform process underlies pure strategies of efficiency itself or whether it enhances the quality of local democracy.

The idea is not to identify a made-to-measure electoral system. As Farrel (2001) has pointed out, it is impossible to argue that one electoral system would be perfectly suited to all countries and is the most appropriate under all circumstances, but it is necessary to analyse first whether there is a lack of legitimacy which may be the reason for electoral reforms. It could be argued that with low voter turnout at local or national levels there must be strong pressure on the administration to implement efficient electoral systems.

1. Voter turnout at the local level

Since the 1980s voter turnout in some countries has been decreasing dramatically and low voter turnout is becoming more than a marginal phenomenon. The higher flexibility and volatility of voters, and the impossibility to calculate such, affect the established parties that have problems mobilising their core supporters. Low voter turnout is seen as a symbol of low legitimacy of the political system. Because turnout has been decreasing in some of the old democracies (for example in Switzerland), some argue that this kind of decrease is a normalisation in the development of democracies (see Polsby, 1963; Jackman and Miller, 1995). It has also been pointed out that historically electoral turnout is not at a low point, because in most countries there was a low voter turnout after World War II; voter turnout increased with the “post 1968 participatory revolution” and more post-materialist attitudes (Inglehart, 1977). Other authors argue that the negative attitudes towards politicians and parties have to be seen as a crisis of the political system (see Lijphart, 1997, 2005), where participation in free and fair elections is described as a constitutional goal and is seen as an important factor for the definition of democracy (Dahl, 1989). Together with a dissolution of the traditional classical milieus (for example the work-

ing class, religious communities and other parts of society) the strong links to particular parties and normative attitudes towards them seem to be disappearing (see Putnam, 2000). With the process of individualisation a politically disinterested and inactive citizen has developed.

Voting in elections is the main method of political involvement in parliamentary democracies (see Almond and Verba, 1980). This form of political inclusion of informed citizens seems to be important both for national and local representative democracy. In second order elections, e.g. at the local level, voter turnout is much lower than at the national level. Although voter turnout seems to be a problem at all lower levels in all political systems, it is extremely low in the case of local elections in the UK, Eastern Europe and in Switzerland (Kersting, 2004b).

In federal systems, for example in Germany, turnout at the regional level is approximately 10% less than that for national elections. At the local level it is 20% to 30% lower (Kersting, 2004c). The lowest turnout is found for the direct election of mayors and local referenda. In other countries turnout at local elections is also very low (see DETR, 2000).

Table 1. Voter turnout in Europe in %

	Local elections	Difference national elections
Italy (1996)	80	-1
Sweden (2002)	78	-2
Austria (1995-1999)	78	-2
France (2001)	69	+9
Spain (1999)	64	-5
Latvia (2000/2002)	62	+7
Norway (1999)	60	-15
Germany (1999)	59	-20
Netherlands (1998)	59	-20
Finland (2000)	56	-9
Estonia (1996)	52	-5

	Local elections	Difference national elections
Hungary (1998)	46	-19
Poland (1998)	45	-1
Czech Republic (1998)	45	-29
Romania (2000)	45	-20
Switzerland (1997)	41	-2
UK (2002)	35	-24
Lidström, 2003, Idea, 2002; Kersting, 2004b, Gosselin, 2003		

The new tendencies show that marginalized lower income groups with a low level of education no longer compose the main group of non-voters. With the educational revolution and the reduction of marginal groups in a lot of countries, voter turnout should have increased, but in a democratisation process, the normative element of voting (that means the feeling of an obligation to participate) seems to be declining. This is also caused by a higher level of individuality and the independence of citizens. Now a large percentage of non-voters belongs to the better educated, new middle class and voters and non-voters are becoming more similar regarding their social structure. Furthermore, and this is relevant regarding the introduction of new electoral instruments such as online voting, the younger age group is apathetic to voting and the political integration phase is missing. Therefore, the number of non voters in the age group (18-25) is increasing dramatically (Kersting, 2004c).

2. Quality of electoral systems

Electoral systems are defined by Rae as "those which govern the processes by which electoral preferences are articulated as votes and by which those votes are translated into distributions of governmental authority (typically parliamentary seats) among the competing political parties" (Rae, 1971: 14). According to this definition, five different criteria for the quality of electoral systems may be defined: These aspects are representation, concentration, participation, transparency, simplicity, and the constitutional criteria of the free, fair, secret vote.

2.1. Representation

Electoral systems should allow all groups of society to be represented in the elected institution. This has often led to the misleading argument that all groups have to be presented according to their statistic representation. Congruent representation does not respect the fact that the structure of a society may differ from interest groups and that the possibility of an advocacy representation by elected incumbents is possible. Nevertheless, the possibility to be elected and the possibility of a congruent pattern should be guaranteed.

2.2. Concentration

Electoral systems should guarantee the decision-making capacity of the electoral institution. High fragmentation and a very high number of party factions may be counterproductive and inefficient in this regard. For example, majority systems tend to develop and foster two-party systems and do not include smaller groups within one constituency. Although this may be different in a national setting, in the case of first-past-the-post constituencies, even minorities of 49% might be neglected. To control high fragmentation, proportional electoral systems have implemented quora as thresholds to prevent very small interest groups from being represented and to motivate a higher degree of organisation. The representative institution should not be influenced by too many particular interests and predominantly large organised interests should be represented. On the other hand, a high level of fragmentation at the local level can reflect even smaller, weaker interest groups and quora which are an obstacle to these small groups participating are seen as non-democratic.

2.3. Participation

Electoral systems are important democratic participatory instruments. It is important for input legitimacy or political incumbents and parties. Besides the election of parties at the local level, the election of candidates, i.e. personal votes, is seen as important. In some countries citizens have few or no rights to nominate candidates within the parties.

There are no primaries or pre-elections or polls within parties. Personal votes can give voters a special motivation to cast a ballot. Clientelistic networks should be used to build a network between voters and candidates. Preferential voting and personal votes are seen as ways of boosting voter turnout. According to Marsh (1985), this preferential voting does not lead to higher voter turnout. Furthermore, clientele parochialism may be enhanced.

2.4. Transparency

Transparency is seen as the key aspect of the legitimacy of electoral systems. The electoral result should reflect the will of voters. If this is called into question, the legitimacy of the candidate, the institution and the political system may be endangered. The institutional procedures, casting booth ballot and counting should be controllable, e.g. inside the polling station and in the electoral administration the sealed ballot box and the "four eyes" principle enhance trust and the legitimacy of elections.

Manipulations which are not recognisable for the voter or even for supervisors present at the elections should not be possible. In weak democracies or in circumstances of political turmoil it would be impossible to guarantee the trustworthiness of voting machines, and even in the absence of actual fraud this could seriously undermine the legitimacy of the voting process. These threats exist to some extent with polling machines and electronic voting devices, but also with the traditional polling booth. On the other hand, electronic devices would allow a mechanism where everybody could check whether their ballot was counted, without the possibility for everybody to see their vote, which could motivate voters.

2.5. Simplicity and reduction of complexity

Easiness and simplicity are affecting the information cost and limited time resources of voters. A complicated electoral system may be interesting and motivating for the politically interested and for citizens with a higher level of education, more time, etc., but it may confuse the

voter (Farrell, 2000). Elections are predominately a choice between different ideas and programs and secondly an election of persons. Although the candidate's personal attributes may be important, the election of members of parliaments should be dominated by their visions, ideas and plans. Attributes such as, for example, rhetorical eloquence, tenacity or other abilities may be important characteristics, but political interests and ideas should predominate. This may be different in the election of incumbents in administrative functions. Here, the ability to manage an administration is important, but also here the candidate's vision is a relevant factor.

This is also the case although the electorate has to rely on information clues in the voting process. In this regard, political parties provide clues which make individual decision-making easier (Kriesi, 2002). It derives from the idea that there is congruence of both party programs and general ideas and of the candidate's political behaviour. Although most citizens have not read the party programs either, they often have a strong idea of the political party's general direction. Information clues can be party or person oriented. Party orientation is mentioned above. It is undoubted that the de-alignment of the political parties is a result of a spreading individualisation in most industrialised countries. This may be one reason for the fact that additionally the program and output orientation of most of the voters is increasing. But it seems obvious that personalisation is also becoming a key factor in elections, as we can see in electoral campaigns. The personal component often consists of primordial aspects such as gender, race, or place of birth which the electorate may understand as hints that this candidate has to support the interest of his status group or primordial group. A candidate's abilities, such as intellect, team spirit, leadership, etc. as shown in political campaigning gives the electorate the impression that this candidate may use these attitudes under different political circumstances as well, for example as a member of parliament, a president, a chancellor or a mayor. However, although it may be possible and important to evaluate the personal characteristics of a single person in a mayoral campaign, it seems to be impossible to be aware of the personal characteristics of a large number of candidates in local elections. This aspect is more important in bigger cities than in smaller political units, such as, for example, villages.

2.6. Secrecy and privacy

However, the reduction of supervision and the concomitant threat to the secrecy of the ballot may be the most crucial issue. Secrecy of the ballot is considered essential in most modern states. It is adopted in a wide range of conventions and declarations to which many western democracies are signatories, such as the Universal Declaration on Human Rights, Article 21(3), the International Covenant on Civil and Political Rights, Article 25, and the European Convention on Human Rights, Protocol 1, Article 3 (Kersting and Baldersheim, 2004). Paradoxically, the secrecy of the ballot in traditional voting is brought about by supervision. The election officers in the polling stations see to it that voters enter the voting booth alone and that they can cast their vote free from undue influence and in secrecy. Supervision, furthermore, reduces the risk of impersonation (Buchstein, 2004)

3. Reforming voting rules and voting facilities

Voting behaviour seems to be a result of societal development, the influence of mobilising media (e.g. political parties, churches, media), individual resources (time, skills) and motivation (e.g. political interest and trust) (see DETR, 2000; Norris, 2002). What are the effects of the electoral rules and the constitutional structures? Do institutions matter? In this regard the reform process in electoral law shows that as a reaction to the decreasing voter turnout two reform trajectories are planned or have been implemented.

One trajectory leads to a growing influence of the citizen in politics. Because this is accompanied by a strong anti-party attitude, citizens often gain more influence in the recruitment of political candidates and incumbents. Personalised electoral systems, such as the direct election of the mayor and special forms of personal votes, for example transferable votes (cumulative voting; panage), are implemented or discussed. The direct election of the head of the executive in other areas leads to new forms of (semi-)presidential systems. On the other hand the influence of the citizen is also strengthened by new forms of direct democracy, such as the introduction of referenda.

Table 2. Electoral rules and infrastructure

Electoral rules	Electoral infrastructure
Electoral systems (Proportional/ Majority)	Automatic Registration
Size of the electoral districts	Voting on a rest day
Electoral counting system (Hare-Niemeyer/d'Hondt)	Voting days
Quora (5%), thresholds for non party groups etc.	Early Voting
Enfranchisement of foreigners	Proxy voting
Quota for women and regions	Postal voting for people abroad
Age of voting	Postal voting
Length of legislative period (frequency of elections)	Electronic voting machines
Conjunction of elections	Cross linking of the polling stations
Personal Vote: Direct election of the mayors;	Alternative polling booth
Personal Vote: Direct election of the councillors Transferable vote, Cumulative Vote, Panage etc.	Electronic voting by telephone, SMS text messages, Digital TV, etc.)
Referenda	Remote Internet Voting
Compulsory voting	
(see Kersting, 2004d; Norris, 2002; Electoral Commission, 2002)	

The second trajectory used to facilitate the electoral process is the introduction of postal voting, early voting, polling machines, automatic registration of voters and a cross-linking of polling stations in order to build up a centralised voter registration. Remote online voting and voting by telephone or SMS-text-voting are implemented as well. This

trajectory influences the voting process tremendously. Some of these instruments even break with the traditional idea of the ritualised, sacred voting process in the polling station.

3.1. Electoral rules

To enhance the influence of the electorate, some new electoral rules are being discussed, implemented and in some cases, because of other collateral damages, abolished. Some rules are not questioned because of long traditions in the political systems.

In Britain a traditional majority electoral system (first-past-the-post) is candidate-oriented, in single member districts the winning candidate succeeds and a personal element is predominant. France functions under a majority electoral system as well, but if no candidate achieves an absolute majority, a second round is necessary. In this case a normal majority is sufficient. This two round system implies that there may be two parliament elections within a short period.

Proportional electoral systems seem to have higher voter turnout than systems with the majority rule (Jackman and Miller, 1995). Milner (2001) states that proportional systems are dominated by political parties and these present a consistent program in the political arena. Here voters receive less information and this makes it easier for them to create a political map for themselves and navigate in the political landscape (Kriesi, 2002: 2).

Some instruments focus on the inclusion of new voters into the electorate. As in most of the countries world-wide, in our case studies the legal voting age is 18 years. The lowering of the voting age to 16 was implemented in some countries at the local level but because of the lack of effect on voter turnout it was abolished.

Most of the countries have a proportional electoral system (see IDEA, 2002). The parties present a list of candidates and they receive seats in proportion to their share of the overall vote. In some German States personal votes had existed since the 1950s and in the rest were introduced in the 1990s. Here, each voter may elect one or more candidates (preferential voting, panage). It is argued that the "personal votes" i.e. voting for individual persons and not party lists reflects the trends

towards greater personalisation in politics. Greater personalisation leads to higher media coverage and higher electoral turnout. In federal systems the local level seems to be used as a laboratory for testing new instruments. Here there is a trend towards personal votes. Personal votes affect dramatically the recruitment function of the political parties. In large communities where voters cannot define the programs of the candidates, voters base their vote on criteria such as, for example, social status, etc. This easily leads to politically irrational voting decisions. For the direct election of mayors, a personal vote as well introduces a more populist way of personal campaigning (Kersting, 2004a).

The enfranchisement of women in Switzerland in the 1970s was an important step towards political inclusion, although turnout decreased initially. With the development of traditional social roles and with new forms of political socialisation, women's voting behaviour is getting similar to that of men, especially in the younger age groups. The implementation of voting rights for foreigners was carried out at the local level and was a step towards a further integration of these groups. However, because of a lack of interest electoral turnout was low. In France and in Belgium, new quota strengthen the role of women and representatives of regional minorities in the local parliaments.

The conjunction of elections at the local, state and federal levels could enhance turnout because saliency in national elections is regarded as high, but this conjunction contradicts the idea of federalism and could confuse voters.

With the abolishment of a quorum (5% e.g. in Germany) and an introduction of new formulas in the representative electoral counting systems (from d'Hondt to Hare-Niemeyer counting system) in proportional systems, the influence of the supporters of smaller parties is increasing. Although these measures had little influence in terms of increasing participation rates (see German local municipalities), they are leading to a greater fragmentation of the party system.

In referenda, in direct elections of the head of the executive, in recall referenda and with the introduction of transferable votes, voter turnout is still very low and its decrease could not be stopped (see, for example, the local level in Germany).

Powell (1980) was able to show in his study that electoral systems with compulsory voting or sanctions for non-participation could increase

voter turnout by about 10% (Kriesi, 2002, see also Jackman, 1995). The arguments against compulsory voting are often based on civil liberties. It is also feared that compulsory voting could lead to an increase in the number of votes for extremist parties.

Table 3. Voter registration and voting facilities

	Voter registration	Number of polling days	Polling on a rest day	Advance Voting	Postal Voting -Restrictions	Proxy Voting
CH	automatic (by local authorities) (1/4 year)	2	X	-	low restriction	-
EST	automatic	1			highly restricted, from abroad	
FIN		1	X	X	none	
FRAN	private registration (1 year)	1	X		none	X
GER	automatic (by local authorities) (1 year)	1	X	X	(highly) restricted	-
A	automatic	1	X	X	highly restricted, from abroad	-
UK	private registration	1	-		restricted	X
SWE	automatic	1	X	X	highly restricted, from abroad	X

Source: Schweizerische Bundeskanzlei 2002; Norris 2002

3.2. Electoral infrastructure

According to Downs (1957), voting is often defined as a low benefit decision. Green and Shapiro (1994) describe the shortcomings of this reduction to a pure utilitarian approach. On the other hand, a low benefit situation could result in increased voter turnout because the process of voting is facilitated. Aldrich (1993: 216) defines the electoral process as an instrument of participation in a kind of “lean democracy”. Not only the voting process, but also the registration procedures influence voter turnout. Voter registration is handled differently in most countries (see IDEA, 2002). In all OECD countries, with the

exception of France, there is government implemented automatic registration. Registration instruments sometimes neglect citizens who are abroad. These are mostly organised by the local administration which updates the electoral register every year. In Germany this is done automatically by the local authorities and in Switzerland it is done every three months. France uses private registration which is updated every year.

The reforms and the context of the electoral infrastructure determine not just the registration but the time, place, and instruments used for voting as well. In most of our case studies, voting takes place on a rest day. An exception is Britain, where Wednesday is the polling day. Normally only one polling day exists. Advanced voting is possible in Finland and Germany. In Germany it is legally organised in a way similar to postal voting but the polling station is the town hall. In Finland electors can vote directly at the post office. Postal voting in these two countries refers therefore not to voting by mail but the act of voting in the post office itself.

Proxy-voting refers to authorising a third party to vote on your behalf. Generally this method of voting is available for disabled voters, etc. Because postal voting does not exist in France and in the UK proxy-voting is seen as a substitute, where every citizen is permitted to use it. In terms of privacy and the secrecy of the vote, proxy-voting is even more problematic. Postal voting exists in Germany, Switzerland and was tested in pilot schemes in 2002 in the United Kingdom. (Kersting, 2004d, see for the US, Southwell and Burchett, 2000). Switzerland introduced the use of the general mail in voting in 1994. In some cantons, the ballot papers are sent to the voters automatically. Kriesi (2002) shows that with the introduction of postal voting in certain cantons in Switzerland, voter turnout is much higher in those cantons where postal voting is organised without bureaucratic obstacles. The automatic procedure of postal voting introduced in 1995, where voters receive the ballot paper without a formal request, increased voting motivation. In the 1999 Swiss federal elections 50% to 60% of those who voted by mail did this some days before the official voting day. Around 30% to 35% voted some weeks before. This means that electoral campaigning has to start earlier. Early voting and postal voting contradict the constitutional principles of an equal vote (see below).

In Germany, voting by mail was implemented in 1957. Voters have to have good reasons (illness, etc.) to use this method, but are not obliged to provide proof of such. The German Supreme Court postulated that voting by mail should be an exception because the privacy of the vote cannot be controlled. Nevertheless, the number of postal voters has grown from 4.9% in 1957 to 18% in 2002. In some of the bigger cities one voter out of three votes by mail. In some countries, voting by mail is available for citizens living abroad. In Germany, the United Kingdom and in Switzerland there is no restriction in this regard. France used mail voting until the 1970s but abolished it because of the high level of fraud and manipulation.

4. Conclusions

Political apathy and disinterest are not restricted to local elections. Turnout at local elections is often lower than at national elections but in some countries it is decreasing dramatically. Here, the local level is often used as a playing field or laboratory to test new instruments. It is impossible to find a made-to-measure electoral system which fits all countries, all national levels and all sizes of political communities. "The fact is that one country's circumstances can vary dramatically from another's, and a judgement on which electoral system is best for a given country should be made in the light of that country's history, social composition and political structure" (Farrell, 2000: 207). This can be confirmed also at the local level. Here, the size of the community seems to play an important role.

According to Richard Katz (1997), the best electoral system is regarding path dependency and goal dependency. It is important 'who you are, where you are, and where you want to go' (Katz, 1997: 308). The hypotheses that the countries with a very low electoral turnout are hesitantly introducing new electoral instruments cannot be confirmed. There is no consistent picture but those countries with a low voter turnout at the local level (UK, Switzerland) more often see the local communities as a playground to test new participatory and electoral instruments. But also countries with a strong attitude towards reform are more willing to implement new information and communication technologies (Estonia). Implementation also seems to be dependent on

democratic tradition. In new democracies, risky instruments which do not strengthen democratic instruments and which open the door for possible manipulation are rejected. Here, the result of the experience of authoritarian intervention in older democracies is that the citizen is considered more a self determined actor. In Switzerland, as an old democracy, the secrecy of votes is not as important. Other countries with a strong legalistic orientation are not focusing electoral reform even on a local level. This is even stronger in federal countries where the local government is more independent and autonomous. It often seems useful to mix the systems and to amalgamate strategies to find compromises. The German mixed member system as a kind of personalised proportional voting system seems to combine the best of both worlds (Shugart and Wattenberg, 2001).

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Chapter 2. Three Regions, Three Debates, Three Outcomes? The Appointment of Mayors in Belgium

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Introduction

The debate about the direct election of mayors has been a hot issue over the last decade in Belgium. However, if negotiations on this subject were at a standstill for a long time, the regionalization of communal and provincial institutions in 2001 seems to have kick-started the debate. Since then, the Flemish and Walloon governments have activated proposals to reform the appointment procedure of mayors. On the other hand, however, there have been few developments in the Brussels-Capital Region.

Over and above such topical interest, the reform of the method of appointing mayors arouses scientific interest, because it involves a combination of two groundswells in the area of institutional reform in Belgium.

First, the planned reform reflects very closely the federalization process which has reshaped the country continually over the last few decades. The idea of changing the method of appointing mayors emerged in an insistent way in the 1990s in the federal Parliament. However, despite the numerous proposals for laws, nothing concrete seemed to be taking shape. Since 2001, under the Lambermont Accords, the regions are now competent in this area and, in the end, they will undoubtedly decide the form that any such reform will take. This new phase in the transfer of competences to the federated entities is particularly symbolical. It could lead to methods of appointing mayors which could vary from one region to another.

The other institutional groundswell linked to the debate on the direct election of mayors concerns the fashionable rhetoric of “political renewal”; electoral reforms are supposed to be the miraculous solution to a mysterious malaise which is supposed to isolate elected representatives from citizens. Such alarmist pronouncements have resulted in a series of proposed reforms which are supposed to empower the electorate. For advocates of this cause, a reform towards the election of the chief of the local executive would be a logical step in such a process, using as it were communal elections as an institutional laboratory.

To refocus fully the thrust of this chapter, it is necessary to clarify the terminology used. The debate on the reform of the method of appointing mayors seems to have been opened to public debate under the “direct election” label. If we are all familiar with that label, its content remains vague. In many countries in Western Europe, the same theme has recently been debated or is still being debated by Parliaments and political parties. However, a rapid overview of the situation shows that such so-called “direct” elections for the highest local political office can vary considerably in their form (Delperée and Joassart, 2002). It is even often misleading to use the expression “direct election” to describe some of the reforms in question.

In fact, we prefer to speak of a reform of the method of appointing mayors. What distinguishes the various systems from each other is the

distance which separates the elector's vote in the polling booth and the actual way in which the mayor is chosen. At one extreme, there is the appointment of the mayor by a central authority, as is the case in Belgium. At the opposite extreme, there is the uninominal majority voting system, whereby the mayor is elected via an election separate from that for the council. The second system reflects in the most direct way possible the result of the polls. It is, moreover, the only "direct election" in the strictest sense. Between those two procedures, there are a wide variety of rules governing the method of appointing mayors. We will therefore use the expression "reform of the method of appointing mayors". The expression "direct election" will only be used for a two-round uninominal formula.

1. Three Regions, three debates

In Belgium, the mayor is not elected, but appointed by the King. In practice, it is however, the Minister of the Interior (federal up to 2001 and regional since then) who exercises that prerogative. The other governing bodies at the communal level are the communal council and the college of the mayor and aldermen.

Members of the communal council are elected directly every six years by a system of proportional representation based on semi-open lists. The functions of the council involve mainly controlling the mayor and aldermen, as well as adopting legislation which falls within the competence of the commune.

The college of the mayor and aldermen is composed of members chosen following different procedures. The latter are elected by the communal council. The college of the mayor and aldermen is not responsible politically to the council. The latter cannot therefore remove it from office. The responsibilities of the college of the mayor and aldermen concern the day-to-day management of the commune. The mayor acts as the president; however, the college functions in a collegial way.

If the mayor is well and truly appointed and not elected, it is however essential to point out that, in practice, the authority making the appointment has a minor role. In more than 95% of cases, the lists of nominations submitted to the communal council translate a political

coalition agreement which specifies whose name will be put forward as mayor. The central authority merely endorses that choice as long as it does not conflict with any legal prerequisites. It must be borne in mind that the choice of the mayor is above all a local political choice and that the role of the federal executive power is purely formal in the vast majority of cases.

In 2001, as a result of a further evolution in Belgian federalism, the regions were given authority over the provinces and communes. The corollary of that was that the federated entities became responsible for institutional reforms at local level. Consequently, the debate on the method of appointing mayors, which had been focused at the federal level in the 1990s, was divided into three separate regional debates. Accordingly, in this chapter we will treat the proposals on reform in this area region by region.

1.1. The special case of the Brussels-Capital Region

Following the transfer to the regions of responsibility for legislation on communal and provincial institutions, various reserves were formulated regarding the possibility for the Brussels-Capital Region to modify methods of appointing mayors.

One of the problems concerns the exercising of this competency, without going against the linguistic requirements laid down in Belgian law (Brassine de la Buissière, 2002). Such changes would require the participation of both federal and regional authorities. There are therefore doubts as to the possibility for the Brussels-Capital Region to take a decision on the method of appointing mayors that could undermine that balance between French-speakers and Dutch-speakers.

On the basis of that observation, the only modifications envisaged were minor. Thus the Brussels government has modified the rules concerning the number of elected representatives on the candidate-mayor's list that must support the nomination. A regional order issued in 2002 ²¹ stipulates that, for the Brussels-Capital Region, the nomination

²¹ Brussels Parliament, Order amending the New Communal Law, 18 July 2002, Brussels-Capital Region.

now needs to be supported by only a third instead of half of the elected representatives on the list of the candidate-mayor. On the other hand, the nomination must also be signed by half of the communal council. That legislation was clearly enacted specifically for the purpose of finding a solution to the situation in Uccle, where a split on the liberal list was blocking the appointment of the mayor.

However, the modifications adopted to date have been minor and do not go to the heart of the method for appointing mayors. Nevertheless, more ambitious views do exist. In 2002, François-Xavier de Donnée (MR) expressed his intention to table a proposed reform. As Minister-President at that time, he declared his support for a system whereby it would be for the regional government to appoint the mayor from the list having obtained the most votes²². The mayor himself or herself would then appoint half of the aldermen plus one.

François-Xavier de Donnée's proposal is not the only ambitious proposal in Brussels. The others include, the double proposal for an order tabled in 2003 by two members of parliament from the Social-Christian opposition party, in support of the option of the mayor being elected by the communal council from among its members. Their proposal provided at the same time for the council to elect a president and two vice-presidents who would fill a role previously carried out by the mayor. However, in the new majority agreement concluded in July 2004, the reform of the method of appointing mayors does not seem to be a priority.

1.2. The development of the debate in Wallonia

In 2002 the Walloon government (PS-MR-Ecolo) undertook to develop "a system for appointing the mayor which reinforces democratic legitimacy"²³. However, no proposal for a reform has yet obtained the agreement of all the partners. Given the impasse, the liberal minister Charles Michel (MR) suggested moreover that a referendum should be organized on the subject. Despite the strong pressure from the liberals,

²² "Choisir le mayor dans la liste la mieux placée", *Le Soir*, 19 November 2003.

²³ Walloon Regional Government, *Contrat d'avenir pour la Wallonie actualisé (CAWA)*, 27 March 2002.

there are no plans for a vote before the 2006 elections. Moreover, the new regional government (PS-CDH) which took office in July 2004 is very evasive on this subject. Recently (March 2005), the ruling coalition agreed upon a decision going for a system of preferential election. In this system, the candidate from the biggest list winning most preferential votes would be automatically appointed mayor. Yet, this decision must still be approved by the Parliament. In order to apprehend more fully all the elements of this debate, we have chosen in this chapter to present the position of the main parties in Wallonia.

1.3. The positions of the French-speaking parties

1.3.1. *The Socialist Party (PS)*

The PS has for a very long time been opposed to a reform of the method of appointing mayors. In this political party where, ideologically, the party remains predominant over the elected representatives, there were strong reservations about a formula giving greater weight to popular candidates and therefore offering them greater independence with regard to the party (Bergounioux and Manin, 1989).

However, in August 2001, Di Rupo, the President of the PS, expressed a different opinion. He put forward two options for reforming the method of appointing mayors: the two-round uninominal system, or maintaining the proportional representation system, with as mayor the candidate of the majority that obtained the most preference votes.

However, there is still some hesitation within the PS. The party seems to be moving gradually towards a position in favour of reforming the method of appointing mayors. However, there is still some uncertainty as to the exact procedure that the PS would support. At the Walloon level, the French-speaking socialists are considering two approaches: on the one hand, the election of mayors on the basis of the preference votes within the proportional representation lists and, on the other hand, a two-round majority election but a lists-based formula, relatively similar to the French municipal elections. To put it plainly, neither of the two approaches can be considered as constituting a direct election in the strict sense of the expression.

1.3.2. *The Reformist Movement (MR)*

Since the 1990s, the French-speaking liberals have been at the forefront of proposals to reform the method of appointing mayors. That resulted in 1995, and in 2001, in proposals for laws being tabled with a view to nominating as candidate-mayors the person having obtained the most preference votes for each list having obtained a seat on the communal council. The French-speaking liberals suggested the candidate-mayors should be elected at the same time as the communal council. That position was not at the time the most radical of the PRL-FDF-MCC in the area of electoral law. The proposals of the French-speaking liberals went far further for the other levels by recommending a change to a two-round uninominal majority voting system.

In 2002, Charles Michel, then Walloon Minister for Home Affairs, tabled a new reform proposal, a two-round lists majority voting system. At the end of the first round of voting, if no list had an absolute majority, there would be a second ballot. Lists having obtained less than 5% of the votes during the first ballot would be eliminated. Those with more than 10% would participate in the second ballot. Finally, those having a score of more than 5% but less than 10% could participate in the second ballot on condition that they signed a public coalition agreement with the lists having obtained more than 10% of the votes during the first ballot. At the end of the second round, the list with the most votes, even if it did not have an absolute majority would obtain 50% of the seats. The remaining 50% would be distributed proportionally to the lists participating in the second round, including the list that finished top in the ballot. Unlike the French system, Charles Michel wanted to introduce a system which would reduce the weight of the majority list in the second distribution. That would avoid a single list obtaining an overwhelming share of the seats.

The system corresponds to the wish to avoid cohabitation systems. In fact, the mayor is the chief candidate on the list having won the communal elections. That list has obtained mechanically more than 50% of the seats on the communal council; it has therefore a sufficient majority to elect a mayor and manage on its own the commune. Nevertheless, the mayor would not be elected directly. He or she would be elected by the council.

1.3.3. *The Ecologist Party (ÉCOLO)*

As regards Ecolo, its stated position in this debate is that of promoting the parliamentary system at the local level. At both provincial and communal levels, Ecolo plans to make the head of the executive body, the elected representative of the elected representatives. In the case of communes, the mayor would be appointed by the communal council. In fact the Greens talk of “reinforcing the council’s powers by using the parliamentary model as their inspiration”²⁴. The system that they recommend would copy the method of appointing regional governments.

However, in 2002, Ecolo announced a subtle change in its approach. The mayor would be elected by the council from among the elected representatives having obtained the most preference votes on the list forming the communal majority. The aldermen would be appointed by the council as a team, and no longer individually. In addition, the council would have the possibility to remove from office the college of the mayor and aldermen by a constructive vote of no-confidence²⁵.

1.3.4. *The Humanist Democratic Centre (CDH)*

Of the four French-speaking democratic parties, the CDH has been the least forthright on the subject. For a very long time the former PSC defended the current procedure of appointing mayors. However, that position was modified in February 2002, at the time the party launched a series of policy congresses ahead of the 2003 federal elections.

At that time, adopting a position close to that of the ecologists, the CDH adopted the proposal for the mayor to be elected by the communal council, via a majority vote. Each group would have the possibility to present a single candidate supported by the majority of the others on his or her list. Finally, the CDH suggested that the council should elect from among its members a president who would be neither mayor, nor alderman nor president of the CPAS.

²⁴ Écolo programme 2003, *Looking ahead, planning for today*.

²⁵ Écolo programme 2000, *Ecolo, for a different commune*.

1.4. The debate in Flanders

The Flemish majority put in place in 1999 (VLD-SP.A-Agalev-VU) saw the CVP relegated to the opposition benches for the first time at the regional level. It intended to be at the forefront in the area of institutional reforms in order to break with the past. As soon as the regionalization of responsibility for the communes was decided, that resulted in wide-ranging projects at the local level. Various measures were submitted to the government in order to give the communes the means to play their role of “closest-to-citizens” level of power. In addition to the election of mayors, the measures proposed included enacting a regulation on the plurality of offices, reducing the number of mandates of mayors and aldermen, introducing a constructive vote of no-confidence and improving the status of councillors ²⁶.

However, it has not proved quite so easy to translate the intentions into action north of the linguistic border. There has been a succession of pilot projects and working papers with, however, only minor variations in terms of content. The heart of the reform involves putting in place a two-round uninominal majority system separate from that of the communal council. The debate has focused on two concurrent questions, viz. the introduction of a limit on the number of successive mandates that can be exercised by the same person and the method of appointing aldermen (by the council or by the elected mayor).

However, every time that a vote seemed imminent, the deadline was put back. In September 2003, it was the intention of the new Minister-President, Bart Somers, to have the text adopted before Christmas that year ²⁷. However, the Flemish coalition partners seemed to prefer postponing the debate until after the 2004 regional elections ²⁸. The new regional coalition (CD&V - NV-A - SP.A - Spirit - VLD) has recently recommended that this question should be postponed until after the communal elections of 2006. However, not all the partners, and in particular the VLD, are in agreement with such a postpone-

²⁶ *Vlaams regeerakkoord Dewael I, Aanpassingen, Deel 5, Bestuurlijk beleid.*

²⁷ “Somers maakt haast met gemeentedecreet”, *De Standaard*, 16 September 2003.

²⁸ “Rechtstreekse verkiezing burgemeester op lange baan”, *De Standaard*, 22 Oktober 2003.

ment. Just as in Wallonia, the stop-go nature of the debate calls for an examination of the position of the various Flemish parties in order to understand more clearly the dynamics of the dossier.

1.5. The positions of the Flemish Parties

1.5.1. *The Flemish Liberals and Democrats (VLD)*

As in Wallonia, the liberal party in Flanders, is the most fervent advocate of the direct election of mayors. The growing electoral success of the party in the communal elections is also reflected in the number of mayors – 55 i.e. 17.9% - elected under the VLD label.

As early as 1998, the VLD criticized the state of democracy in our country, stressing the gulf between citizens and politicians. To build bridges between the two, it seemed necessary to adapt democracy to a society of “adult, independent” citizens. The VLD wants citizens to have more influence over their elected representatives who, as things currently stand, are too tied to parties and pressure groups. At the same time, citizens must obtain more control over the executive arms of government. The political predominance of the executive is inversely proportional to the elector’s control. The direct election of those who occupy decision-making functions is the fundamental extension of the party’s democratic philosophy ²⁹.

In concrete terms, the VLD would like the mayor to be elected directly in local elections by an absolute majority, with possibly a second round of voting. The candidate who obtains the majority of votes on the day of the election would be appointed mayor. The Flemish liberals also want the mayor himself or herself to appoint aldermen. The mayor would thus have complete control over the management of the commune.

²⁹ *Pre-advies n.a.v. de studiedag ‘de burger beslist’*. Tongeren, VLD, 7 February 1998. And E. Donckier, “VLD gewonnen voor rechtstreekse verkiezing van hele regeringsploegen”, *Het Belang van Limburg*, 9 February 1998.

1.5.2. The Socialist Party (SP.A)

The Flemish socialist party supports direct elections but not unreservedly. The party, with its 32 mayors in 2000 (i.e. 10.4% of the Flemish communes), considers that the problem is not a priority issue. Moreover, its support has more to do with loyalty towards the governmental agreement. When the party finally specified its position on the reform of the method of appointing mayors ³⁰, it defended arguments in favour of direct elections, but above all paid particular attention to the secondary effects of such an institutional change.

As regards the advantages of a reform, the SP.A considers that the direct election of mayors could reinforce local democracy, in what the socialists refer to as the "*spirit of the century*", translating a general move towards more direct participation by citizens in political life. Direct elections could also enhance the understanding of citizens as to how the majority is formed. That would lead at the same time towards greater transparency and trust.

Although the Flemish socialists emphasize the positive aspects of the direct election of mayors, the party has nevertheless drawn attention to the potential risks and drawbacks of the proposed reform. The legitimacy drawn from the direct election of mayors will change the mayor's relationship with the other governing bodies at the local level by giving him or her more independence vis-à-vis the aldermen and the council. That would result in a further increase in the predominance of the executive arm. In addition, the direct election of the mayor may transform that of the communal council into a secondary ballot. Finally, the socialists also want to avoid the possibility of cohabitation: political stand-offs would lead to a badly and inefficiently managed administration, which could increase the public's aversion to politics.

³⁰ That is the vision of SP.A MPs expressed to the Parliamentary commission on political renewal.

1.5.3. Spirit (*Left-Wing Flemish Regionalist*)

Spirit's position on the issue remains prudent. The party believes that by electing directly the mayor, electors would have more influence on the composition of local executive bodies. Nevertheless, Spirit wishes to impose several conditions to avoid the negative consequences of direct elections. The party wants the principle of the direct election of mayors to be linked to a reinforcement of the communal council. It believes that a clearer demarcation between the college and the council is necessary, in particular by appointing a president to oversee the communal council instead of the mayor. The president would be elected by the council from among its members. The risks of populism could be reduced by limiting the number of mandates. However, according to Spirit, such a measure could be perceived as a lack of confidence in the electorate ³¹.

1.5.4. Groen! – Agalev (*Flemish Ecologist Party*)

In 1998, a congress of the Flemish ecologist party declared that it was against the direct election of mayors. Agalev, which has only two mayors (0.6%) in Flanders, has no real interest in defending the uninominal majority voting system as the means of appointing mayors. The party does not want to take initiatives in this area. In its view, there are more suitable ways of improving the relations between citizens and politicians. It believes that there is a more urgent need to reinforce the democratic character of the municipal administration, by consolidating the council's position vis-à-vis the college (improving the status of councillors, a council with a president elected from among its members, etc.) or by recognising the commune's role as the "first forum of local democracy".

Agalev considers that the direct election of mayors is an inappropriate, excessive solution. In its view, the problem has been incorrectly diagnosed. Nevertheless, within the Flemish government, the party is ready

³¹ Spirit, *Werkgroep 1: De rechtstreekse verkiezing van de burgemeester*, Discussie-teksten Studiedag Vlaanderen 20 April – VUB, Brussels, Spirit, 2002. See: <http://www.meerspirit.be/article.php?dossiers/2002/4/18/0>.

to support direct elections on two conditions: first, the green party wants the d'Hondt system to be applied to local elections instead of the Imperial quota used up to now (the previous being more advantageous for the small parties [Ackaert, 1990]); secondly, a ban on combining a parliamentary mandate with that of a mayor should also be introduced ³².

1.5.5. *The New Flemish Alliance (N-VA, Conservative Flemish Regionalists)*

The N-VA is opposed to the direct, separate election of mayors. The party believes that such a system would amplify the cult of political stars at the expense of a debate on the content. The party proposes that mayors should be elected by the communal council. They would no longer be appointed by the Flemish Minister for Home Affairs, but elected by the council itself. A constructive vote of no-confidence in the mayor thus elected must be possible ³³. The authority which appoints the mayor must also have the power to remove him or her from office.

1.5.6. *The Christian Democratic & Flemish Party (CD&V)*

Traditionally, the Christian Democratic & Flemish Party has had the biggest representation in local political life. That was still the case following the communal elections of 8 October 2000. Despite the erosion of its results following the secularization process illustrated by K. Deschouwer by the metaphor of the “melting block of ice” (Deschouwer, 2002: 27-38), the CD&V is still the most important national

³² “Agalev stelt voorwaarden voor rechtstreekse burgemeestersverkiezing”, *De Standaard*, 18 September 2003.

³³ *Een Nieuw-Vlaamse Alliantie. Voor zes miljoen Vlamingen, Partij: Krachtlijnen voor een nieuw Vlaams gemeentedecreet - Meer autonomie, meer democratie, beter bestuur*, Brussels, N-VA, 2002.
See http://www.nv-a.be/programma/standpunten/Dossiers_detail.asp?ID=82.

party at local level in Flanders. By way of example, at the elections on 8 October 2000, 139 of the Flemish mayors – i.e. 45.1% - were elected on a list under the party's national label ³⁴.

In 2001, the party declared that it was in favour of the direct election of mayors, separately from that of the communal council. That election should be organized, if necessary, in two rounds. If no candidate obtained an absolute majority during the first round, the candidates with the best scores would stand again in a second round, supported by a coalition of parties.

In addition, the Christian-Democrats are against the idea of a limit on the number of terms of office that a mayor can serve. The party considers that such a limit would be inconsistent. On the one hand, the aim is to increase the citizen's influence by electing directly the mayor. On the other hand, limiting the number of successive mandates, would be tantamount to restricting the sovereignty of the choice of electors ³⁵.

1.5.7. *The Vlaams Blok*

Since 1996, the Vlaams Blok has been advocating the principle of reforming the method of appointing mayors. The Vlaams Blok criticizes the royal appointment of the mayor as a "bothersome archaism" ³⁶. The mayoralty must translate the will of the citizens to guide the management of the commune in a specific direction. Although, in most cases, the mayor is also the candidate of the parties of the majority, there is no guarantee that the King will take account of that majority. As the advocate of local democracy, the Vlaams Blok favours the direct election of mayors.

³⁴ This refers to the mayors elected on lists under the number and national acronym of the CD&V, without including the popular mayors, linked to the party at national level, and appearing as chief candidate of a list under their own name or a local name.

³⁵ B. Dobbelaere, "VLD twijfelt aan beperking burgemeesterstermijn", *De Standaard*, 6 September 2001.

³⁶ With effect from the regionalization of the communal law, it is the Minister of Home Affairs who is responsible for nominations.

Such an election could be held at the same time as the communal council elections, by way of a two- round uninominal voting system, with the top two candidates going through to the second round. Moreover, the Vlaams Blok proposes that a regulation should be introduced to enable the mayor to be removed from office: at the request of 75% of the members of the council, it would be possible to organize a referendum on the mayoral management and revoke the mayor's mandate ³⁷.

At the present time, the Vlaams Blok does not have any mayors among its ranks. In addition, it does not belong to any communal coalition. The "cordon sanitaire" is therefore effective in this area. The direct election of mayors would be a means to undermine this "cordon sanitaire" in the communes where a Blok candidate would be present in the second ballot. The Vlaams Blok is targeting in particular the mayoralty in Antwerp, where it is the leading party.

2. A Reform with multiple effects

Whatever the results of the regional debates, it is important to have a perception of these projects that goes beyond simple electoral technical question. Undoubtedly, the choice of the electoral formula is the major issue. In a Belgium where proportional representation is an essential cog in the consociative model, any change in this area would be anything but anecdotal. Nevertheless it is important to bear in mind that a change in the method of appointing mayors would have multiple effects, as regards both the communal institutional architecture and its political functioning.

2.1. The relationships between the communal council and the regulatory authority

In the current system, the mayor is at the centre of the communal architecture and as such is responsible for numerous functions as the first citizen of the commune, notably as head of the administration, the

³⁷ Vlaams Blok, *Congresboek 'Het volk beslist'*, 8 Juni 1996, CC Westrand Dilbeek.

federal State's representative and president of the council. The first consequence of a reform, irrespective of the system adopted for appointing the mayor, would be the need for a redefinition of the role of representative of the higher authorities which is assumed today by the mayor. Both direct election and election by the council would make the mayor the commune's representative, at the expense of his or her status as the central authority's representative.

In addition, maintaining a possible procedure whereby the mayor would be appointed by the regional government would be purely formal; it would be a simple ratification. The regional government would be perceived as having no legitimate right to go against the choices of the council or electors. As a corollary, it would become more delicate for the federal executive power to exercise its disciplinary power over a mayor whose legitimacy is drawn from his or her election. The principle of "who appoints revokes" should in theory reserve that power for the electoral body.

2.2. The relationships between the communal council and the college of the mayor and aldermen

The underlying principle of a system whereby the mayor is elected by the council is to reinforce the council and reduce the preponderant place occupied by the mayor in the commune. Thus, the presidency of the council could be assumed by a president elected by the council from among its members instead of by the mayor.

Adhesion to the principle whereby the supreme body of a political system is that elected by the citizens, raises the question of the responsibility of the college of the mayor and aldermen. The councillors should then have political control over the communal executive. The council could have the possibility to pass a vote of no-confidence in the college. It would then have to be seen whether that vote of no-confidence would apply to the college as a whole, or whether it would be possible to pass such a motion with regard to certain members of the college.

On the other hand, systems of direct election, even those where the preference votes are used to nominate candidates for the function of mayor, will change the balance by reducing the monopoly of the

council as the only elected body. In the case of direct elections, the mayor would be the only elected representative to have an electoral legitimacy drawn from the communal electoral body as a whole and “will be in a position to vie with a council whose members, although also being directly elected representatives, have only received, especially in the case of a ballot based on proportional representation, a limited proportion of votes” (Delperée and Joassart, 2002: 270).

The direct election of the mayor supposes in fact a radical change in the very essence of the communal political system. It would lead to the emergence of a presidential type system. The very principles of the political system would be transformed as a result. Up to now, Belgian democracy has functioned at all levels as a parliamentary type representative democracy³⁸. The role of citizens stops in effect with the appointment of their representatives within legislative assemblies. The principle of representative democracy is not called into question by the direct election of the mayor, since the election of the people’s representatives would not disappear. On the other hand, its parliamentary type functioning would give way to a presidential type functioning. In a parliamentary type system, the elected assembly plays a central role in appointing and controlling the executive branch. In a presidential type system, the head of the executive power is elected directly and the power is vested in him or her directly by the citizens, without going through the intermediary of the assembly. The relations between those two branches of power must therefore be redefined.

2.3. The relationships within the college of the mayor and aldermen

The relationships between the mayor and the communal council will not be the only one that needs to be redefined in the event of a change in the method of appointing mayors. Within the college itself, the situation could evolve in various ways. Those evolutions would concern mainly the attribution of competences and the relations between the mayor and the aldermen.

³⁸ The royal appointment of federal ministers and mayors interferes to a slight degree in this parliamentary approach. Nevertheless, in practice, in any event at federal level, the system does function as a parliamentary system.

A direct election system would reinforce the mayor's democratic legitimacy. The mayor's election by the council, but taking into account the preference votes cast, would also reinforce, albeit to a lesser extent, the mayor's democratic legitimacy. In both scenarios, the mayor would no longer be simply the most popular candidate but also the one appointed very explicitly as the commune's "team leader", who has a large part of the population behind him or her. It would therefore be unpopular to rebel against the mayor, who would undoubtedly invoke his or her legitimacy to defend himself or herself. Consequently, it has been suggested in certain quarters that mayors elected directly, separately from the council or via the preference votes, should be given total freedom to choose their aldermen. The college would become a kind of cabinet managed by the mayor who would have total authority over it.

2.4. The risks of cohabitation

One of the most frequently mentioned risks in connection with the reform of the method of appointing mayors is "cohabitation". This may take two forms. The first scenario is when the mayor is not supported by a majority of the communal council. The second type of cohabitation occurs when the mayor is not supported by the other members of the college, in other words by aldermen. If Belgium retains the current procedure, whereby aldermen are elected by the council, the two types of cohabitation are closely linked. In fact, a council that is politically opposed to the mayor could appoint aldermen who would be hostile to him or her. The mayor would then find himself or herself isolated in the local institutional system. There is a risk of those scenarios occurring not only if the mayor is elected directly and separately from the council, but also, in cases where the mayor is elected by the communal council if the council's choice is reduced to the election of the candidate having obtained the most preference votes.

Of course, it is not unreasonable to assume a certain consistency among electors when voting on the same day for the council and the mayor. In the majority of cases, the same formation can be expected to win the two elections. Nevertheless, that is not a sufficient guarantee to avoid cohabitation. Even if the mayor's party has the most commu-

nal councillors, that position may not be sufficient to achieve an absolute majority of seats on the council. In that case, the majority coalition which would be formed might exclude the mayor's party.

The following observations can be made regarding cohabitation in such situations. First, political frictions can effectively block decision-making during the mayor's term of office. Mayors elected directly, and whose authority is legitimized by the ballot, would be confronted by aldermen who, also in a position of strength thanks to the political support of a majority, would like to extend their competences at the expense of the mayor. The resultant isolation of the latter would be the opposite of the intended results of direct election.

Therefore, cohabitation negates the idea of citizens having more influence over the composition of the college of the mayor and aldermen, as well as over the management of local politics. For citizens, the situation would seem paradoxical. Mayors would have enhanced legitimacy, but would be obliged to limit their actions to their own areas of competence.

2.5. The extreme right parties

The problem of cohabitation is, in Belgium, often raised with regard to the situation in Antwerp. That commune, the largest in Flanders, has become very symbolical, given the presence of the Vlaams Blok as strongest party, which has moreover, in the person of Filip Dewinter, a potentially popular leader for the mayoralty. What would happen if the mayor appointed by direct election, or via the preference votes, belongs to a party with which the other parties refuse to form a coalition and without which a majority cannot be constituted? In such a situation, the management of communal business would quite simply be impossible and the electors of the mayor might perceive such an impasse as anti-democratic, while it reflects faithfully the differentiated choice of voters with regard to the election of the council and that of the mayor. That scenario must be taken into consideration in the debate on the reform of the method of appointing mayors.

This raises the question of the safeguards that need to be put in place in the case of a reform of the method of appointing mayors. For example,

it would be conceivable to give the regional government, or a jurisdiction, a prerogative authorising it to reject the nomination of mayor, if that nomination does not comply with the democratic principles governing our political system. However, there is then a risk of making the extreme right candidate appear as a victim which could enhance his or her popularity. That measure would only have to be used in exceptional circumstances in the case of people having expressed publicly opinions counter to democratic values.

2.6. The risks of personalization of the election

At the current time, the election of communal councillors by a list-based proportional representation system is governed by the principle of comparing ideas and programmes rather than as a duel between individuals. The direct election of mayors by a uninominal majority vote would reverse that principle. However, it should be noted in this regard that communal elections are already more personalized than other levels of power (Magdalijns and Gassner, 1998: 36).

However, such a changeover from a list-based voting system to voting for individuals raises a series of questions on the growing personalization of politics. Although the election of the mayor contributes to this phenomenon, it also results from such personalization. In the case of the election of the mayor, we can start from the principle that the parties will present their most popular members to voters. In this regard, Buelens highlights the fact that putting the emphasis on victory in the elections can push party programme and political issues into the background: "giving priority to the appointment of candidates for electors is tantamount to increasing the personality cult. [...] There are no reasons to believe that this will increase the legitimacy of politics" (Buelens, 2000: 5). Along the same lines, Stouthuysen is fearful about the "Americanization" of politics: "The new politics is therefore becoming a politics of exciting personalities. You do not need to be a genius to understand the danger of such a development. Politics is entrusted to image makers. The new political personalities must conform to the norms declared favourable by the opinion polls" (Stouthuysen, 1997: 16). However, it is to be noted that such assertions do not concern explicitly local politics.

The question, therefore, is to ascertain whether the introduction of a system for the direct election of mayors will have a significant influence on the current level of personalization of local politics. One thing is certain: the direct election of mayors will not reduce the degree of personalization in local politics.

That personalization of the election, undoubtedly amplified by the introduction of systems whereby mayors are elected directly, will not be limited solely to the electoral campaign. Such a change will also have an impact on the internal equilibrium of the parties. In fact, the parties will become increasingly dependent on popular politicians, who will often be indispensable for electoral success. However, that need will not necessarily create either an abundance of suitable candidates or competent candidates. There is a strong risk that we will see a race for the mayoralty between popular politicians, but with ambitions other than the mayoralty. It is not illusory to think that in certain cases the direct election of mayors will involve candidates who, once elected, will return to functions within regional or federal governments.

Moreover, if Belgium local elections turn to personalized election, laws on campaign spending and on access to the media before the polling day should be amended. Still, this issue has not been addressed yet.

Finally, the possibility raised of electing mayors on the basis of preference votes could have an impact on the equilibrium between parties. For example, in the case of the four major French-speaking parties, their ratio of preference votes obtained is different. This can be illustrated in the case of Wallonia. In certain formations, such as the liberals and the Social-Christian parties, the candidates are more to the fore and freer in the management of their campaign. On the other hand, ideologically, the socialist and ecologist parties put the party before personal politics. Ecolo does not allow individual campaigns. Such divergent approaches naturally affect the breakdown of votes within the different lists. As a general rule, the share of chief candidate votes is lower for the MR than for the PS or Ecolo. If Wallonia chose to appoint the ballot winner to the highest communal function, that would favour the parties having a more individual approach.

3. Choice of Mayor and Preference votes in 2000

Finally, to conclude this general survey of the Belgian debate on the method of appointing mayors, it is necessary to assess the added value of such a reform in relation to the current situation of cities and communes. At the current time, thanks to the preference votes, we already have an indicator of the popularity of mayors. Thanks to such data, we will try to ascertain whether the nomination of “unpopular” mayors can be verified from the figures for the communal elections in 2000.

It is, of course, delicate to use figures from earlier elections to carry out a precise analysis. In fact, at previous elections, mayors were not elected directly. In the event of a reform electors might be led to change their vote. Hence the aim of our exercise is more to check to what extent preference votes were taken into account in the choice of mayors in 2000. It does not set out to predict what would happen in 2006 if the first citizen of the commune was elected directly. This will help us to check the validity of one of the arguments of advocates of a reform of the method of appointing mayors, namely that electors do not have a strong enough voice in this area.

3.1. Wallonia

In our analysis of the Walloon communes ³⁹, we will try to see to what extent in 2000 the mayors in place obtained the most preference votes, but also whether they were the chief candidate on their list. Finally, we will examine whether there are a large number of communes where coalition bargains supplant preference votes. One of the main arguments in favour of a change in the method of appointing mayors is to give electors a more direct influence over the choice of the mayor. That argument supposes that in the current situation, numerous communes are governed by a mayor who is supported only to a limited extent by the citizens of that commune.

³⁹ Of the 262 Walloon communes, we have examined in detail the 235 communes for which we have precise, reliable data.

However, if we base our analysis on the situation in Wallonia on the day after the election of 8 October 2000, we note that, in the vast majority of districts, the mayor could not be described as being unloved. In 74% of the communes in Wallonia, the mayor appointed was the candidate who obtained the most preference votes all lists taken together. If we take the top two scores in terms of preference votes, that observation applies to 90.2% of all cases. In the communes where a single party obtained the absolutely majority of seats, 83.2% of the mayors obtained the most votes. That figure falls to 59.8% for the mayors in office within a coalition college⁴⁰.

A more detailed analysis reveals slight differences between the five Walloon provinces. As table 1 shows, except for the fairly low score of Brabant Wallon, in each province, between almost 70% and 80% of the mayors obtained the most preference votes on 8 October 2000.

Table 1. Proportion of mayors having obtained the most votes in the Walloon provinces (%)

Brabant Wallon	Hainaut	Liège	Luxembourg	Namur
68.4	70.0	78.6	70.4	76.3

If the figures are broken down according to the size of the communes (table 2), we note that the share of mayors having the most votes tends to increase significantly with the size of the population. The percentage increases from 67.1 % for communes with less than 5000 inhabitants to 82.2 % for cities having more than 15 000 inhabitants. In any event the figure is still well above 50 %, but with a difference of 15.1 % between small and large communes.

⁴⁰ "Coalition colleges" are the colleges composed of more than one party in communes where no party has an absolute majority in its own right in terms of seats.

Table 2. Proportion of mayors having obtained the most votes according to the size of the commune ⁴¹ (%)

7-15	17-23	25-55
67.1	75.4	82.2

Table 3 shows the disparities according to the political party of the mayor. There are few differences between the parties, with the notable exception of Ecolo. In the case of the French-speaking greens, the figures are based only on three mayors. The percentages are therefore fairly insignificant. Apart from the ecologists, there is a slight difference between the liberals and the other parties. It is however only a small difference.

Table 3. Proportion of mayors having obtained the most votes according to political party (%)

PS	PRL	PSC	Ecolo	Local parties ⁴²
79.1	66.2	78.3	33.3	71.4

If we focus the analysis on the 61 communes where the candidate who obtained the most preference votes was not appointed mayor, in 23 cases, the person with the most votes did not belong to the majority; and in 5 cases, the popular champion with the most votes belonged to the majority, but not to its strongest component part. In 33 other cases, the highest office in the commune was attributed to the chief candidate on the list, which was not the case of the person with the most preference votes.

A criticism often made as regards the non-respect of the choice of citizens concerns coalition agreements. For advocates of a more direct democracy, those political negotiations dupe the electors by exclud-

⁴¹ The category of communes having between 7 and 15 council members (i.e. the communes having less than 5000 inhabitants) comprises 76 communes, that of the communes having between 17 and 23 council members (i.e. the communes with less than 15 000 inhabitants) 114 communes, and that of the communes having between 25 and 55 council members (i.e. communes with more than 15 000 inhabitants) 45 communes.

⁴² The expression "Local parties" applies to all the lists which cannot be attached to a national party.

ing sometimes from the majority the party which obtained the most votes. If we examine the elections of 8 October 2000, we note first of all that in Wallonia, 161 communes have a communal council where one party on its own has the majority of seats. In more than 60% of communes in the South of the country, it is therefore difficult to exclude the election winner from the college of the mayor and aldermen. In addition, of the 101 Walloon communes without an absolute majority, the party with the highest score was excluded from the executive in only 37 cases. In a nutshell, there would appear to be a divergence between coalition agreements and the preference votes cast in only a small part of Wallonia (14.1%).

In 2000, in 81.9% of all cases, the person appointed as mayor occupied the most visible position on the list. That figure is as high as 95.7%, i.e. almost all the communes, if we take the first two places. The importance of those figures illustrates very clearly to what extent the choice of the parties is crucial in the selection of mayors in Wallonia. Nevertheless, we cannot affirm that the parties impose their favourite. In fact, it is very possible that the electorate's favourites are also those who are the chief candidates on the list, satisfying indirectly therefore the electorate's wishes. Thus, 84.2% of the mayors who were the chief candidate on their list were also the candidate who obtained the most preference votes in their commune. In addition, if we examine the few situations (17.1% of the Walloon communes) where the mayor was not the chief candidate on the list, in 78.3% of those cases, it was the person with the most preference votes who was eventually appointed mayor.

3.2. Flanders

In 2000, in 222 of the 296 Flemish communes studied ⁴³, the mayor was well and truly the candidate who obtained the most preference votes. In other words, 75% of the current mayors obtained the most preference votes in their commune. In the communes with an absolute majority, that proportion is as high as 84.7%, compared with 68.5% in

⁴³ Given that not all the mayors had been appointed at the time of our research, our study is limited to the 296 communes which had appointed their mayor.

those where a coalition is in power. As regards the 74 mayors who did not obtain the most votes in their commune, 38 of them were in 2nd place and 18 in 3rd place. In other words, 278 of the 296 mayors studied occupy one of the first three places in the order of preference votes cast.

It is now necessary to determine whether this scenario can be applied homogeneously to the five Flemish provinces. We can conclude from the table below that in all the provinces, except for Limburg, 70 to 80% of the mayors obtained the most preference votes.

Table 4. Proportion of mayors having obtained the most votes in the Flemish provinces (%)

Antwerp	Flemish Brabant	Limburg	East Flanders	West Flanders
82.4	70.3	61.4	78.0	78.7

It is important, moreover, to point out that there are no significant differences according to the size of the commune (table 5).

Table 5. Proportion of mayors having obtained the most votes according to the size of the commune ⁴⁴ (%)

7-21	23-25	27-55
74.2	78.7	72.0

Table 6 shows that there is no fundamental difference according to political parties. At first sight, however, the VLD seems to be an exception.

⁴⁴ The category of communes having between 7 and 21 council members (i.e. the communes having less than 12 000 inhabitants) comprises 138 communes, that of the communes having between 23 and 25 council members (i.e. the communes with less than 20 000 inhabitants) 91 communes and that of the communes having between 27 and 55 council members (i.e. communes with 20 000 inhabitants and more) 79 communes.

Table 6. Proportion of mayors having obtained the most votes according to political party ⁴⁵ (%)

CVP	SP	VLD	Local parties
77.1	74.2	69.6	74.7

Of the 74 candidates who obtained the most preference votes, but who were not appointed mayor, 27 belong to the CVP, 11 to the SP, 11 to the VLD, 3 to the VU&ID21, 2 to the Vlaams Blok and 20 to local parties. The political allegiance of the mayors of those 74 communes is as follows: 30 belong to the CVP, 8 to the SP, 17 to the VLD and 19 to local parties. Despite the relative marginality of those situations, table 7 shows that the VLD (+6) and the CVP (+3) are currently the two winning parties.

In 41 of the 74 communes studied (55.4%), the party of the candidate who obtained the most preference votes but was not appointed mayor, is in the majority. In only 33 of the 296 communes studied (11.1%), the party of the candidate who obtained the most preference votes is in the opposition.

We also examined whether the mayor's party was the leading political force in the commune. In 260 of the 296 communes studied (87.8%) that is effectively the case. Moreover, in 208 of those 260 communes (80%), the mayor is the candidate who obtained the most preference votes. In 36 communes (12.2%), the mayor's party is not the main political force in the commune. Finally, it is important to point out that in only 14 of them (38.9%), the mayor is the candidate who obtained the most preference votes.

⁴⁵ VU&ID 21 and Agalev have one and two mayors respectively. All three of them obtained the most votes in their commune.

Table 7. Situations where the candidate having obtained the most votes was not appointed mayor

Political party of the mayor	Political party of the candidate having obtained the most preference votes, but not having been appointed mayor						
	CVP	SP	VLD	VU-ID	Vlaams Blok	Local parties	Total
CVP	14	7	2	1	1	5	30
SP	4	1	1	1	1		8
VLD	5	1	6	1		4	17
Local parties	4	2	2			11	19
Total	27	11	11	3	2	20	74

3.3. Lessons for Flanders and Wallonia

Over and above the observations of political actors and commentators on the reform of the method of appointing mayors, the real question is whether the current system really needs to be modified to that extent and whether the shortcomings in our citizens' democracy advanced by the advocates of reform are as important as claimed. The exercise which we have just carried out cannot claim to provide a definitive response to that question. It is only an additional element of reflection. However, the figures are particularly meaningful.

In three quarters of the Flemish and Walloon communes, the mayor in office is the candidate who obtained the most preference votes on 8 October 2000. In addition, the candidate having obtained the most preference votes sits as a member of the opposition in only 11.1% of the Flemish communes and 9.6% of the Walloon communes. Consequently, can one affirm that the reform of the method of appointing mayors is the right way to increase the direct effects of the vote expressed by electors, bearing in mind that in 75% of Belgian communes, the mayor is the person who attracted the most preference votes? If, as our analysis shows, the mayors of three quarters of the communes studied are the most popular candidates, our answer to that question must be negative: the arguments put forward to justify the urgency of such a reform concern only a minority of the communes in the country. The argument that the current system is not working properly is therefore not as convincing as the advocates of reform claim.

4. Conclusion

This chapter devoted to the reform of the method of appointing mayors had two objectives. First, we wanted to provide a detailed insight into the content and the dynamics of the debate in Belgium on this subject, in order to gain a clearer understanding of the proposals debated by the various parties. Secondly, we wanted to develop several ideas for further reflection on the possible consequences and the issues involved in a reform of the method of appointing the highest communal politician.

First, our analysis has demonstrated to what extent this electoral reform mirrors two major trends in Belgian politics: federalization and “political renewal”. However, over and above the first observation, we note above all that Belgian parties attribute to the same label – that of the reform of the appointment of mayors – a very different content. If in Flanders there seems to be a trend towards a two-round uninominal election, therefore true direct election, in Wallonia, none of the parties supports a truly direct procedure. If the MR proposes well and truly a majority formula, it is a list-based one; the mayor would be elected as a councillor, then as mayor by the council. Equally, the proposal of the French-speaking socialists not that of direct election, but rather involves maintaining the system of proportional representation, with a mayor elected by the council from among the winners of the most preference votes.

In fact, the debate is closer to the “direct election” label in the north of the country. This difference which could lead to elections with different systems in 2006 can be explained in part by the different weight of the liberals in the two regions. From 1999 to 2004, the VLD was the leader of the Flemish coalition. On the other hand, in the south, the MR must negotiate with a more powerful socialist party. However, for the reform in question, it is clearly the liberals that are the driving force. For that political grouping, it is not merely a technical reform, but a change in the democratic system. While they were in opposition from 1988 to 1999, both the VLD and the MR adopted a higher profile position on electoral questions. They wanted to break with the so-called consensual model and move towards a more majority based system. Moreover, in Flanders, the loss of the regional leadership in

2004 by the VLD seems to have slowed down the reform process. Likewise, the relegation of the MR to the opposition in Wallonia the same year also tends to reduce the chances of a reform being adopted in the south of the country.

Despite that, it is important to bear in mind that the determination of the liberals in this area is not simply local. The liberals advocate majority electoral formulas at all levels of power. It is at the level the closest to citizens that they want to take the first steps, seeing the commune as the laboratory of institutional reforms. That already applies for referendums and it will perhaps also be the case for elections for the executive branches. The aim is to start with the communes before introducing the reform at other levels.

Moreover, liberal stance towards majority election for all elections corresponds to the strategic interest of this political family. Actually, as Boix (1999) and Benoit (2004) underlined, the dynamic of an electoral reform could not be understood without taking into account the strategic interests of political parties. The Belgian case is not an exception to the rule. The strong support from liberal parties is partly justified by their hope to create a two-party system (a left-wing party and them as sole a right-wing party). Following the same logic, smaller parties (Ecolo, Agalev, CDH) do support a parliamentary system in which they keep their chance to be part of a ruling coalition.

Further than these party political considerations, a reform of the method of appointing Belgian mayors has several potential ramifications. In fact, if the reform of the method of appointing mayors may seem technical, it will have democratic consequences. For example, problems could emerge in situations of cohabitation between a mayor and a communal council with different political formations. Moreover, there is a risk that the reform of the method of appointing mayors may upset the balance of power within communal institutions. Finally, there is a risk that the focus in communal elections will become more personalized at the expense of a real debate on programmes and ideas.

In addition to those caveats, it is necessary to take into consideration the results of the analysis of the current situation as regards local democracy in Belgium. As can be seen from our analysis of the appointment of mayors following the communal elections of 8 October 2000,

the system of appointing mayors by nomination already tends to follow closely the will of citizens. Situations where the mayor is an unpopular candidate or where the leading political party in a commune is excluded from the college of the mayor and aldermen are exceptions.

In any event, by 2006, a great many things may have changed. After the regional elections, new governmental majorities have been formed. Their ambitions regarding the reform discussed in this paper are vague. They seem either to be dragging their heels (Flanders) or disregarding the dossier. However, there have been frequent new developments in this debate since the early 1990s. Therefore, we cannot be certain that the approach of the communal elections in 2006 will not give fresh impetus to the debate and lead to a decision in one of the three regions.

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Chapter 3. The Direct Election of Mayors in Poland and the Paradox of the *Depoliticization* of Local Politics

Jérôme Heurtaux⁴⁶

"I have always been against partisan divisions and reciprocally animal devouring at the local level: local community must elect people they consider as the best for them, not partisan bonzes".

Stefan Bratkowski, writer.
Rzeczpospolita, 07-08 September 2002.

Introduction

"Polska *kontra* Partie Polityczne – 3:1"; "Poland *against* Political Parties – 3:1". With such words, Jerzy Przystawa, a local councilor and a national coordinator of the organization JOW (which militates for the

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replacement of proportional representation by a majority vote in general elections)⁴⁷, celebrated the results of the first election of mayors through universal suffrage in 2002: "On 11 November 2002, in a way, a different Poland woke up. Something important happened, the consequences of which we are going to see only now. What happened? A glance at the results of the elections of mayors enables us to understand it. Up to 2475 [mayors], 1883 (76%) were elected IN DEFIANCE OF ("WBREW"), AGAINST ("PRZECIWKO") party-political offices of every description, indifferently: "left" or "right". In single member constituencies, by direct competition, power was obtained by people, who were supported by, not only some party *coterie*, but thousands, dozens, and sometimes, hundreds of thousands of Polish people, who trusted them"⁴⁸.

According to him, this first experience produced some of the effects he and others expected. The direct election of mayors favored personalities and personal resources and worked against political parties and collective resources. In fact, the effects of the law on candidates and elected officials are much more contrasted than they appear. However, the above comment is greatly to his credit, in that it underscores the main issues of such a reform. Indeed, irrespective of the other justifications and the real reasons underlying the reform, it is inseparable from criticism of the pretensions of political parties to play a leading role at the local level. In Przystawa's view, the reform was even implemented for the sake of municipal sovereignty or the philosophy of local government (*samorząd*)⁴⁹, which denies all legitimacy to political parties within the political territory of "small homelands" (*małe ojczyzny*).

We could limit ourselves to expressing surprise at such illegitimacy of the political parties at the local level. However, if we examine precisely how the bill emerged and who promoted it, that surprise be-

⁴⁷ The real name of the organization is Movement for one-mandate electoral constituencies (*Ruch na rzecz Jednomandatowych Okręgów Wyborczych*). It was created in 1997.

⁴⁸ Jerzy Przystawa, "Polska kontra Partie Polityczne - 3:1", *Biuletyn informacyjny Ruchu na rzecz Jednomandatowych Okręgów Wyborczych*, nr 12, listopad 2002 r.

⁴⁹ *Samorząd* means the local institution and the human community within the local territory.

comes a paradox, since the reform was adopted by the majority of the political spectrum and promoted by the strongest party, in term of electoral importance at the time, the so called post-communist Alliance of the Democratic Left (SLD). A reform intended to limit party-domination at the local level was designed by one of the supposed victims of the reform, as if it adopted a kind of schizophrenic behavior. Moreover, it was carried out at a time when the party hold on political competition had never been so strong.

Here is apparently a main paradox. We will propose an original explanation for it. However, we will neither show how much the reform has stopped or at least slowed down party-expansion at the local level, nor demonstrate the opposite, claiming that the reform has enabled political parties to maintain their hold on local political competition⁵⁰. Preferably, we would like to understand why a reform well-known to be “anti-party” was drawn up by parties and why party representatives adopted an anti-party discourse to justify their reform. To that end we will rely on a two-point analysis. First, looking at the process of the agenda adopted for the reform, it is necessary to select the main factors to understand why this particular bill was put on the political agenda. We will show in particular that the promoters of the reform considered that it was in their interest to adopt a reform which was very popular and how the two main parties involved in the reform-process competed to be its architect. Second, we will look at the plurality of political and party-commitments during the law-making process, in order to show how the parties, while defending the reform, tried simultaneously to protect their interests. We will accomplish that by presenting part of the parliamentary debates on various important elements of the law.

⁵⁰ Doing so would condemn us to present conjectures since the reform has been implemented only since 2002. More generally, we consider that a study of the political effects of a law, if not impossible, supposes adopting a causal-type analysis which restricts too much the scope of factors which influence reality. Moreover, because of a lack of data from previous elections (1990, 1994 and 1998) which were produced indirectly by local councils, it is rather difficult to verify the analysis which opens this introduction.

Our task is then to analyze a legal shift from the point of view of actor strategies and political uses during the genesis of the reform idea and the definition of its content. It is a way of understanding why the criticism of political parties may be instrumentalized by the parties themselves.

1. Why reform?

“Well, we are starting, ladies and gentlemen, a certain march from a citizen’s *samorząd* system to the side of a managerial *samorząd* system”

Robert Smoleń, member of the Sejm, SLD

First, we will examine the conditions in which the bill on the electoral system for the local executive emerged. First, it is to be noted that a change or replacement of the electoral law, for local or national elections, was far from uncommon. An attempt to modify the rules of the game had even become systematic before each election (Heurtaux, 2005; Chrućciak, 1999). The perspective of 2002 local elections had led to six bills and a political debate on a change in the electoral rule⁵¹. It is not really surprising, therefore, to discover that the introduction of a direct election for mayors had been considered several times in the past. That is the reason why it is rather difficult to determine which actor first proposed this change: as for many cases of law reform, “the reconstitution of the decision-process is difficult because of erratic agenda-settings. Trying to find authorship is often fruitless and the incrimination of an ‘author’ or a dominant or an original ‘actor’ is often defective” (Lehingue, 1999: 100).

⁵¹ SLD tabled four bills. The first one proposed to bring forward the date of elections, initially scheduled for autumn 2002, to spring. The second one consisted in reducing the number of members of the different assemblies at each level of the territorial institutions. The third one consisted in reducing the number of mandates per constituency from 8-12 mandates to 3-6 mandates in municipalities with less than 20 000 inhabitants. The last one proposed the restoration of the D’hondt system, which had been replaced by the Ste-Laguë system by the previous majority in 2001.

We will first examine how the problem was identified and described and how a solution emerged in the form of a law reform (1.1). Then, we will try to understand how and why some political parties took up the problem and proposed to enact the proposed solution (1.2).

1.1. The problem, the scapegoat and the solution

Demands for adopting a new electoral system for the selection of mayors came from diverse and numerous actors, including mayors themselves, and some interest groupings (such as, for example, the Association of Polish Cities (*Związek Miast Polskich*)). Their demands were presented as a solution to something which had been constructed as a *problem* to be solved.

1.1.1. *The problem to be defined*

Local institutions attracted various types of criticism, such as alleged corruption, lack of democracy, incompetence of the political personnel, etc. Among those reproaches, the main one was the imbalance between the mayor, who is the chief of the executive⁵², and the role of the council (*rada*), resulting in a malfunctioning of the institution. The mayor was confined to a paradoxical position. As the head of local administration, he was the legal representative of the *samorząd* and he had progressively become someone who personified the local institution. However, as an individual elected by the council, he was selected, in most cases, as a compromise between the political forces composing the assembly. The mayor's dependence on the council led to a malfunctioning of the decision-process and policy making. The mayor was often presented "as an indecisive person, weak, embroiled

⁵² The mayor was elected indirectly by the members of the local council. As the holder of the executive, he is the chief of civil servants and a civil servant as well. In Poland, three types of municipalities are distinguished: rural ones, urban-rural ones and urban municipalities. Each kind of municipality has its own term to qualify the chief of the executive, who is called *wójt*, *burmistrz* or *prezydent miasta*. We have chosen to translate these words in only one way, the "mayor", in order to simplify the presentation.

in local interests and dependencies"⁵³ and the council as "either a critical reviewer of his actions or a co-participant to the influences' games, games which are conducted by networks of informal links"⁵⁴.

The weakness of mayors was particularly visible when composing the administration (*zarząd*) they were supposed to lead: "I've known this case: today, considering the current law, the mayor is the only person who has the right to present candidates for the administration. As the only one, nobody else can do it. Of course, it is the council which approves the composition of the administration. In practice, it happened that... Of course the candidate for mayor could be the best, he could be approved by everyone, including every political party composing the council... If he was candidate, then before he received the following information: 'old boy, we're going to choose you, but see this sheet. On this sheet there are 4, 5 or, most often, 6 names', that is, as many names as staff members it was possible to elect. 'If we select you, you must propose them'. It was often the case when he was even not asked about the tasks he wanted to accomplish or if he had his own proposition to the composition of the administration. It is a kind of highly drastically case, in any case it is almost a cabaret-type one"⁵⁵. As it is clearly argued, the main reason for the problem was commonly perceived to be the way of selecting mayors.

Why were mayors not selected through universal suffrage when the first election rule was adopted in 1990⁵⁶? At that time, in fact, it was unthinkable to elect directly local dignitaries. During the parliamentary debates on the new law on local institutions in 1989 and 1990, this clause was proposed only once by a senator and a member of the Sejm from the Social-Christian Union (UChS⁵⁷), but with no strong

⁵³ Waldy Dzikowski (member of PO [Civic Platform]), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁵⁴ *Ibid.*

⁵⁵ Witold Gintowt-Dziewałtowski (SLD), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁵⁶ *Law on Local Elections, 8 March 1990.*

⁵⁷ Small Christian party created in 1957 during communist regime.

argumentation⁵⁸. Indeed, the legislative proposals were motivated by the need to dissociate it from a law which was in force under the communist rule. Proposals were rather “reactive”, *ad hoc*, depending on how politicians saw the current situation. Precisely, one of the fundamental “problems” during the previous system was how much the major (the so-called *naczelnik*) depended upon the higher administrative level or the local representative of the labor party, the Polish unified labor party (PZPR). The only solution to stand out from the current system was to re-attribute the elective power to the local council and re-affirm the centrality of local assemblies: as a result, the direct election of the executive was not viewed as possible at that time. Moreover, the legislator was concerned by the autonomy of the executive, which was suspected of wanting to form a new nomenklatura. That is why he tried to weaken its institutional position. He even decided that mayors could be selected from outside councils and even from outside the *samorząd*⁵⁹.

1.1.2. Politicization as a scapegoat

In spite of the diversity of criticism and the factors which led to this critical situation, it is very surprising to observe that most of them related only to one alleged cause, according to a well-known mechanism, the so-called scapegoat-building process. Indeed, the fault tended to be attributed to only one actor, known as “political parties”, which absorbed like blotting-paper all criticism, as if it was a virus that had to be combated with the force of law. The terms corruption (*korupcja*) or nepotism (*nepotyzm*) were, for example, often associated with the untranslatable (and very pejorative) term *partyjniactwo*.

⁵⁸ Senator Jan Józef Lipski is content with promoting direct election and noting that “it appears to me very unlikely that mayors could be chosen with responsibility (...) by 300 000 council members”. See *Shorthand report of the 17th sitting of the Polish Senate*, 19 January 1990.

⁵⁹ This element is very surprising, in relation to the fact that each candidate for the council had imperatively to live in the municipality where he was candidate. In fact, it is because the legislators wanted to put the stress on the expected competences of the chief of the executive. Someone even proposed that the mayor should be selected by way of an exam.

The development of party politics in Poland is often associated with the term politicization (*polityzacja*). The legitimacy of political parties has been regularly questioned since the early days of regime change. Party pretensions to develop at local level have been constantly criticized for two main reasons. The first one consists of a criticism of the party's dominance during the communist era. The second one refers to a deep-rooted ideology, namely regarding the autonomy of *samorząd* as something sacred.

The entire process of codification of political activities at the local level was characterized by a conflict between those who tried to favor party expansion locally and those who attempted to resist it. The role of parties in the selection of political personnel at the local level has been the Gordian knot of the codification process of local elections for 15 years⁶⁰. Even if political parties managed to impose some very favorable regulations in the electoral law, their legitimacy to benefit from a monopoly over local politics was still the subject of debate in 2002.

1.1.3. *The solution: change the law*

To reduce the malfunctioning of local institutions, the solution which prevailed was to change the law. Many actors thought that transforming the mayor's source of legitimacy was a way of separating him from previous institutions, such as the council and then, political parties. It is very surprising to note how all actors thought, first, that a reform always changes reality and, secondly, that it changes it in a predictable way. Most of those who called for a reform, thought that a change in the selection process would automatically transform the political personnel. By bypassing political parties, direct elections would be sure to eliminate effects in local politics. Corruption and amateurism, weakness and sterility would then be replaced by honesty and professionalism, authority and activism. To quote an MP: "indeed it is a matter of fact that, during local elections, voters do not want to vote for

⁶⁰ Most of controversies, as electoral law, legal definition of eligibility, conception of the conditions for presenting candidates or of the candidatures origin, and even electoral campaign modalities have been dominated by this issue.

party lists, but for people they know and trust. Direct elections give these people who are the natural leaders of their environment, a disclosure of their talents and abilities”⁶¹.

1.2. When political parties took up the problem

The problem and the proposed solution would have been disregarded if no political actor had taken them up. It was during the 2001 national election campaign that two political parties, SLD and the Civic Platform (PO), simultaneously proposed the direct elections of mayors. Why did political parties take up this reform?

1.2.1. When parties state that they act against parties

First, we will examine how those two parties which tabled one bill each, justified their action. When presenting their bill for the first time in the Sejm, 21 December 2001, they insisted on the need to “reinforce the executive” and protect it from the influence of the “political constellation” of the local legislative assembly. Their reform would “make easier the professionalization of executives, because it [would] develop into a rational recruiting policy and simultaneously it [would] reduce the possibility of being promoted thanks to political support”⁶². Simultaneously, the reform would contribute to the “personification (*personifikacja*) of competences and responsibilities” and would re-

⁶¹ Waldy Dzikowski (PO), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002. It is rare to meet a critical assertion about the performative character of law. See, as an exception, these words from the MP Anna Górna-Kubacka: “Mister Speaker! High Assembly! In April this year, the 26th, in Poznań, a monument of Cyril Ratajski has been unveiled, a man who was mayor during 12 years. I would like to ask: how was he appointed to this function, 80 years ago? Well, the council opened a competition, looked for a man who would be fitted to manage the city. Ultimately, they chose no one within the candidates who were presented. To the post of mayor, they appointed a lawyer and, if using today’s language, a local manager (*menedzer gospodarczy*): Cyril Ratajski, who has been considered till today, by every political options, as the best mayor of Poznań. Currently, by changing law, we should not proceed pre-war traditions. As the case I quoted shows, the elective mode is not always the best prescription and a guarantee of quality”, in *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁶² Witold Gintowt-Dziewałtowski (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

duce the role of parties. At the beginning and during the whole design process, their main promoters rarely hesitated to mobilize an “anti-party” discourse to legitimize their proposal: “One has to force the electoral committee to build more content-related electoral programs, rather than political ones, for the sake of consciousness that, from now on, voters have the real biggest influence, even the only one, on the composition of the most important local post locally, and not party committees. Voters must be convinced by a person, by a program and by the realism of its application. It gives a chance to the creation and later the realization of individual (*autorskich*) programs of local leaders, and also groups which will be concentrated around them”⁶³; “In order for samorząd to be efficient and find success, one of the main elements is to appoint a leader, who will be the driving force (*kołem zamachowym*) for the given territorial unit of the samorząd. This kind of leader may be elected by direct elections; not by a narrow group of councilors, but by all voters. Giving him such a social mandate is much more difficult than a choice made by a narrow team of councilors”⁶⁴.

1.2.2. *The reasons why*

Apparently and considering their own statements, it is hard to understand why those two political parties engaged in such a reform process. Nevertheless, several reasons can be found. The main one may be the fact that the reform idea was still *in town*, in other words, the problem was still identified and the reform idea had become very popular. Many politicians, intellectuals, or local elites regularly called for a change. The results of several opinion polls on this theme were published in the press: between 70% and 80% of the persons polled supported the reform. Electoral reforms have benefited from strong support in Poland since the end of communism⁶⁵. In other words, political parties might benefit from “political profits” if they appropriated the reform idea, especially as the reform translated the idea of giving the

⁶³ Witold Gintowt-Dziewałtowski (SLD), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁶⁴ Waldy Dzikowski (PO), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁶⁵ During communism itself too, any electoral reform was put the stress on, but for other reasons.

decision power back to citizens: “Undoubtedly, a part of local activists, and particularly inhabitants of municipalities, are deeply interested in direct elections of their local steward, they want to have direct influence on the choice of those who will husband (*gospodarować*) a given commune. This way of selecting is very strongly emphasized by voters. Then inhabitants of the commune will identify much more with their mayor, saying simply: I chose him”⁶⁶. Re-allocating the selection-power to its legitimate owners may be a way of gaining popular support. Moreover, after they proposed this reform during the campaign, parties then had the opportunity to present themselves as keeping their promises.

Over and above those common reasons, the two parties had specific reasons for supporting the reform-process. As regards SLD, it was not the first time that the party had tried to obtain symbolic benefits from presenting the reform. In 1993, during the election campaign, the Social-democracy of Polish Republic (SdRP), the predecessor of SLD, proposed the direct election of mayors. In 1994, while leading the government, a representative of the party in the Sejm stated, during a debate about the electoral law at the local level, how positive direct elections would be for local institutions. Yet, the party did not pursue the reform, arguing that support from the other parties was weak: “We think direct election of these civil servants of the *samorząd* would be a way for local society to become a subject. Simultaneously, it would reinforce the executive bodies in the municipal administration. If I trust in letters overwhelmingly addressed to our parliamentary committee, this idea is highly supported. Nevertheless, we have decided not to propose it as a bill, for two reasons. Firstly, none of the parties in the Sejm, except SdRP, did support this proposal. The bill has had very little chance to be passed. I tell it regretfully because, even parties that permanently declare they support the development of the idea of *samorząd*, do not really support this idea (...) I’m convinced we are going to return to the idea of direct election for mayors soon”⁶⁷. In 1997, SLD raised the question of the bill once more but presented it at

⁶⁶ Michał Turkiewicz (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁶⁷ Ryszard Gródzicki (SLD), *Shorthand report of the 12th sitting of the Polish Sejm*, 17-18 February 1994.

the end of the term. The bill was sidelined during the committee stages. The aims of SLD were not only to gain political support. The lack of legitimacy of SLD leaders, at national and local level, at the beginning of the nineties, may have been the reason why it took up the reform. Indeed, direct elections could have also been an opportunity for them to legitimate, putting the stress on personal resources, which could have been an efficient strategy at the local level. Moreover, in 2002, SLD leaders may have thought that a change at the local level would not change anything for their own representative. Indeed, even if some of the MPs had been local councilors or local politicians earlier, local career and national career were rather isolated from each other. It was not prohibited to combine a local mandate with a national mandate (at least until 2001) but only a few MPs were simultaneously member of the Sejm and locally elected.

The calculations of PO leaders may have been similar. Even if some PO MPs had previous experience in politics as members of Union of Liberty (UW) or Electoral Action "Solidarity" (AWS), most of them were newcomers. Many of those newcomers were local leaders (as mayors of big cities for example) or leaders in the economic field. The main PO strategy consisted in differentiating the party from other parties, especially SLD. Hence, the constant use of party anti-party rhetoric: "Among other things, PO has been created against the party-monopoly on something that is the only one to be sovereign in a republic: nation"⁶⁸. Moreover, as it remained a small party, the chances of their candidates at local elections were considered to be bigger than if they were elected by the council. Even if they relied on an anti-party discourse, their calls for direct elections had to be considered in terms of party-strategy and consolidation-strategy. That explains why PO insisted so much on a necessary "professionalization" of mayors. Their managerial conception of the mayor's role was in keeping with their attempt to consolidate a political identity, based on the critics of the party-model. The model they tried to impose was rather the one of

⁶⁸ Waldy Dzikowski (PO), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

“manager”: it was “first of all to reinforce the position of the mayor, to limit the influence of parties on the activities of the *samorząd* and to make possible bringing to the *samorząd* competent people who know methods and tools”⁶⁹.

2. To define the content of the reform

“Which aim, which plan is hidden behind your procedures?”⁷⁰

Krzysztof Oksiuta, member of the Sejm,
Popular Conservative Party (SKL), 21st December 2001⁷¹

After trying to understand why parties appropriated the idea of the reform, it is now time to examine how they attempted to control the possible consequences of the law. My main hypothesis here will be, indeed, to consider that the process consisting in defining the content of the law cannot be understood, without examining party strategies and behavior, without highlighting party interests and, especially, without analyzing how parties instrumentalized anti-party rhetoric. Indeed, they tried to design the content of the law in such a way as to protect their interests or, at least, what they thought to be their interests.

Everything would have been quite easy and confidential, restricted to the parliamentary sphere, if partisan interests had been the same, from one party to another. Quite the reverse, the diversity of party interests provoked a fierce debate in the Sejm. Far from being a reform driven by politicians for politicians with no clear political opposition, the reform of the electoral law for local presidency was partly determined by the global political context, in other words by the fight between the majority and the opposition⁷². Even if the bill originated in the assembly, the opposition in the Sejm did not refrain from attacking vocifer-

⁶⁹ Andrzej Czerwiński (PO), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁷⁰ “Jaki jest cel, jaki jest podtekst tych panstwa zabiegów? ”.

⁷¹ *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁷² And partially also by the relationships between allied parties, SLD, Labour union (UP) and PSL.

ously the government and denouncing the absence of its representatives during the key-debates. The intense publicity given to the reform enhanced this feature. The main architects of the reform were given media coverage in debates with “experts”. During plenary sessions or committee meetings, speeches and votes “respected” in general party divisions.

To analyze that, we will examine some of the main debates provoked by the definition of the content of the law. Indeed the different parties opposed each other by defining and trying to impose their own conception of local politics or the features a mayor must have, in relation to their conception of their own interests.

Several characteristics of the law were debated during the design process. We have chosen the two main issues that are relevant for our purposes.

2.1. To restrict the scope of application

One of the two main issues was what the law covered. Two mechanisms were elaborated by SLD representatives to limit the possible effects of the law. The first one involved proposing a dual system, in other words, to restrict the scope of application of direct elections to small cities. The second one, which appeared later in the legislative process, was to attribute the competence to elect the mayor to the council, during the second round of the election.

We will examine only the first mechanism. The local electoral system has been twofold since the first act in 1990. The majority vote is applied only in small municipalities. In cities with more than 40 000 inhabitants and then 20 000 inhabitants (from 1998), the proportional representation system is in force. When proposing this method in the Sejm on 21 December 2001, the SLD representative justified it, affirming that the danger related to Poland’s current economic difficulties, including at local level: “we are convinced that social pressure, the pressure of a universal lack of material goods, almost in each domain of life, in the whole sphere of public favors, in general, make its way today towards mayors. It will be a really good time for demagogues, brawlers, populists. Do we have to help them? In municipali-

ties with less than twenty thousands inhabitants, people really know almost everything about themselves: there, anonymous people do not have practically any chance of being victorious during elections for these posts"⁷³. He added that, since previous bills had failed in the past, SLD preferred to design a self-limiting one, in order to obtain wider support.

Then, municipalities with less than 20 000 inhabitants would be used for experimental purposes. In fact, it seems that SLD wanted to avoid the application of the reform in zones where the party was afraid that it might lose its position, especially in big cities, where SLD was the most important party in Poland. In those cities, SLD benefited from right-wing divisions among the council, in order to impose its candidate as a mayor. Parties have dominated politics in those cities, but in a situation where the mayor would be elected by universal suffrage, SLD candidates would have more difficulties winning, if local right-wing candidates, who could benefit from individual resources, such as fame, for example. In municipalities of less than 20 000 inhabitants, a majority vote was still working, then the reform would not change habits too much. In large cities, SLD would probably lack very popular notables. Moreover, the "Upper crust" (*Pierwszy garnitur*) of recognized politicians of the Alliance [of Democratic Left] found themselves in the government. To fight for the city hall of the biggest cities, only unknown local politicians remained"⁷⁴. Several SLD local leaders in big cities even protested against the reform when it had been decided, after the first reading of the bill by the Sejm, to enlarge the scope of application of the reform to all types of municipalities⁷⁵.

Politicians fought each other over this dilemma. Since they could not publicly reveal which interests they were pursuing they differed on normative concepts of local politics, definitions of legitimacy, etc. It is very interesting to note that the debate on the scope of application of the reform was transformed into a debate on the definition of the "good" candidate and the "good" representative. Those who did not

⁷³ Witold Gintowt-Dziewałtowski (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁷⁴ Aleksandra Bóckowska, *Newsweek Polska*, 3 March 2002.

⁷⁵ As it was proposed in the bill presented by PO.

support direct elections argued that the reform would produce “marketing” candidates: “Will not the proposed changes (...) lead to mayors ‘produced’ by propaganda specialists (*socjotechniki*) and elections being won by well-spoken, good-looking people with money. Won’t they be produced by different interests groups, coteries and cliques, not people motivated by public good? Is that not visible in the SLD bill?”⁷⁶. In his view, the law would change the rules of the electoral campaign, making money the main decisive element of the campaign and promoting potentially corrupted candidates: “Is the promoter of the bill afraid of the fact that populists slogans would be victorious, promising pears in willow trees, and even of something worse; that it would open the way to elect people linked to the criminal world?”⁷⁷. The right-wing parties, such as Law and Justice (PiS) or UW, which was currently outside the Parliament, opposed the law⁷⁸.

The same kind of argument was used also by a SLD representative when defending the proposal to restrain the scope of application of the law: “Yet, concerning expanding the principle of direct elections of the mayor to every commune, it is necessary to be aware of an essential danger. Today, at the time of media, only money and promises are enough, sometimes, to create a leader, sometimes only promises and a well matched colored tie are enough⁷⁹. Through the help of specialists and experts, they may exert influence on power and may try to reach even immoral people. In such situations, especially inhabitants of big cities, relying on publications for most of their knowledge concerning candidates, may be subject to attempts of manipulation. Yet, in Poland, there are politicians who lost power in the country, but are ready to be in charge whatever the costs. These are the reasons why it has been proposed to limit direct elections to mayors in communes which

⁷⁶ Marek Kuchciński (PiS), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁷⁷ Maria Nowak (PiS), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁷⁸ PiS explained its opposition to the project by the danger of corruption it saw if the law was applied. Concerning UW, it seems that its elitist-type conception of democratic representation has to be taken in account to understand why UW leaders contested the reform project. See “Szykują się do wyborów samorządowych”, *Gazeta Wyborcza*, 15 april 2002.

⁷⁹ He referred here to *Samobroona*, whose representatives appeared publicly wearing a white and red tie, symbolizing Poland’s official colors.

have less than twenty thousands inhabitants. It seems legitimate to inhabitants, because it minimizes the danger of political manipulation and popular programs in the character of the electoral campaign and the possibility to drive it, in the smaller communities. There indeed, pseudo-authorities and popular programs do not have any chance. For inhabitants, to know personally the candidates, to know their values, are much more content-related⁸⁰. Far from relating to a pre-determined normative conception of politics, this argument was much more a tool that some parties instrumentalized. Indeed, if it is true that money can help to manipulate electors, especially when money is at the center of local politics, manipulation is also a feature where parties are at the center of politics.

Some MPs did not hesitate to denounce the fact that the law could serve as a juridical tool for parties to implement party-domination within communities: "The deputy Krasoń said something about direct elections in big cities, that in this case, media manipulate, that voters will vote recklessly. I would like therefore to ask if it is not true that today, surprisingly, we inquire after appointing in several cities a mayor on the base of certain coalition agreements, which are signed somewhere by some officials, and as a result of that, the mayor or the member of the administration is a person absolutely unknown among inhabitants. It is often the case that someone has used his trust, so we reach for another solution and, by this way, the political parity, the environmental parity decides about the fact that this very person becomes member of the administration of the city once more (...) [with the new system] the one who, during four years, took diets or salaries but did nothing, is not elected once more. In such a case, any media, any billboard, any heavy money invested in the campaign does not change anything. In any case, the electoral campaign for the Sejm,

⁸⁰ Janusz Krasoń (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001. Jerzy Mazurek, sub-secretary of State in the ministry of internal affairs and administration said: "Another problem included in the question addressed to me is the question if the changes which are proposed do not provoke, that elected people will be 'produced' for example by media or firms specialized in that. I think that, concerning the bill presented by parliamentarians of SLD, the insecurity is smaller because in small places, people simply know each other and it is not necessary to use media, television, in order to create oneself", in *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

even in Warsaw, showed that numerous candidates used very heavy money in the campaign and they are not here within us. That is the reason why money does not always decide about the election of candidates"⁸¹.

2.2. To reduce electoral competition

The second issue relates to attempts to reduce electoral competition. Here again, there are two different problems. The first one consists in defining strict conditions for candidates. The second one, which we will not study, is related to the possibility to be a candidate simultaneously for the council and to the post of mayor.

The main political parties tried to impose strict conditions on mayoral candidates. The SLD representative, Witold Gintowt-Dziewałtowski, proposed, during a committee meeting on 20 April 2002, to restrict the right to be a candidate to electoral committees that have presented lists of candidates to the council, in at least half of the electoral constituencies that compose the municipality⁸². That proposal immediately received the support of the PO representative who affirmed: "The thing is that the candidate who applied for a mandate of mayor, at least tried to strive for his political and content-related back (*zaplecze*) in the council. In order that he would not be the proverbial Mister Jones (*Kowalski*), who, deciding to apply for the mandate, would underestimate the weight of problems of collaboration with the legislative organ. Each candidate for mayor must be aware of the fact that collaborating with the legislative organ is indispensable. The mechanism proposed in the amendment presented by deputy Witold Gintowt-Dziewałtowski will make it impossible for someone who intends to survive only and exclusively the electoral adventure without capturing what managing a commune or a city consists to be a candidate"⁸³.

⁸¹ Paweł Poncyłjusz (not belonging to a club), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁸² It was planned as well that the electoral committee must present at least the same number of candidates as the number of mandates that the constituency has.

⁸³ Waldy Dzikowski (PO), *Shorthand report of the Committee of local institutions and regional politics*, 23 April 2002.

It is easy to see how clearly the aim of that amendment was to protect party interests. Far from their first statements on the necessity to enable anyone to apply for political mandates, party representatives did not hesitate to disqualify those who attempted to contest the party monopoly on the representative process. Several times, the images of the isolated candidate (*wyobcowany*)⁸⁴ or the “candidate from nowhere”⁸⁵ were mobilized.

That proposal has been criticized as a screening device designed by parties in order to protect party interests: “According to the new law, in communes, one must first constitute an electoral committee. Then, this committee must first of all propose some lists of candidates for the council. These lists must have at least as many names as there are mandates in each constituency. To support them, it is necessary to collect a thousand signatures, to register these lists in at least half of the electoral constituencies that exist on the territory of the commune. Only then is it possible to put forward a candidate for mayor. This is really the Leninist expression “one step forward, but several steps backwards”⁸⁶.

As a representative of the Polish peasant party (PSL), the MP Eugeniusz Kłopotek, denounced that system as an attempt to impose only one source of political legitimacy at the local level: “an association comes to my mind, that only one appropriate candidate, coming from only one appropriate party, may be standard. We had better stopped using this kind of argument towards voters, who as opinion polls show want to have themselves a direct influence on who will be mayor. Better not to mix that with politics”⁸⁷. For the far-right opposition to the government, the system had been designed to defend the interests of one party above all: “Actually, the goal is another way to exclude from the

⁸⁴ Ireneusz Niewiarowski (SKL), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁸⁵ Waldy Dzikowski (PO), *Shorthand report of the 24th sitting of the Polish Sejm*, 19 June 2002.

⁸⁶ *Biuletyn informacyjny Ruchu na rzecz Jednomandatowych Okręgów Wyborczych*, nr 11, czerwiec 2002 r.

⁸⁷ Eugeniusz Kłopotek (PSL), *Shorthand report of the Committee of local institutions and regional politics*, 23 April 2002.

team of candidates, the local authorities, the people independent from party arrangements (*układy*) and local coteries. These candidates could indeed eventually threaten the position of the SLD local leader presented by the local party unit (*komórka*), and by this occasion, one limits the citizens' right to stand for election... well, the national interest is the interest of the Alliance [of the Democratic Left]... It is necessary to add that in a normal procedure, individual inhabitants of the commune must be able to apply, for example, after having collected a number of signatures supporting their own person"⁸⁸.

During one of the committee meetings, the debate on the "good" candidate procedure moved to a debate on party legitimacy to control local politics. However, far from producing a consensual criticism of parties, party representatives were pushed to recognize and even support the party model as the best model for local politics: "I have nothing against the constitution of the electoral committee called 'the green breaststroke' or 'the red rose'. Please let this committee register but give it awareness that direct elections do not give success and ideas for an efficient managing of the commune or the city. The candidate who decides to start for mayor must know what *samorząd* is"⁸⁹. After PO representatives, two MPs from the governing party clearly valorized the party origins of local representatives: "[such a proposed system] stands as a barrier for different types of Tymiński⁹⁰, who arrive in the territory of a commune, collect 150 signatures and register as candidate for mayor. The thing is, that the candidate for mayor would have a political back in the party or in the coalition of political parties. The affirmation that local elections are not 'political' is not true. It may be also a candidate from any electoral committee from any environment, who benefits from the support of the community and is able to formulate a list of candidates for the council, and register it.

⁸⁸ Jerzy Czerwiński (LPR), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁸⁹ Waldy Dzikowski (PO), *Shorthand report of the Committee of local institutions and regional politics*, 23 April 2002.

⁹⁰ Stanisław Tymiński was candidate for presidency in 1990. Still unknown a few months before, he surprisingly managed to reach the second round.

This is not what someone who arrives would do, goes to one bazaar and collects there 150 signatures. The thing is, that there would not be any candidate by accident, someone only searching for adventure"⁹¹. The argument ran counter to most arguments used during public debates in the Sejm, debates that turned most of time into a media event. In committee discussions, it seems to have been easier to defend the indefensible legitimacy of political parties to play a major role at local level: "I would like us to understand the amazing popularity of the banner of depoliticization of local elections. In a situation when there is, in the country, the freedom of founding parties, this banner seems to me strange, at least. Parties are formed in order to enable people who want to influence decisions, to stand as candidates or elect candidates to stand for different offices to act. And now we want *ad hoc* organizations to take a stand on that.

As a Polish proverb says, more haste less speed (*co nagle to po diable*), this hurry for creating organizations may provoke a big confusion in communities, even if someone sees it as very democratic and great. I would like also ask: who to be a mayor-manager? A manager is someone educated in a given field, someone who is experienced. Where do we find these experienced people, that *samorząd* need in these new realities? Only in people who, in general acted somewhere. In our reality, it is within different types of parties where they acted the longest. One may naturally imagine inhabitants from any district, who sign and present some candidates. But, then, what is more? I was active in a cooperative during many years and I know how different types of cooperative councils work, in which, usually, accidental people sit down, people who have been appointed after days and nights voting. How do different types of district committee work, committees who never could gather and in fact, didn't work? I think that pressing the idea of depoliticization of elections is lightly thinking"⁹².

⁹¹ Jerzy Czepułkowski (SLD), *Shorthand report of the Committee of local institutions and regional policy*, 23 April 2002.

⁹² Ewa Janik (SLD), *Shorthand report of the Committee of local institutions and regional politics*, 23 April 2002.

2.3. The ambiguities of the professionalization of mayors

During a committee meeting dedicated to the electoral reform, a representative of the League of Polish families (LPR), addressed the leaders of the reform: “Something I don’t understand. On one hand, you want a non-party manager at the top of the community, but on the other hand, you block the possibility to select a manager and you back the leader of a political group. It is incoherent. It is necessary to decide something. Either we construct all the regulations concerning candidature at the measure of the mayor-manager, either at the measure of the party-leader”⁹³. Indeed, the debates provoked a fight about the definition of the legitimate features of the mayor. Those disputes were dominated by the opposition between two main categories, the “political man” and the “manager”: “must the mayor be a manager (an executive organ working under the control of the council), or a politician, a local leader?”, asked a SLD representative⁹⁴. And, for the radical opponents to the reform, this opposition has been used as a smokescreen in order to hide the attempt to protect the party position at the local level.

But there is another issue that has not been denounced by anyone, but is apparent when examining all the debates. This issue concerns the legitimate definition of local political personnel. Indeed, most of the participants seemed to agree with a clear separation between local politicians and national politicians, even though the latter can be party-leaders, the former must preferably be non-party, local notables, etc. It is better, also, to have previous experiences in local affairs and administration. It was even considered, but rejected, making the conditions of eligibility more stringent, by for example raising the minimum legal age to apply, from 25 to 30 years old, as well as the use of the term “professional” to describe the local leader and the arguments about the specific characters of the *samorząd*: “I wish a class of local

⁹³ Jerzy Czerwiński (LPR), *Shorthand report of the Committee of local institutions and regional politics*, 23 April 2002.

⁹⁴ Andrzej Namysło (SLD), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

managers would arise in Poland, a group of people who will be prepared for taking charge of posts and will give a minimal guarantee of an efficient administration of the *samorząd* substance"⁹⁵.

In fact, everything works as if national politicians wanted to protect the frontiers of the national political field. That is probably the reason why local politicians have been given the right to develop their career "horizontally", but not "vertically". The law should indeed enable a mayor to be re-elected: "Yet someone, who becomes good as a mayor, will have a chance to apply again during next elections. And this is the road, and not the party-nomination, which must be the natural road for a political career"⁹⁶. Why limit the possibility of being elected only to two terms, "if he is a good manager"⁹⁷? A local political career is presented as a patient and long process: "I know many mayors, who worked for their municipality during 20, even 30 years and the local community cannot imagine that it could chose anyone else"⁹⁸.

From which, as well, the right to candidate simultaneously to the post of mayor and to legislative mandates in the other territorial assemblies, as districts (*powiat*) and provinces (*województwo*) and the strict incompatibility between the mandate of mayor and any parliamentary mandate. That proposal was even been adopted without any contest at the end of a committee debate, on 5 May 2002. Everything works as if national politicians wanted to reinforce the water-proofness between a local and a national career. Is that water-proofness not a key element in understanding why parties embarked on the reform of the method of electing mayors and maybe why they so easily mobilized an anti-party rhetoric related to local politics? Is it not finally the key to understanding the apparent paradox of the would-be depoliticization of local politics?

⁹⁵ Witold Gintowt-Dziewaltowski (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 December 2001.

⁹⁶ Waldy Dzikowski (PO), *Shorthand report of the 21st sitting of the Polish Sejm*, 08 May 2002.

⁹⁷ Lech Kuropatwiński (Self-Defence [*Samoobrona*]), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 december 2001.

⁹⁸ Zbyszek Zaborowski (SLD), *Shorthand report of the 9th sitting of the Polish Sejm*, 21 december 2001.

3. Conclusion.

How parties appropriated the new law

“Better being the herring’s head than the whale’s tail”⁹⁹

Jan Majcherek, *Tygodnik Powszechny*, 11 august 2002

After having analyzed the process of the elaboration of the law from the point of view of political strategies and behavior, it would be useful to analyze how collective actors, as parties, behaved during the electoral campaign. We shall propose only a few elements and hypothesis. At first, the main political parties were mobilized. They presented candidates in many places. To realize such a challenge, some parties decided to form alliances, such as PiS and PO, for example, who ran together everywhere except Warsaw. The PSL declared that the national bodies would organize an exam for all candidates. Parties, such as SLD, centralized the selection of mayors for big cities. Contrary to Jerzy Przystawa’s statement, the law has not borrowed political parties to adapt to it and massively participate in the elections. Some of the articles of the law “worked” in favor of political parties. The law has provoked partisan appropriation but personal use also. Many previous mayoral candidates tried to reinforce their control over local politics. Some local “notables” tried to enter politics thanks to the reform. Many politicians, such as major parliamentarians and even party leaders, ran for candidacy in big cities, as Warsaw, Kraków or Wrocław. Some extra-parliamentary party leaders attempted to “come back” into politics through the campaign.

However, it would be more interesting to consider mayoral candidates as a compound between collective resources (especially party-resources) and individual ones. This can be analyzed by studying the selection process of candidates within parties and the transactions between parties and candidates. It may also be analyzed by studying self-presentation materials, in order to verify if and how party candi-

⁹⁹ “Lepiej być głową celedzia niż ogonem wieloryba”.

dates denied or affirmed their party membership. It would be a way of studying how the criticism of parties is also a legitimizing tool for candidates in Post-communist Poland.

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Chapter 4. Electoral Reforms at the Sub-National Level in the Post-Communist Czech Republic ¹⁰⁰

Tomáš Kostelecký

Introduction

The collapse of the Communist regime in 1989 dramatically changed the whole of Czech society. The Velvet Revolution was not only a starting point for economic reforms but also a key event leading to many other changes in society, including the re-introduction of a democratic form of government and the transformation of the system of state administration. Although most visible were the reforms on the national level, changes on the sub-national level were of the same importance. The reinstalling of local democracy was declared one of the key goals of the reforms, as local civic societies were eager to fight against the excessively powerful and centralized (Communist) state.

¹⁰⁰ Writing this chapter was made possible thanks to research grant 403/04/1300 provided by the Grant Agency of the Czech Republic

The system of “National Committees”, a hierarchical structure of de-facto branches of state administration on municipal, district and regional level, imported into Czech territory by the Russians after WWII, was seen by reformers as simply unbearable. Initially, even before the free parliamentary election, the new post-Communist “revolutionary” government abolished the regional level of National Committees without replacing them by any other institutions in spring 1990.

Then, after the normal parliamentary election, the newly elected representatives abolished the whole system of National Committees. On the municipal level, National Committees were replaced by elected self-governments. On the district level, National Committees were transformed into District Offices, territorial branches of state administration with heads appointed by the national government. Simultaneously, a plan was adopted to establish self-government properly on the regional level. Although it had been expected that the process of decentralization of powers and responsibilities would continue quickly, the pace of reforms soon slowed down substantially and the future direction of reform became a highly political issue. Many post-Communist politicians, now holding their political posts at the national level, quickly lost their enthusiasm for the decentralization of state power. The most visible sign of this was a delay in the introduction of self-government at the regional level – the first elections to regional councils were postponed until the year 2000. One of the most important factors that influenced the attitudes of national politicians in that respect was the weak institutional capacity of post-Communist political parties and, consequently, their problems in penetrating politics on sub-national levels.

The post-Communist political parties soon learned that after Communism their political power would be at risk in time of elections. The party preferences of voters were not found to be particularly stable and the political fortunes of some of the parties in one election might therefore turn into a disaster in others. The leaders of the parties also came to understand that they had a limited number of possibilities as to how to influence the electoral decisions of the voters. Beside good performance in the office, theoretically the best and the most legitimate way to attract and retain the support of the voters, there were still other options for the parties; among them electoral campaigns, a more sub-

the effort to influence public opinion through professional PR agencies, and manipulating the electoral laws became the most commonly used in the cultural context of the Czech Republic.

This chapter concentrates on the role of political parties in designing the electoral laws for the sub-national elected bodies. Political parties act on sub-national politics in two different ways – as political players at the sub-national level they participate directly in the sub-national elections, and as political actors at the national level they create the rules of the game through the legislative process. Naturally, the various political parties have followed their own interests during the process of adapting the reform legislation. But in a post-Communist Czech Republic the national political parties have another serious political rival in independent non-partisan local politicians, associations of independent candidates and specific regional parties. Although parties dominate national politics, their power is more limited on the sub-national level. Due to a relatively small membership and a limited number of local organizations (Kostecký and Kroupa, 1996) they are simply not present in many municipalities. Even if they are present, they usually have to share power with the independent candidates and civic associations that compete with them in the municipal elections. At the regional level, national parties are in much stronger positions vis-à-vis their political opponents.

1. Sub-national government structure in the Czech Republic

The Czech Republic inherited a highly varied settlement structure. At the same time, the country had always had a tradition of strong local governments opposing central government, which historically often coincided with the split between the domestic (local) political elite and the foreign (central) one. Even during the Communist period, despite a lack of democracy on the local level, the local administration remained more popular than the national government as it was still somewhat more responsive to the needs of the local inhabitants than the central government. Similarly, although the municipal governments could not resist the program of the forced amalgamation of smaller municipalities into larger units, the forced amalgamation pro-

cess became quite unpopular among the local political elite. The transformation of the sub-national governments was an inevitable part of post-Communist social transformation in the Czech Republic. It proved to be quite a complex and lengthy process (for details, see Illner, 2000, 2003a, 2003b, Baldersheim, Illner and Wollmann, 2003).

Fifteen years after the breakdown of the Communist rule the basic structure is as follows: The lowest level of sub-national government is represented by municipalities (NUTS 5 units). Municipalities are very numerous (over 6000 municipalities in a country of 10 million inhabitants); consequently, the average municipality is very small (80% of them have less than 1000 inhabitants, 90% less than 2000 inhabitants). Where there is a very large number of small municipalities, the overall number of inhabitants living in them is relatively small though. Only about 25% of the Czech population lives in municipalities of up to 2000 inhabitants. Most Czech Republic citizens live in urban locations, that is, in small to middle sized towns and cities. The capital, Prague, a municipality with a special status, is the only city in the country with a population exceeding 1 million. Four other large cities count all together for another 1 million inhabitants.

The “institutional design” on the municipal level is a dual system combining self-government and state administration. Each municipality holds some powers that are exclusively in the hands of its own elected representatives. Municipalities may have their own property, their own budget and may use them quite freely to fulfill the needs of local citizens. Municipalities also have the right to establish their own corporations and to collect various fees for services provided. The municipalities, however, did not win the right to impose and to collect local taxes. The national parliament reserved the right to decide by law how taxes nationally collected would be distributed among the individual municipalities. At the same time, the municipalities also serve as the territorial branch of state administration, executing so-called “transferred powers”. In this respect, they are subject to state administration on the regional level, and are provided with financial means from the state budget to fulfill the required tasks. Such administrative tasks include, for example, duties connected with national defense, tackling natural disasters, maintaining population registers, etc. In contrast to the Communist period, the law clearly and strictly separates self-gov-

ernment and the municipalities' state administration tasks. In practice, many self-government functions and state administration functions are performed simultaneously by the same institutions on the municipal level.

The structure of the institutions at the municipal level is somewhat similar to that of the national level. The *municipal council*, a collective representative body with members elected by popular vote, is the key institution. Municipal councils serve as "legislative bodies" at the local level – they issue local regulations, make strategic decisions about the municipality, decide on the municipal budget, must approve all larger financial and property transactions, and oversee the work of the municipal board and the municipal office. The *municipal board* is elected from among the members of municipal council. It serves as a municipal executive body, making the more day-to-day decisions about the operations of municipality. The *mayor*, elected from among the members of municipal council by its members, is automatically a member of the municipal board. The mayor serves at the same time as the head of the *municipal office* and is also responsible for the operation of the municipal office in the sphere of "transferred powers". The practical day-to-day operations of the municipal office are directed by the *secretary of the municipal office*. The secretary of the municipal office is not elected but appointed by the mayor. The key event in local politics is the municipal election when the citizens decide on the composition of the municipal council.

The intermediate level of government is represented by the regions (NUTS 3 units). There are 14 self-governing regions in the Czech Republic (including the capital, Prague, as a separate city with regional status). In terms of population, the regions range from 0,3 million inhabitants (the Karlovarský region) to 1,3 million inhabitants (the Moravskoslezský region). The regions are so far the youngest institutions in the whole system as they came into existence only in the year 2000. As with the municipalities, a dual system is used on the level of the regions – the regions have both their own self-governing functions and "transferred" powers from the state. Within the framework of self-government, the regions have control over territorial planning and development, social and health care, secondary schools and the regional transportation system. The regions have the right to pass their own

regulations, propose bills to the national parliament and submit petitions to the Constitutional Court requesting the abolition of laws. As far as finance is concerned, however, the powers of the regions are quite severely limited. They do not have the right to impose their own taxes and the greater part of their incomes consists of state subsidies and their share of national taxation.

The structure of institutions at the regional level basically imitates that of the municipalities. The *regional council*, a body consisting of between 45 and 65 representatives depending on the size of the population of the region, is elected by popular vote and holds the decisive power in region. Regional councils elect the members of the *regional boards*. Although the members of the regional council are influential politicians, most of them still maintain their civic occupations. The members of the regional boards, however, are already “full-time” politicians, having their own agendas. Regional council also elects the *regional president* (hejtman) who is the top political representative of the region and leads and coordinates the work of both the regional board and the regional office.

2. Electoral laws governing sub-national elections as the arena of political struggle

2.1. The main players in sub-national elections

Immediately after the fall of the Communist regime in November 1989, the political situation at the local level was complicated. The representatives of the Communist Party held practically all the important posts in local government institutions. The anti-Communist revolutionaries forced many members of local governments to resign. The empty seats were filled by representatives of local civic organizations and initiatives by the revolutionary method of co-optation. Although the winners of the revolution did not persecute the members of the Communist Party, the Party was rapidly losing its membership, as Party ID no longer guaranteed good career prospects for those who held them. In fact, many former Communist Party members who were active in local

politics left the Party and joined some of the many new parties and political movements established elsewhere or remained publicly active in local politics as independents.

Despite a massive decrease in membership, the *Communist Party* (KSČM) remained relatively strong on the local level both in terms of institutional capacity and membership. The party kept most of its property and was able to maintain an intricate network of local organizations all over the country. Unlike most of the other Communist Parties in Eastern Europe, the Czech Communist Party reformed its political program only slightly but did not distance itself from the totalitarian regime and did not even remove the word “Communist” from its name. Naturally, the Party was not generally very popular after 1989 but some party representatives at the local level were quite successful in presenting themselves as professionals in the field of local administration.

At the beginning of the 1990s, the most important opponents of Communist rule at the local level were usually concentrated around the local organizations of the *Civic Forum* (OF). Civic Forum was a typical umbrella type of civic movement, the leading force in the opposition to the Communist regime that came into existence during the time of the Velvet Revolution. While the representatives of the Civic Forum on the national level were people like Václav Havel and other well-known dissidents, the composition of local Civic Forums that mushroomed all around the country was much more colorful. It comprised local opponents of the regime as well as people from the “gray zone”, formerly politically inactive professionals, different sorts of careerists and even some former Communists who had just left the Party. It contained quite a lot of volunteers and political activists, numerous local organizations, but the organization of the movement as a whole was rather chaotic, since many people involved in the movement lacked organizational experience and skills.

The Civic Forum did not last long; splintering among activists along different ideological lines was inevitable. From the several political parties that originated in the Civic Forum and established themselves after the split the most important in the long run has been the *Civic Democratic Party* (ODS). The Civic Democratic Party was established by the right-oriented activists under the guidance of Václav Klaus. Klaus criticized the practical ineffectiveness of broad political move-

ments with loose organizational structures. From the very beginning, the Civic Democratic Party was organized as a relatively well-structured organization, clearly oriented politically towards economic liberalism and the free market. At the local level, the party attracted the majority of right-oriented anti-Communists, but also many career-seekers who wanted to use political power to secure their individual economic goals. The transfer of many assets from the state to the municipalities and the ongoing process of mass privatization gave local governments extraordinary power to make important economic decisions and influence the outcomes of the economic transformation at the local level.

The third relevant political party on the local political scene was the *Christian Democratic Union – Czechoslovak People's Party* (KDU-ČSL). The party, traditionally supported by Catholic voters, is among the oldest political parties in the Czech Republic. The party political program always combined support for traditional moral values and private ownership with the “Catholic social doctrine”. Although the party denied direct interconnections with the Catholic Church and presented itself as non-denominational, the overwhelmingly non-religious public in Czech territory held the party to be the “political wing” of the Catholic Church. In practical politics at the municipal level, however, the party was more pragmatic than ideological, inclining to moderate right-wing economic policies, able to make coalitions with parties of both right and left as well as with independents. In the post-Communist period the situation of the Christian Democrats was strongly influenced by the fact that the party survived the Communist regime in the position of a “satellite party”. As a satellite party, the Christian Democrats were subject to the direct control of the Communist Party and were not allowed to contest the power monopoly of the Communists, but local organizations could, however, exist and pursue a limited set of activities. The Party, unlike other non-Communist parties, possessed a functioning network of local organizations and a relatively large membership in 1989.

The *Social Democrats* (ČSSD) were another historical party that proved viable and became an important player in Czech politics at both the national and the local level. The party was the traditional representative of the left, originating from the trade union and workers move-

ment. From the very beginning, this party comprised both radical revolutionaries and reformists. After the radical revolutionaries split from the party and the Communist Party was established as their political platform in 1921, the Social Democratic Party became the typical representative of the moderate left. It stressed the need for social reform and supported an increased role for the state in the economy, while respecting democracy as the form of government. This was why the Communists always saw the Social Democrats as one of their most serious political rivals. When the Communists seized power, they banned the Social Democratic Party and persecuted its representatives. After the breakdown of Communist rule in the Czech Republic, the Social Democrats were in an ambiguous position. They had a well-known brand name and a good party image rooted firmly in democratic principles, but their left-oriented policies were not very appealing to many voters too closely resembling the social policy of the Communist state.

After a ban lasting forty years, the party lacked both organizational infrastructure and membership. But thanks to the fact that the Communists had not substantially reformed the party and maintained their extreme-left political positions, the Social Democrats soon occupied the important position of a moderate left-wing party. Voters dissatisfied with the policies of the right-wing government but rejecting Communism formed the core supporters of the party. The Social Democrats were still rather weak at the local level, being short of human sources for the first half of the 1990s. The success of the party in the parliamentary election in 1996 and particularly the formation of the minority Social Democratic government after the 1998 early election provided a strong impetus for the further development of the party at the local level. The ability to use "party channels" for direct and exclusive contacts between local governments and various governmental offices made membership of the Social Democratic Party more appealing for many activists at the local level and enhanced the credentials of local Social Democracy organizations in the eyes of many voters.

The other players on the local political scene that should be mentioned here are the *independent* politicians. Independent politicians naturally constitute a rather heterogeneous group in terms of their political program and electoral constituency. Many independents were recruited

from former Civic Forum activists who favored the idea of non-political politics over political activity within the framework of political parties. Other independent politicians were former members of established political parties who had left the party or been expelled from them after political battles with their party opponents. As the level of satisfaction with post-Communist politics in the Czech Republic was gradually falling and the general public began to blame parliamentary political parties for the real or alleged deficiencies in the post-Communist political and economic development, being an independent politician even became a fashionable electoral plus for some well known local politicians. They were able to distance themselves from “dirty party politics” and increase their popularity by presenting themselves as the only candidates who were not going to follow the directions of party secretariats but rather the will of their voters. In the smallest municipalities, where established parties and their members were often not present at all, independent candidates represented simply the only people who were willing to take responsibility for holding office. Last but not least to be mentioned here should be various *regional political parties* which unified different regional interest groups and, consequently, were more important players in regional than in municipal elections (for details about party development see Kostelecký, 2002).

2.2. Municipal elections (from 1990 to 2002)

The first post-Communist municipal elections were held in November 1990. Subsequent elections were held regularly every four years in 1994, 1998, and 2002 in about 6000 municipalities. The total number of electoral parties ¹⁰¹ and candidates running gradually fell and so did the voter participation rate (from 74 % in 1990 to 45 % in 2002). The

¹⁰¹ The term “electoral parties” as specified by electoral law includes nationally registered political parties, political movements, coalitions with them, and independent candidates and associations of independent candidates. In practice, the number of electoral parties in each municipality is equal to the number of party lists from which voters choose.

following table summarizes the basic results of elections. As the number of seats distributed varies with different municipalities, and, moreover, is not directly related to the number of votes won, the results are presented separately in terms of votes won and offices awarded.

Table 1. Popular support for the most relevant electoral parties in municipal elections (% of total votes)

	1990		1994		1998		2002	
	Votes	Mand.	Votes	Mand.	Votes	Mand.	Votes	Mand.
Civic Democratic Party (Civic Forum)	36,7	32,2	29,4	12,0	22,7	8,7	23,1	8,3
Czech (Czechoslovak) Social Democracy	5,2	1,7	8,7	2,7	17,1	6,6	15,2	7,2
Communist Party of Bohemia and Moravia (Czechoslovakia)	16,8	14,4	14,7	10,5	14,4	9,6	14,9	9,2
Christian Democratic Union - Czechoslovak People's Party	10,9	12,0	8,6	13,3	11,7	11,8	10,4	9,9
Independent	9,7	27,0	11,5	53,1	20,5	59,0	19,7	56,6

Source: Czech Statistical Office

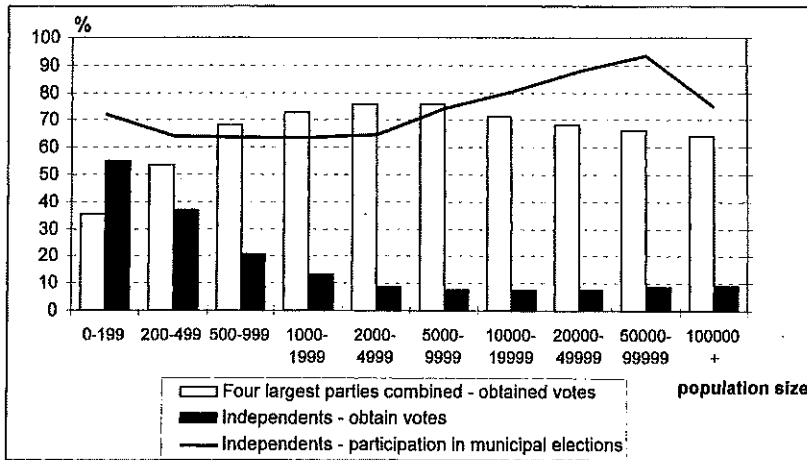
As the results of municipal elections presented in the table suggest, the main players in the political conflict at the local level included the same four large national political parties which dominated national politics. The local political scene, however, was substantially different from national politics as the four above-mentioned parties were seriously contested by the independent candidates. The involvement of independent candidates in the municipal elections was made possible by the "Law on elections to municipal councils" (No. 368/1990 Coll.), passed by parliament in 1990. This electoral law, prepared by a parliament dominated by Civic Forum activists, opened up a broad area for a variety of potential contestants in the municipal elections. The proportional representation system in use and the electoral formulas in question tended to support political diversity, favored small parties and were also quite favorable to the participation of independent candidates.

The law allowed electoral participation for a whole range of “electoral parties”, including nationally registered political parties and political movements, coalitions with them, independent candidates and associations of independent candidates. Nationally registered political parties of political movements, as well as coalitions with them were automatically eligible to participate in a municipal election in any municipality. The electoral party that did not include the registered political party could participate in the elections after collecting signatures from the citizens of the municipality in question supporting their participation. The number of signatures needed was generally low, so this legal provision did not constitute an important barrier to the participation of independents. Any person who had voting rights in the municipality was eligible to become a candidate.

The electoral process was organized and overseen by special multi-party electoral commissions that included representatives of the independent candidates as well. Voters basically voted for party lists but were also given the chance to choose individual candidates from the other party lists or to choose individual candidates regardless of the lists. Although the way the votes were translated into offices favored electoral parties with longer party lists over the electoral parties with shorter lists of individual candidates running separately, the good prospects of independent candidates in elections could only be hampered by their mutual rivalry and inability to form associations or join candidate lists. The law applied the Saint Lague version of the electoral denominator¹⁰² method to distribute offices among electoral party lists, which generally tended to over-represent smaller parties. Chart 1 summarizes the basic results of the first municipal elections after the breakdown of the regime in 1990 in terms of the distribution of voter support for the four main political parties on the one side and popular support for independent candidates on the other side.

¹⁰² Each party's votes are divided by a series of divisors (the odd numbers in the case of Saint Lague system) to produce an average vote. The party with the highest average vote after each stage wins the seat and its vote is then divided by the next divisor.

Chart 1. Share of votes obtained by the four main political parties (combined) and independents (% of total votes) and participation of independent candidates (% of municipalities of the size in question in which independents took place in the elections) - 1990 municipal elections by size of municipalities



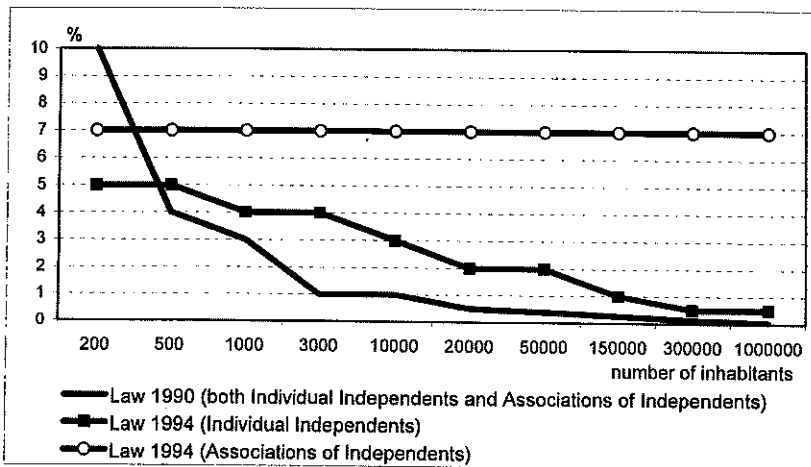
Source: Own calculations based on data from Czech Statistical Office

The chart shows in which municipalities and to what extent the local political scene became dominated by the four main national political parties and what positions were gained by independent local non-party politicians. It is interesting to note that independents were quite active in all types of municipalities. They basically participated in elections in about 65 to 90% of municipalities of all size categories. Their presence in municipal elections was somewhat higher in larger municipalities than in smaller, but the difference was not so large. Taking account of the share of votes obtained from voters, however, it is immediately clear that the size of the municipality matters. Independents dominated in the smallest municipalities where they obtained over half the possible votes. The larger the municipality, however, the smaller was the electoral success of the independents. The four largest parties were quite weak in the smallest municipalities (even taking their voter support combined). Their support tended to rise with the increasing size of municipalities, culminating in small towns with be-

tween 5000 and 10000 inhabitants and then fell again somewhat in larger towns where the four largest parties faced stronger competition from numerous other political parties.

The large political parties were not particularly happy about sharing their power with independents. In contrast to the independents, however, they had their representatives in the national parliament and, hence, had the power to change the rules of the electoral game. The new "Law on elections to municipal councils" (No. 152/1994 Coll.) adopted in the summer of 1994, only five months before the next local elections, serves as a typical example of the manipulation of the electoral law by the powerful. The authors of the law used a series of measures that, combined together, substantially reduced the chances of both independent candidates and the smaller parties of succeeding in the elections. The law significantly increased the number of signatures to be collected by independent candidates and their associations in order to be allowed to participate in the elections (see Chart 2).

Chart 2. The minimum number of signatures supporting independent candidates to qualify them for participation in the municipal elections as required by 1990 and 1994 electoral laws by the population size of municipalities (in % of total number of voters in respective municipalities)



Source: Own calculations based on Law on Elections to Municipal Councils No. 368/1990 Coll. and the Law on Elections to Municipal Councils No. 152/1994 Coll.

The law mainly affected the situation of the associations of independent candidates. The increase in the number of signatures required was serious, particularly in the larger municipalities. In large cities like Ostrava the law increased the minimum number of signatures from 400 to about 23 000, in Brno from 400 to about 28 000, and in the capital from 400 to as many as 84 000 ¹⁰³.

Besides restricting participation in political competition, the new electoral law increased the power of the larger parties, particularly those already in office. The law gave power to the municipal boards (occupied by the representatives of the successful parties from the previous election) in municipalities with more than 15 seats on the municipal council to divide the territory of the municipality into smaller electoral districts. The number of seats distributed in each such district had to range between 5 and 15. The municipal boards thus gained the power to introduce rather strong majoritarian measures into an electoral system of proportional representation, especially if the electoral districts were numerous, and, consequently, the number of offices distributed in individual electoral districts was small and the natural threshold necessary for obtaining a single seat increased. Simultaneously, the law reduced the maximum number of councilors, particularly in middle-sized and large cities, which had also a majoritarian effect.

On the other hand the law made participation in political parties in local elections somewhat easier by introducing a new type of electoral party – “the association of political parties and independent candidates”. Such an electoral party was not required to collect signatures at all to qualify for participation in the elections. In this way political parties were offered a favorable position in possible negotiations with groups or associations of independent candidates on pre-election coalitions in cases where parties were not able to secure enough of their

¹⁰³ These numbers were in a sharp contrast with the very moderate conditions which have to be fulfilled for registering national political party – only 1000 signatures is enough.

own candidates and had trouble making up their own candidate lists with independent candidates. The last change in the electoral law favoring political parties concerned the method of distributing the seats of individual candidates. The new law changed the way the seats were distributed to individual candidates. Under the previous electoral law voters directly decided who on the party list would gain a seat on the municipal council by the number of votes given to individual candidates. Under the new law such votes for individual candidates were taken into account only if the number of preferential votes for individual candidates exceeded 10 % of the votes given by voters to a whole party list. Thus, a reasonable portion of power over the distribution of seats to individual candidates was removed from voters and was given to the parties themselves. This was especially important in cases where a political party formed a coalition with independents.

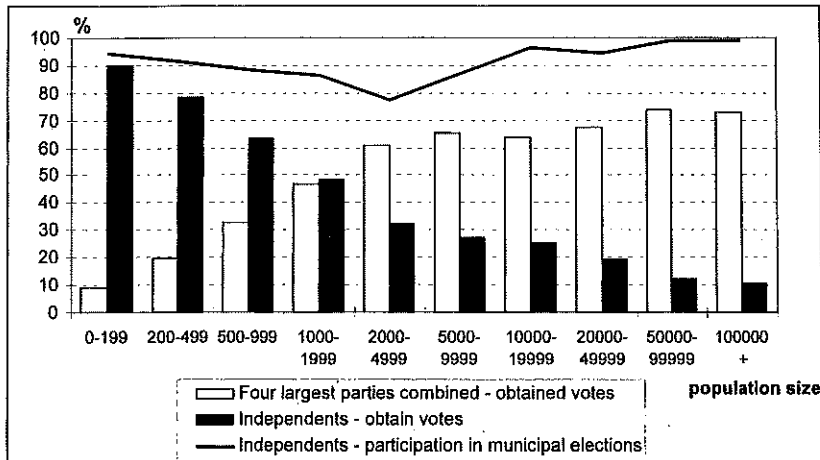
From the point of view of political development in the Czech Republic the period after the early parliamentary elections in 1998 was very important in many aspects. Although the right-wing coalition parties which had governed the country since 1992, regained a slight majority in parliament, the struggles among the individual parties and personal animosities among their leaders prevented the coalition from being reinstated. With strong orthodox Communists in parliament, the victorious Social Democrats were in a difficult position. When their attempt to form a center-left coalition with junior partners of the former right coalition collapsed, they managed to make a somewhat unusual deal with their main political rivals – the right-leaning Civic Democratic Party. The two strongest parties in the parliament, the Social Democrats and the Civic Democrats, signed the so called “Oppositional Agreement” which enabled Social Democracy to form a minority government. In exchange, the Civic Democratic Party obtained many influential posts outside government, particularly in the still numerous state-owned companies, while officially staying out of government. Part of the deal was an agreement on the reform of electoral systems which was intended to favor the two largest parties at the expense of the other parliamentary parties by the introduction of more majoritarian measures into electoral law (Kostelecký, 2000). Although the hidden coalition functioned satisfactorily for the parties involved in many aspects, the plan to reform electoral law did not materialize com-

pletely. Most of the provisions of the new law regulating election to the national Parliament were declared unconstitutional by the Constitutional Court.

The “by-product” of the effort to change electoral law at the national level, however, became the new “Law on the elections to municipal councils” (No. 491/2002 Coll.) that passed through parliament at the very end of the year 2001 while attracting little public attention. In some aspects, the new law provided for more fairness and encouraged more voter participation. The law took the power to decide on the number and actual delineation of electoral districts in large cities from the municipal boards and gave it to the municipal councils. This change lessened the chances of the winners of previous municipal election of misusing such power to manipulate the electoral districts before the next election as it required a broader political consensus before a change to electoral districts could be made. Other kinds of new provisions in the electoral law were more questionable, particularly the changes in the electoral rules that were driven by the intention of the large parties to introduce more majority electoral systems features into the systems of proportional representation in use. These changes were clearly intended to decrease the electoral power of small electoral parties and independent candidates. The changes focused on the methods of translating votes into seats. The law covering municipal elections introduced, for the first time, a legal threshold preventing any party with less than 5% of the votes in the municipality in question from obtaining a single seat on a municipal council. The law also replaced the Saint Lague version of the electoral denominator system with the d’Hondt formula which favors bigger parties in the seat distribution procedure. As a consequence, this legal provision increased the proportion of “wasted votes” and reduced the chances of new political subjects of succeeding in elections.

Quite surprisingly, the continuous efforts of the largest national political parties to manipulate the electoral laws used in municipal elections against the interests of non-parliamentary parties and independents was not effective (see Chart 3).

Chart 3. Share of votes obtained by the four main political parties (combined) and independents (% of total votes) and the participation of independent candidates (% of municipalities) of the respective size in which independents took place in the elections) - 2002 municipal elections by size of municipalities



Source: Own calculations based on data from Czech Statistical Office

Despite numerous modifications to the electoral law, the independent candidates and their associations were still able to take part in municipal elections in nearly all small municipalities. In the cities, the independents avoided the requirements of the electoral law by establishing themselves as “national” political parties and also took part in practically all electoral contests. The new provisions of the law did not prevent independent candidates from dominating municipal councils in smaller municipalities. In fact, the share of votes obtained by the independents gradually increased during the nineties. The share of votes obtained by independents surpassed the share of votes won by the four largest national parties combined not only in the smallest municipalities but also in municipalities up to 2000 inhabitants. Independents defeated the most successful political party – the Civic Democratic Party – even in relatively large towns with up to 20000 inhabitants. The electoral support for independents also noticeably increased in middle sized cities. On the other hand, it is evident from the

chart that the main national political parties were constantly losing their ability to attract voter support in small municipalities. In fact, in the smallest (albeit the most numerous) municipalities large political parties practically disappeared from the local political scene.

2.3. Regional elections (from 2000 to 2004)

Although provisions establishing self-government at the regional level were part of the Czech Republic Constitution from its very inception in 1993, the lengthy and sometimes bitter political debate over the forms and powers of such intermediate levels of government delayed its introduction in practice. In fact, it took over seven years before the law on regional governments was adopted. Elections to regional councils were regulated by the “Law on the elections to regional councils” (No. 130/2000 Coll.). The electoral law was prepared in the period of “Opposition Agreement” and it is evident that it was designed to favor the largest parties (the governing Social Democracy and its “silent partner” the Civic Democratic Party) and restrict the electoral chances of their opponents. The authors of the bill were well aware of a range of measures that could be used to accomplish their goals.

Discussion of the bill that had been prepared by the Ministry of Interior started in Parliament in late 1999. The law proposed was based on the idea that the regions are much bigger than municipalities and regional elections are more similar to the parliamentary elections than municipal elections and therefore electoral law should also follow the law regulating parliamentary elections than that governing municipal elections¹⁰⁴. The bill openly restricted the space for political competition by a new definition of an “electoral party” with the right to participate in the elections. The bill defined electoral parties as “registered political parties and movements and their coalitions”. Thus, neither independent candidates nor associations with them, nor coalitions of political parties and independents were allowed to take part in the electoral race at the regional level.

¹⁰⁴ This argument, however, was somewhat illogical if one takes into account the fact that the largest municipality (Prague) has more inhabitants than most of the regions, and even the second and third largest municipalities (Brno and Ostrava) are comparable with the smallest regions in terms of population.

Consequently, only political parties could have their representatives on the local electoral commissions which organized and oversaw the elections at the level of individual electoral precincts. Moreover, the bill proposed the replacement of multi-partisan electoral commissions at higher territorial levels by the professional staff of the Czech Statistical Office and the replacement of the multi-partisan Central Electoral Commission by the State Electoral Commission headed by the Minister of Interior. As far as the translation of votes into seats was concerned, the bill suggested the use of a system of proportional representation, with the Saint Lague electoral denominator formula and the 3% legal threshold for participating parties. During the parliamentary debate some amendments suggested by MPs from parties bound by the "Opposition Agreement" made electoral law even more majoritarian. In the final version of the law the legal threshold was increased to 5% and the Saint Lague formula was replaced by the so-called Koudelka formula ¹⁰⁵ giving a special premium in terms of seats to the largest parties.

So far, two rounds of regional elections have been organized under this electoral law in 2000 and 2004. The results of the elections are summarized in Table 2.

Table 2. Popular support for the most relevant electoral parties in the regional elections in the Czech Republic (in %)

	2000		2004	
	Votes	<i>Mand.</i>	Votes	<i>Mand.</i>
Civic Democratic Party	23,8	27,4	36,4	43,1
Czech Social Democracy	14,7	16,4	14,0	15,6
Communist Party of Bohemia and Moravia	21,1	23,9	19,7	23,3
Separate lists of Christian Democratic Union-Czechoslovak People's Party	-	-	10,7	10,6

¹⁰⁵ The Koudelka formula is a majoritarian modification of d'Hondt formula. In contrast to d'Hondt, the Koudelka formula uses first the number 1,44 and only then successive whole numbers.

	2000		2004	
	Votes	Mand.	Votes	Mand.
Coalitions of Christian Democratic Union-Czechoslovak People's Party and other parties	22,9	-	2,4	-
<i>Candidates of Christian Democratic Union-Czechoslovak People's Party within coalitions</i>	-	10,5	-	1,8
<i>Candidates of other parties within coalitions</i>	-	14,8	-	0,9
"Parties" established by independent candidates and other parties	17,5	7,0	16,8	4,7

Source: Czech Statistical Office

The electoral law measures proved quite successful in reducing the chances of the independents and smaller parties in the regional elections. Groups of independents¹⁰⁶ were able to purposely establish "national political parties" before the 2000 elections in order to be eligible for participation in the elections and to attract a reasonable proportion of voter support, but they were not particularly successful in terms of seats in regional councils. The 5% legal threshold was mostly responsible for preventing many "electoral parties of independents" from obtaining offices. As a consequence, the voters' willingness to support independents in regional elections actually declined in the next regional elections four years later and hence the number of offices for independents. Small parties have been affected by the electoral law even more seriously. Being threatened by the majoritarian provisions of the law, three smaller parties decided to participate in the regional elections in 2000 in a coalition with the Christian Democrats. This tactic proved very successful as the coalition attracted the support of almost one quarter of the voters. All the parties in coalitions won a substantial share of offices in councils, and the senior coalition partner – the Christian Democrats – even won several regional presidential posts. But internal struggles among the parties in the coalition,

¹⁰⁶ Such groups mostly consisted of independent mayors of small and middle sized municipalities. To a lesser extend the candidate list of independents included regionally well-known non-party managers or academics.

connected mostly to political development on the national level, led to the collapse of the project. The Christian Democrats thus formed coalitions with some of the former partners in only three regions, while in others they ran separately in 2004. As the numbers in the table show, while the Christian Democrats basically maintained their seats, the smaller parties were not able to reach the legal threshold and practically disappeared from the regional councils. This enormously helped the winner of the elections – the Civic Democratic Party – which got extra seats at their expense.

3. Conclusions

In the fifteen years following the breakdown of Communist rule democratic principles seem to have become firmly established in the sphere of sub-national politics. Elections are held regularly, their results are respected, and governments are changing peacefully. Both municipal governments and regional governments have earned the respect of the public; they are more trusted than the national government and the national parliament. Politics on the sub-national level, however, can hardly be considered problem-free. Too much power and influence is at stake, which attracts fierce political competition among the political players. More competition among politicians is generally beneficial for voters, provided that competition is fair, the political arena is open to all contestants and voters maintain the decisive word over the results of the political race. An analysis of the role of the political parties in the sub-national elections in the Czech Republic since 1989 shows that this is not always the case. Facing a general decline in popularity with the general public the largest national political parties have realized that they might lose their positions on the sub-national level and may gradually be replaced by independent non-party politicians.

Trying to reverse the trend, parties have used their power in the national parliament to manipulate the electoral laws in question in their favor. From 1994 the largest parties have kept regularly changing the electoral laws in a way which basically decreases the room for political competition and reduces the influence of voters on the final electoral results. Such manipulations, however, have been only partially

successful. Electoral engineering has not stopped independent candidates from gaining ground and has not interrupted the decline of the political parties at the municipal level. On the other hand, the largest parties have been able (with the help of the electoral laws they drafted) to almost completely erase their political opponents from participation in the regional councils. Thus, political parties are losing legitimacy and voter participation is tending to steadily decrease in sub-national elections. The gap between the overwhelmingly non-party politics in small and middle sized municipalities and largely party politics in the largest cities, the regional and national parliaments seems to be widening.

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Chapter 5. Electoral Systems, Forms of Government and the Local Political Class in Italy

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Introduction

During the last decade, the political system of local government in Italy has experienced a series of fundamental innovations, accompanied by a radical institutional reform. The form of government and the general political set-up - which had remained virtually unchanged since the early post-war years - was completely transformed. The direct election of mayors and presidents of provinces, introduced in 1993, represents the most visible and relevant innovation in the context of a general institutional reform, accompanied by a change in the Italian local and national political systems. Executive bodies tend to be more personalised, prominent and managerial.

¹⁰⁷ Although this paper is the result of a joint research, the authors wish to specify that Part 1 was written by C. Riolo and Part 2 by G. Minaldi.

On the one hand, this trend corresponds to a similar one at the municipal government level in the main European countries (Bobbio, 2002). On the other hand, the experiences at municipal and provincial level in Italy paved the way for the introduction – in 1999 – of the direct election of presidents of regions and inspired a bill proposing the direct election of the prime minister. The bill is currently under examination in Parliament, within the framework of a thorough and controversial constitutional reform ¹⁰⁸.

The aim of this chapter is to describe and analyse the reforms of electoral systems and the different forms of local government, and at the same time to study the extent to which these institutional changes have modified the identity and role of mayors and the local political classes in general. To that end, we have subdivided our research into two sections. The first section outlines analytically the main innovations introduced by the reforms of the 1990s and tries to identify the different models, i.e. presidential or prime ministerial systems, which have inspired the direct election of mayors and how they affect stability in local government. The second section describes and analyses the similarities and differences in the socio-demographic profiles of local administrators and political career processes in the 1990s, using the unpublished results of a cross-section research carried out in 1993 – just before the implementation of the electoral reform – and in 1999 ¹⁰⁹.

¹⁰⁸ In 2004, the Italian Chamber of Deputies approved – by a vote of 295 to 202 – a constitutional reform which modifies 43 articles of the Italian Constitution. The reform establishes a strong prime ministerial system (a hybrid between presidential and parliamentary systems) and introduces the so called “devolution process” and the formation of a federal Senate. However, any constitutional reform is subject to a very long and complex procedure before it can be adopted.

¹⁰⁹ The research – which was financed by the Italian National Research Institute (CNR) and the Italian Ministry of University and Scientific and Technological Research (MURST) – was carried out by the Department of Political Studies at the University of Turin and by the Department of Political, Legal and Social Studies at the University of Palermo.

1. The institutional reforms of the 1990s

1.1. From legislative inactivity to reforms

Up until the approval of the 1990 law no.142, Italian local institutions were regulated by a pre-constitutional law (Single Texts 138/1915 and 383/1934), which was re-established after the fall of the fascist regime ¹¹⁰. The law was profoundly inadequate in the light of the quantitative and qualitative changes that had meanwhile occurred in Italian local government.

The government structure was strictly parliamentary, since the only elective body was the municipal council, which was elected through a proportional system in municipalities with more than 5 000 inhabitants. The council had the so called “general-residual” competency and the power to elect from among its members the commissioners and the mayor. The system was characterised by a strong overlapping of functions between the executive body and the assembly: the general-residual competency gave the council greater prominence, but it also meant that it had to deal with a multitude of small issues, which undermined its proper functioning. Therefore, important issues often ended up being dealt with by the local cabinet, which could be delegated by the council and had the power to take decisions in case of necessity or emergency. Moreover, various malfunctions often resulted in councillors representing particular interests and carving themselves a niche through the adoption of patronage measures.

This normative structure and its related habits reflected perfectly the characteristics of a political system dominated by parties (Vandelli, 1997). Long and complex negotiations between majority parties – and often also between minority parties - would usually start after every election in order to select the commissioners and distribute all appointive positions (municipal companies, institutions, local health units, etc.). They would eventually reach a compromise by electing mayors and commissioners who were responsible only for their parties

¹¹⁰ Although the 1990 law no.142 and the following reforms refer both to municipalities and provinces, this study focuses almost exclusively on municipalities.

or even only their party's internal faction. In this context, achieving consistency of policy and governance was, obviously, an illusion. The mayor was a mere *primus inter pares*, mostly appointed according to a balance criterion between parties, factions and individuals ready to destabilise the political set-up in the event of any change in its precarious balance.

This out-of-date and suffocating system of government received its first, strong blow with the approval of the 1990 law no. 142 which introduced some important innovations, especially with regard to the principle of autonomy and the attribution of competencies. With particular focus on the principle of autonomy, the law provides for the statutory autonomy of local authorities, which allows the municipal council to approve their statute by a majority of two thirds of its members. The statute establishes the fundamental norms concerning the organisation of a municipality's institutions and determines the competencies to be attributed to local bodies, according to the principles set out in the law (art.4 paragraph 2) ¹¹¹. As for the attribution of competencies, the new law provides for an exchange of functions between the council and the local cabinet. The council, which retains the power to determine policy (normative direction and control), is now granted the competence to adopt a wide – but still limited – range of fundamental acts (budgets, regulations, statutes, projects and programmes, conventions, etc.). The local cabinet has the general-residual competence, which is the power to carry out all administrative acts which are not explicitly the province of other bodies. In this way, the legislator – far from reducing the council's role – intends to restore its central role and allows it to focus exclusively on important policy and control issues. All executive and managerial responsibilities are attributed to the local cabinet, which can no longer be delegated and which can no longer deliberate in case of necessity or emergency (Corpaci, 2003). On the other hand, the law does not modify the electoral system or the

¹¹¹ The 1999 National Law no.265 "Disposition about the autonomy and organization of local institutions and changes to the 1990 law no.142" replaces the verb "to determine" by "to specify", thus limiting statutory autonomy.

form of government; it simply introduces various measures – such as the so-called “constructive vote of no-confidence” – intended to guarantee greater government stability.

1.2. New mayors between the presidential and the prime minister systems

Only a few years later, a radical reform of the local government system was approved in the framework of a general process of reorganisation of the Italian political party system. The reform perfectly reflected the new attitude of intolerance towards political parties and the consequent policy of “direct action”: the tendency to eliminate the “ineffective intermediary function” of the parties (Calise, 2000: 22).

With the 1992 Regional Law no.7¹¹², Sicily was the first to introduce a system providing for the direct election of mayors - thanks to the wide legislative autonomy guaranteed by its Special Statute. The regional law anticipated a similar national law enacted in 1993 (National Law no.81/93). A comparative analysis of the two laws facilitates an understanding of their basic differences: the former is inspired by a presidential system and the latter by a prime ministerial system.

On the one hand, the National Law no. 81 also contains various monocratic elements: first of all, the direct election of mayors, who have the power to appoint and dismiss commissioners, thus transforming their role from that of elected councillors into that of mere consultants; secondly, it provides for the distinction between governmental roles (mayor and commissioners) and control roles (councillors) and for the separation of the offices of the mayor and the president of the council, while establishing the incompatibility between the position of councillor and commissioner¹¹³. On the other hand, this trend is balanced by other factors which maintain a relative continuity with the previous form of local parliamentary government. First of all, the mayor is also a councillor – unlike commissioners – and has to submit general governmental policies to the council for approval, even though

¹¹² Later integrated by the 1993 Regional Law no.26.

¹¹³ Separation of powers and incompatibility of functions apply only in municipalities with more than 15 000 inhabitants.

he or she is elected directly by the people on the basis of an administrative programme. In addition, the national law provides for the attribution of the general-residual competence to the local cabinet, with the aim of maintaining an executive corporate body ¹¹⁴. Last but not least, there is a close interdependence between the mayor and the council, since both of them can be dismissed as a result of the mayor's resignation or a motion of no-confidence by the council.

Whatever opinion one has of the presidential system and the results of its unprecedented implementation at a local level, undoubtedly the Sicilian law has greater internal consistency than the national law because:

- a) it provides for the incompatibility between the offices of mayor, councillor and commissioner, in both big and small municipalities;
- b) it establishes that every six months the mayor must submit a written report to the council on the state of implementation of the programme, although the report is not subject to approval ¹¹⁵;
- c) it attributes the residual competence to the mayor for all acts which are not explicitly reserved for other municipal institutions, according to legal or statutory provisions ¹¹⁶;
- d) it does not allow the council to propose a motion of no-confidence in the executive body. At the same time, it allows the council to call for a referendum, which results in the dismissal of either the mayor (if it is adopted) or the council itself (if it is not adopted), thus confirming their mutual independence.

Although such provisions are apparently incompatible with the presidential model (Di Virgilio, 1994), they do not seem to be in conflict with the principle of the separation of powers. The aim of the Sicilian

¹¹⁴ But "in the new system, the mayor and the executive body tend to coincide with one another, while commissioners – who are appointed and dismissed by the mayor – tend to act like consultants. Under these circumstances, the maintenance of an executive corporate body which holds the general-residual competence seems to be a legal fiction". (Vandelli, 1995: 258- 259).

¹¹⁵ Nevertheless, this is the one case in which the *council* can initiate a referendum for the dismissal of the *mayor* if he or she fails to comply with the administrative programme.

¹¹⁶ The municipal board retains the power to deliberate on the issues (contracts, contributions, recruitment) established by the article 15 of the 1991 Regional Law no.44 (Control over provincial and municipal acts).

law seems to be rather to avoid the risk of governmental paralysis typical of the rigid stability of the presidential system - especially in case of different majorities in the representative and executive bodies (Fabbrini, 1994).

Both the Sicilian and the national laws put a greater emphasis on the mayor's political functions than on his or her administrative role and do not provide for the reorganisation of powers between the mayor, the council and the local cabinet and between the executive and administrative bodies (Cammelli, 1993): nevertheless, they also reveal differences in this regard.

In fact, both laws were approved within the framework of the new local government system (Law no.142/90 assimilated in Sicily into the Regional Law no. 48/91), which leaves certain relevant powers with the council – including political control and managerial functions¹¹⁷. However, the national law is more contradictory: while it empowers the mayor to appoint officials in the case of municipal and non-municipal institutions and also to dismiss officials in such institutions, it also establishes that non-municipal appointments have to be made in accordance with the council's guidelines. Moreover, the law attributes the general-residual competence to the local cabinet and increases the council's control powers (inspecting and investigating committees), while establishing a 30 day period for the mayor or the commissioners to respond to the council's investigative questioning. Nevertheless, it does not specify the consequences if this condition is not satisfied. On the contrary, the Sicilian law attributes the general-residual competence to the mayor and does not provide for the right of the council to set appointment guidelines. At the same time, the regional law

¹¹⁷ Although article no.32 of Law 142 defines the council as the body which determines policy (normative direction and control), its competencies (statutes, regulations, office organization, programmes, financial programmes, budgets, territorial and urban programmes, conventions and associations, decentralisation and participation mechanisms, policies for public companies and dependent institutions) comprise managerial functions as well (public services, taxes, mortgages and debenture loans, major expenditure for future budgets). See Vandelli (1995).

strengthens the council's control functions, by giving it the power to dismiss the mayor if he or she fails to respond adequately to the council's investigative questioning¹¹⁸.

However, the most relevant difference between the national and regional laws concerns the electoral system. The 1993 National Law no.81 foresees that:

- a) in municipalities with more than 15 000 inhabitants, voters are given a single ballot, but can cast conflicting votes for the mayor, one the one hand, and councillors, on the other hand;
- b) in municipalities with more than 15 000 inhabitants, the mayoral candidate can be connected to one or more electoral lists of councillors (in municipalities with less than 15 000 inhabitants, the mayoral candidate can be connected to one electoral list of councillors);
- c) if the mayor is elected by an absolute majority of voters after the first ballot, 60% of the seats are attributed to the list of councillors connected to the mayor or a coalition of lists if they obtain more than 50% of valid votes cast; the remaining seats are divided proportionally between the remaining lists. In municipalities with less than 15 000 inhabitants, the mayor is elected on the basis of a simple majority system and 2/3 of the seats are automatically allotted to the lists connected to him or her.
- d) if the mayor is elected after the second ballot, 60% of the seats are allotted to his or her list or coalition.

In other words, the law introduces a double electoral mixed system, according to the municipality's demographic size. Municipalities with more than 15 000 inhabitants adopt a proportional system with a ma-

¹¹⁸ The mayor can be dismissed if he or she does not comply with the provisions of article 12, paragraph 9 (if the mayor dismisses the commissioners he or she has to submit a detailed report to the council explaining the reasons for his or her decision) and of article 17 (every six months, the mayor must submit a written report to the council on the state of implementation of the programme). On the one hand, the possibility of dismissing the mayor guarantees the council's powers of control; while on the other hand, the extensive control of the Sicilian regional government over local institutions – for instance for urban planning – does not seem to be compatible with the new form of municipal government. See Lanza (1996). For a more general insight into the new regional centralisation trend, see Voci (1994).

majority bonus, whereas smaller municipalities apply mostly a majority system. In this way, mayors of big municipalities have a very good chance of obtaining a majority in the council ¹¹⁹, whereas mayors from small municipalities are mathematically certain to have such a majority.

On the contrary, the Sicilian electoral system provides for the complete separation between the election of the executive and the representative bodies: voters are given two different ballots for the elections of the mayor and the council. If the mayoral candidate does not obtain the absolute majority of valid votes cast after the first ballot, the second round is a straight contest between the two candidates with the highest number of votes, regardless of the municipality's demographic size. In municipalities with less than 15 000 inhabitants, the council is elected through a majority system: 2/3 of the seats are allotted to the list with the most votes, and the remaining 1/3 to that with the second highest number of votes. In municipalities with more than 15 000 inhabitants, seats are allotted on the following basis: 70% of all seats are allotted using a proportional system; 20% are allotted to the list or coalition with the most votes, and 10% to those with the second highest number of votes. It is clear that if the mayoral candidate is not linked to a list of councillors ¹²⁰, the two strongest lists will have the advantage, regardless of the outcome of the mayoral elections. Under these circum-

¹¹⁹ There are only two cases where the mayor of a municipality with more than 15 000 inhabitants does not obtain the majority in the council: if the mayor is elected after the first ballot but the list or coalition to which he or she is associated does not obtain the absolute majority and therefore is not attributed the majority bonus; or if the mayor is elected after the second ballot, but the opposing list or coalition obtains the absolute majority after the first ballot. Nevertheless, the empirical outcome of the 1993 municipal elections confirms that it is very unlikely for the mayor not to obtain the majority in the council (except in Sicily). See Di Virgilio (1994).

¹²⁰ The only possible – though not compulsory – way of linking a mayoral candidate to a list or coalition is through political symbols, which can be identical both for the mayor and the councillors' electoral list (but does not have to be). Moreover, it is possible for a candidate to run both for the office of mayor and councillor; if the candidate is elected for both offices, he or she automatically loses the office of councillor.

stances, the possibility of casting separate votes for the mayor and the council is very likely to result in different majorities in the two bodies and thus in a divided local government ¹²¹.

1.3. The stability of local governments

It is useful now to analyse how these differences have affected the stability of local governments, a stability which does not necessarily corresponds to their functional effectiveness. Various research studies immediately following these reforms indicate that the Sicilian law produces better results than the national law in this regard. In four years, Sicilian councils initiated only a few referenda with a view to dismissing the mayor and nearly all of them were rejected. On a few more occasions, the mayor or the council resigned, but their mutual independence helped to reduce the possible negative effects of such a situation. (Riolo, 1998). On the contrary, in the rest of Italy several hundreds of local administrations were dissolved during the same period as a consequence of the interdependence between the mayor and the council, whereby both are dismissed if the council proposes a motion of no-confidence or if the mayor resigns from office (Vandelli, 1997).

As regards the representative bodies, in most cases the Sicilian electoral system (two ballots and no link between mayoral candidates and electoral lists of councillors) resulted in the election of conflicting majorities in the two bodies. In the rest of Italy, a similar situation occurred very rarely. However, the numerous cases of conflict between the mayor and the council, even in municipalities with homogeneous majorities, indicate that such problems cannot be attributed exclusively to political heterogeneity. These problems – which inevitably influence the efficiency of the local cabinet and the council – call for a thorough reorganisation of powers, both from the point of view of a clearer distinction between managerial powers and policy and control

¹²¹ As has already been observed in the case of the municipality of Catania, before the second (possible) round of elections for the mayor, the distribution of seats in the council has already been calculated. This could lead the political coalition which has been excluded from the second ballot to support the weaker mayoral candidate, in order to obtain greater influence over the decisions of the executive body.

powers, as well as regarding the relationship between political and bureaucratic bodies. However, the problem not only affects the internal stability of local authorities, it also has a strong influence on inter-governmental relationships (municipality – province – region – state), aimed at achieving a rational and balanced redistribution of resources, powers and competencies in the framework of a federal reform of the state.

On the other hand, the extreme fragmentation of councils – accompanied in Sicily by the so-called “transformational phenomenon”, which is marked by frequent opportunistic party switches (Riolo, 1998) – cannot be attributed exclusively to the proportional electoral system that was introduced both in the national and regional big municipalities. The proportional system certainly does not favour the aggregation of political forces, but the key factor is undoubtedly the long process of deconstructing and restructuring of the Italian party system. Ten years after the onset of the crisis of the “First Republic”, in fact, it still has difficulty in finding its own stable bipolar system.

1.4. The return of parties?

In September 1997, the new regional law for the direct election of mayors, presidents of provinces and councils, eliminated some of the most relevant differences between the regional and the national laws. In particular, the new Sicilian law (the 1997 Regional Law no.35) establishes that voters are provided with a single ballot for the election of both the mayor and the council, but can cast conflicting votes (regardless of the demographic size of their municipality). Moreover, the law introduces the possibility for mayoral candidates to be linked to the electoral lists or coalition of lists of councillors and provides for the award of a majority bonus: in municipalities with more than 10,000 inhabitants, when the mayor is elected on the first ballot, the electoral list, or coalition of lists of the councillors linked to the mayor is allotted 60% of the seats if it obtains at least 40% of preference votes. For small municipalities a simple plurality system applies without the possibility of a second ballot. The law empowers the council to propose a vote of no-confidence in the mayor, which also results in the dismissal of the council if the motion is carried.

The most important effect of these innovations is to make it very likely that the mayor and the president of the province will have a majority in the council. As stated earlier, although this homogeneity does not necessarily guarantee fewer conflicts between the executive and the representative body, it could be a significant step forward in terms of political responsibility: in fact, the mayor and his or her coalition have greater responsibility, in terms of governance, towards the electorate, since they cannot blame the council for conceivable inefficiencies, or perceived hostilities.

The other side of the coin is that the law could lead to a reduction in the stability and autonomy of local cabinets. The provision of a single ballot, even with the possibility to cast conflicting votes, gives voters less freedom and reinforces the link between mayoral candidates and electoral lists of the councillors. The substitution of the referendum mechanism by a motion of no-confidence contradicts the principle of direct elections. Moreover, the interdependence between mayors and councils – since both are dismissed as a result of the mayor's resignation or of a motion of no-confidence of the council – increases the risk of political crises and the power of influence of parties over the executive body.

Two national laws approved in 1999 seem to go in the same direction as the Sicilian law: in effect, they are both intended to reorganise local institutions in accordance with the consequences of the 1993 law no. 81. The aim of the two national laws (no. 120 and no. 265) is to strengthen the executive body and the council, thus completing the process of separation of powers between the two municipal institutions and improving local government's efficiency and responsiveness. In particular, the law no. 120 partially changes the electoral system with the aim of guaranteeing a stronger majority to the mayor¹²². It also extends the term of office of the mayor and the council from four

¹²² The new law has reduced - from 50% to 40% - the percentage of votes that the councillors' list or coalition linked to the mayor (when he/she is elected after the first ballot) need to obtain in order to be attributed 60% of the seats. This mechanism does not apply if another list or coalition obtains more than 50% of the votes. This change was confirmed by the 2000 legislative decree 267 (Single Text on the organization of local institutions)

to five years. Law no. 265, on the other hand, was intended to create the right conditions for the council to implement more effectively its policy and political-administrative control, as established by the 1990 law no. 142.

In conclusion, it is reasonable to deduce that the aim of the new national and regional laws is to improve the efficiency of local government and reaffirm the role of parties in the local political system. The aim of the laws of 1992 and 1993 – which were approved during a period of crisis and deconstruction of the Italian political system – was to form a strong executive body which could prevail over weak and fragmented councils and inhibit the dialectics of partisanship that exist between majority and opposition parties. On the contrary, the laws of the late 1990s reflect a return to the old roles of the political parties. However, it is too early to assess whether parties will play a newly shaped dialectical and constructive role, in accordance with the new institutional laws, or whether they will attempt to restore via the back door the old party-dominated system.

2. The socio-demographic profile and political career process of the Italian municipal administrators in the 1990s: some of the results of an empirical research study

In order to outline the main changes and trends among the municipal political class during the 1990s, we have analysed the results of an empirical study carried out in 16 Italian municipalities. The research was divided into two sections: the first part was carried out before the implementation of the electoral reform in 1993, and based on interviews with 170 municipal administrators (councillors, commissioners and mayors), while the second part was carried out in 1999, based on interviews with 160 administrators in the same municipalities. The sample of interviewees belonged to medium-sized municipalities (from a minimum of 20 000 to a maximum of 50 000 inhabitants), but was nevertheless representative of the urban context rather than the

rural one ¹²³. Municipalities were equally distributed between Piedmont, Veneto, Tuscany and Sicily and were therefore representative of all four of Italy's geopolitical areas ¹²⁴.

The data provide relevant information about the recruitment and selection of administrators, as well as the characteristics of their political and institutional careers which, combined with socio-demographic profiles, allow us to trace a fairly comprehensive evolutionary portrait.

As far as the general characteristics of administrators are concerned, our data indicate that there is a clearer distinction between the socio-demographic profiles of councillors and members of local cabinets, which is evidently due to the reorganisation of roles and competencies introduced by the 1990 law no. 142. An examination of demographic variables indicates that municipal administrators are generally older (Table 1). In 1999, this trend was intensified by the high concentration of middle-aged and elderly administrators at local cabinet level (Table 2). In other words, the Italian municipal governments seem to be increasingly characterised by several conditions of "gerontocracy", which contrast with the trend observed in previous decades. This change can be interpreted not only as a positive balancing of the political representation, but also as a consequence of the reduction in the social desirability of institutional offices, which are very demanding but often not very rewarding.

¹²³ Melis and Martinotti (1998b) consider 20 000 inhabitants to be the appropriate threshold to distinguish urban municipalities from rural ones.

¹²⁴ It is useful to bear in mind that the four geopolitical areas into which Italy is traditionally subdivided are: the North-West, also known as the Industrial Triangle (Piedmont); the North-East, with a strong white (or Catholic) political culture; the Centre, with a prevalent red (or leftist) political culture (Tuscany); and the South (Sicily).

Table 1. Age of local administrators (frequency and %)

Age (years)	1993	1999
Up to 30	5 2.9	9 5.6
31-40	48 28.2	24 15.0
41-50	82 48.2	65 40.6
51-60	23 13.5	43 26.9
Over 60	10 5.9	15 9.4
Missing	2 1.2	4 2.5
Total	170 100.0	160 100.0

Table 2. 1999: age of councillors and members of local cabinet (frequency and % valid for every line)

Office	Age					Total
	Up to 30	31-40	41-50	51-60	Over 60	
Councillors	8 8.6	14 15.1	41 44.1	22 23.7	8 8.6	93 100
Members of Local Cabinet	1 1.6	10 15.9	24 38.1	21 33.3	7 11.1	63 100
Total	9 5.8	24 15.4	65 41.7	43 27.6	15 9.6	156 100

Although the research does not allow for a detailed analysis of the number of female administrators in the Italian municipal governments, both surveys indicate that the percentage of their participation in local government was higher than it was following the 1990 elections (8.6%) (Barberis, 1992), increasing from 11.2% in 1993 to 13.1% in 1999.

Moreover, the second survey shows that most female administrators were members of the local cabinet (in 1999, 12 female administrators out of 21 were commissioners and 9 were councillors; in 1993, 8 out of 19 were commissioners and 11 were councillors). In general, female administrators have a high level of education (both surveys show that most of them have a degree), do not belong to lower socio-cultural environments and often hold governmental offices. This trend seems to indicate that the selection mechanism of municipal administrators is still very rigid for women, but once they overcome it they do not encounter any further obstacles to obtaining important offices.

An analysis of the acquired status variables demonstrates, above all, a trend towards internal differentiation among the municipal political class. Though the second survey clearly highlights a generally higher level of education among the Italian local political class (Table 3), the data are misleading. In fact, the general levels of education of members of local cabinets have increased so much, while those of councillors have not decreased enough to influence the overall picture (Table 4). Therefore, the increase in the general level of education can be attributed entirely to members of local cabinets. On the other hand, the downward trend in the cultural level of councillors seems to confirm a general reduction in the function of roles in the elective assemblies due to the institutional reforms of the 1990s.

Table 3. Level of education (frequency and % valid)

Educational qualifications	1993	1999
Up to secondary school	21 12.4	16 10.4
High school Diploma	87 51.2	77 50.0
Degree	62 36.5	61 39.6
Total	170 100.0	154 100.0

Table 4. Level of education in relation to position (frequency and % valid for every line)

Office	Educational qualification							
	1993				1999			
	Up to secondary school	Diploma	Degree	Total	Up to secondary school	Diploma	Degree	Total
Councillors	12 12.6	50 52.6	33 34.7	95 100.0	12 13.2	49 53.8	30 33.0	91 100.0
Members of Local Cabinet	9 12.0	37 49.3	29 38.7	75 100.0	4 6.3	28 44.4	31 49.2	63 100.0
Total	21 12.4	87 51.2	62 36.5	170 100.0	16 10.4	77 50.0	61 39.6	154 100.0

Before analysing the data concerning the evolution of the professional profile of administrators, it is necessary to underline certain factors which allow us to formulate an interpretative hypothesis. As already stated, the first part of our research was carried out before the implementation of the 1993 law no. 81 and the second part after roughly six years of implementation. In between the two surveys – especially from 1993 to 1995 – other research studies showed a relevant increase in the number of administrators from civil society, who in most cases did not follow the traditional recruitment channels (Piselli and Ramella, 2002; Segatori, 2003). During the same period, the number of self-employed professionals considerably increased among the members of local cabinets, whereas the number of employees decreased (for mayors see Colloca, 2002). The changes introduced by the new electoral law favoured the selection of mayoral candidates who were well-known and did not follow the traditional bureaucratic party career process. The direct appointment of commissioners by the mayor seemed to favour – especially in 1993 – the recruitment of “technicians” from universities and the economic and professional world (Vandelli, 1997).

The innovations that occurred during this period can be compared to those recorded in the 1970s, when the percentage of young councillors increased from 11.5% in 1970 to 21.2% in 1975, mostly as a consequence of a widespread protest movement in Italy (Segatori,

2003). However, at the end of the 1990s, the trend towards innovation seemed to diminish, just as it did after 1975 (when the number of young councillors decreased to 15.8% in 1980 and to 14.6% in 1985). In particular, the reorganisation of the Italian party system and the sense of inefficiency felt by councillors in the majority because of their constant lack of visibility would seem to indicate that majority parties regained their influence over the selection of commissioners and the entire municipal political class (Vandelli, 1997). From a socio-professional point of view, this should lead to the recruitment of a higher number of public employees - who are usually privileged by parties (Bettin and Magnier, 1989) - and to the downgrading of the role played by competent professionals who are nonetheless usually from outside the political environment, particularly in local cabinets.

In effect, our data concerning the professional categories and occupational sectors of municipal administrators seem to confirm this tendency. First of all, the percentage of "non employed" administrators continues to be marginal (only the number of retired people has increased, in line with the rise in the average age of administrators). Among employed administrators, the number of self-employed workers decreased compared with that of employees (Table 5). In 1999, self-employed administrators accounted for 29.5% of the employed councillors and 25.5% of the employed members of local government.

Table 5. Professional category of employed administrators (frequency and %)

Professional categories of employed administrators	1993	1999
Employed	107 69.5	90 72.0
Self-employed workers	47 30.5	35 28.0
Total	154 100.0	125 100.0

As regards the occupational sector of administrators, our data show a trend towards an increase in the hegemony exercised by public employees over local political power. In both surveys, workers from the

primary and secondary sectors account for less than 20% of local administrators, thus confirming a long-standing trend. In 1999, the number of public employees increased further compared with private employees and self-employed workers (Table 6). On the other hand, independent professionals and entrepreneurs – the two categories which acquired a predominant role after the electoral reform – account for about one fifth of the employed administrators interviewed in both surveys. Nevertheless, it is interesting to note that both in 1993 and 1999 the percentage of independent professionals and entrepreneurs in the local cabinet decreased to 17% of the employed commissioners.

Table 6. Occupational sector of administrators (only those employed) (frequency and %)

Occupational sector of administrators	1993	1999
Primary and secondary sectors (Agriculture and Manufacturing)	26 16.9	20 16.0
Private tertiary sector	63 40.9	47 37.6
Public tertiary sector	65 42.2	58 46.4
Total	154 100.0	125 100.0

The trend towards a partial reduction of the innovations of the mid 1990s is also confirmed by data concerning actors perceived as fundamental in the formation of electoral lists. After the approval of the electoral reform of 1993, civil society appeared to have greater influence in the process of selecting candidates, but this tendency seemed to have disappeared at the end of the decade¹²⁵. Both in 1993 and 1999, the local sections of the parties (base groups or decision-making

¹²⁵ Segatori (2001) highlights that in Italy the selection of municipal administrators has been traditionally influenced alternately by parties and professional politicians on the one hand, and by civil society on the other.

bodies within the local parties) were perceived as having the greatest influence over the process of selecting candidates, followed by qualified groups of electors. In other words, the reorganisation of the Italian party system has not reduced the parties' influence over the selection of political elective personnel. Moreover, parties seem to have regained their influence also over the selection of commissioners; at the end of the 1990s, most administrators interviewed declared that in their municipalities, commissioners were chosen in order to maintain a certain balance between majority parties. Apparently, only a quarter of commissioners were chosen for their competence and only one tenth for the sake of administrative continuity.

Although our initial hypothesis is substantially confirmed by the elements that we have analysed so far, other factors suggest that it would be a mistake to attribute the evolutionary process of the late 1990s exclusively to the "return of parties". Together with the general trend toward a sociological differentiation of political roles, and the increase in general age, other relevant transformations go hand-in-hand with the political career process of local administrators.

First of all, at the end of the 1990s the ties between administrators and political parties had profoundly changed. In 1993, political opportunities seemed to be closely and rigidly tied to parties – which chose candidates on the basis of their political militancy. Only one tenth of the administrators interviewed were not members of a political party; one third declared that they had been a member of the same party for at least 23 years and more than 60% for at least 13 years; almost 60% of the interviewees had held an office in the local section of their parties. In 1999, this bond was considerably weaker, especially among members of local cabinets: 30% of the administrators interviewed were not members of any political party, but the percentage increased to 40% among members of local cabinets. Moreover, administrators seem to be considerably less involved with the organisational structures of their parties. Nearly one out of two administrators had never held an office in their current party and only 36.6% had held office at the local or civic level. In other words, at the end of the 1990s, parties seemed to have regained their dominant role in the selection of local political personnel, but the selected personnel seems to have very little

involvement in their party, therefore confirming a long-lasting organisational deconstructive process.

This important evolution has been accompanied by a considerable shortening of the institutional career process. The general turnover rate of administrators increased from 38.2% in 1993 to 48.1% in 1999. As we can see, both percentages are considerably lower than the approximate 60% calculated in 1980 and in 1985 by Melis and Martinotti (1988a). Nevertheless, this reduction seems to be almost exclusively due to the different methods of calculation used and the different percentage relevance of municipal offices ¹²⁶.

This considerable increase in the turnover rate undoubtedly implies that administrators tend to have weak ties with their parties and less political expertise. Therefore, the partial reduction of the trend seen in the mid 1990s does not seem to have affected the general turnover rate of administrators. This is even more apparent if we consider the different turnover rates of the various municipal administrators. In 1993, members of local cabinet were generally more “expert” than councillors, thus confirming the trend highlighted by Melis and Martinotti. The turnover rate of members of local cabinets is 36% (40% among councillors); the percentage of mayors and commissioners who have been members of the council for at least three electoral mandates is considerably higher than that of councillors (40% vs. 32.6%).

At the end of the 1990s, the situation changed completely. In 1999, 60% of commissioners and 50% of councillors held an institutional office for the first time. The trend reversal is an important element of continuity compared with the innovations noted after the 1993 reform. The office of commissioner no longer seems to be the arrival point or even a stepping-stone in a gradual process via the party and the elec-

¹²⁶ Melis and Martinotti calculated the turnover rate by comparing part of the files concerning the administrators in office before and after the administrative elections of 1980 and 1985. This calculation does not take into account those few administrators who – for instance – were elected in 1970 and 1980, but not in 1975. On the contrary, in our research the turnover rate has been measured by calculating the percentage of administrators who were holding a municipal office for the first time. Moreover, mayors and commissioners account respectively for 5% and 25% of administrators analyzed by Melis and Martinotti, whereas they account respectively for 10% and 30% of our study.

tive assembly, but simply a possibility offered to non-professional political actors to use their cultural, relational and status resources to enhance their social prestige.

In conclusion, the multiple transformations regarding Italian local government, both from an institutional and political point of view, seem to affect the identity profile of the municipal political class in a very closely-linked way, thus favouring a complex evolutionary process.

First, the most direct effect of the electoral reform of 1993 and the consequent changes in the form of local government is a clearer differentiation of the socio-demographic profiles of the administrators. In particular, the declassification of councillors' functions can be associated with the widespread sense of "impotence" and "political irrelevance" felt by the members of the Italian municipal councils who have been deprived of their general competencies and the power to appoint the mayor.

The differentiation process has also been accompanied by a partial downsizing of some particularly innovative factors introduced by the reform of 1993. At the end of the 1990s, the majority of local administrators were public employees, whereas parties - which are now recovering from the "tangentopoli" trauma - regained full control of the recruitment and selection processes. Nevertheless, in 1999, municipal administrators seem to be quite different from their predecessors before the reform. Quite surprisingly, the new political class is generally older and shows less political expertise. Its ties with political parties are weak and variable, thus confirming the trend towards a gradual restructuring of political parties, which is the logical consequence of the reinforcing of the so-called "party in the institutions" model, at the expense of the "party in the society" and the models of the "party-apparatus".

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Chapter 6. Local Democracy Reforms in Spanish Cities

José Manuel Rodríguez Álvarez

Introduction

The Spanish Parliament adopted at the end of 2003 the important Law 57/2003 on the Modernisation of the Local Governments. This law introduced, among other aspects, important changes in the area of local structures and citizens participation at the local level.

Under this law, the most important Spanish cities (cities with more than 250 000 inhabitants and provincial capital with more than 175 000 inhabitants) had to introduce local regulations between January 2004 and 30 June 2004 establishing

- a) New direct democracy mechanisms (City Social Councils, Boroughs or "arrondissements", Local Commissions for Complaints and Suggestions, ...),
- b) A new regulation governing local bodies and authorities (City Councils, Local Executive Boards, Mayors) and
- c) A new level of local managers directing the areas and services between the political level and the civil service (Area Co-ordinators, Director Generals).

Moreover, the Socialist Party, which has been in government since April 2004, is promoting a change in the electoral law, with a view to introducing a system for the direct election of mayors. However, no consensus exists either on this change or with regard to the direct election procedure among the parties supporting electoral reform.

Therefore, various important aspects of local government are changing in Spain, with the introduction of a new model of government and governance, especially in the big cities.

This chapter will try to present a general overview of this series of reforms based on a twofold approach: on the one hand, by presenting their main characteristics and the results of an empirical comparative study on the 13 main Spanish Cities (cities with more than 300 000 inhabitants) with regard to the implementation of Law 57/2003 and, on the other hand, by analysing the context and discussions on the proposal for the direct election of mayors in Spain. In this regard, it will analyse the position of the main political parties, explaining the interests and reasons underlying their positions.

1. Special government systems for major Spanish cities up to 2003

The importance of the Spanish urban system and its major cities had never been accompanied by specific regulations for this group of municipalities. The Spanish local system, inspired historically by the continental or French model, was characterised by considerable uniformity, essentially establishing the same organic-functional model for all municipalities, regardless of their population, or at most implementing certain variations for areas with very low population strata. The system for major cities taken as a whole, until special laws for Barcelona and Madrid were drawn up in 1960 and 1963 respectively, was identical to that for the remaining municipalities.

The 1985 Law for the Bases of the Local Legal System (LRBRL), the “Law for the local regime of democracy”, continued to be anchored in the profound uniformism that has historically marked the Spanish local system, and as such it can be considered as a profoundly conservative law, in spite of having been approved under a socialist govern-

ment. The special laws for Madrid and Barcelona were merely declared to be prevailing laws, but only “except where it opposes, contradicts or results incompatible with the matter established in this law”, thereby reducing to a minimum any expression of the organic-functional specialities of both cities.

The major reform of the Spanish local government model introduced with the subsequent Law 11/1999 of 21 April, affects the special system for both cities, as it contains a provision that permits the respective Autonomous Communities (regions), to adopt laws to update those special systems at the request of the respective city governments. To that end, this law establishes possible modifications of the common legal system that may be introduced by this means. They are essentially limited to nominating the necessary municipal bodies – a merely semantic and formal aspect, the possibility of delegating certain competencies to the Commissions of the Board and a certain redistribution of the shared competencies of the Mayor, the Board and the Government Commission in favour of the latter.

In reality, this modification, negotiated politically by the City Government of Barcelona and the Ministry of Public Administrations, and later supported by the majority of parliamentary parties, was meant to cover a previous alteration to the basic local legal system implemented by Catalanian Parliamentary Law 22/1998 of 30 December, approving the Municipal Charter of Barcelona.

To put it succinctly, the Municipal Charter of Barcelona contains an organic-functional model differentiated from the common legal framework through the reinforcement of the municipal executive, both the mayor and the government commission, the government body designated by the mayor from among the members of the municipal board (and which in Spain is called the “Board”). The commission has its own competencies, while under the common legal system it has only those delegated by the mayor and the board, constituting a true catch-all. Catalanian law also provides other mechanisms for citizen participation not foreseen in the LRBRL (citizen initiatives, quality council, general audiences,...). The Charter also reinforces the City Government of Barcelona’s competencies in various sectorial areas. However, this has not satisfied the demands of Barcelona, which is calling

for and aspires to a new special state law granting new powers in the area of central administration.

As regards Madrid, the Autonomous Statute of the Community (Region) of Madrid of 1983 envisages approval by means of a State law for a special capitality system; to date however this has not materialised due to the reluctance of the State to approve a law that raises suspicions among certain other Spanish cities, which consider, justifiably or not, that the “burdens” of capitality are far fewer than the benefits to Madrid, in addition to the financial considerations involved, which will certainly be one of the foreseeable objectives of the capitality law. The fact that 20 years have gone by without even a government bill having been tabled (Rodríguez Álvarez, 2002a: 117) is proof of the State’s reluctance.

Accordingly, the historical panorama of special regulations for our major cities up to 2003 was restricted to the items set out in table 1.

Table 1. Special regulations for major Spanish cities up to 2003

Madrid	Special Law of 1963	Partial derogation of special law by LRBRL (1985)	Pending the law capitality foreseen in Statutes of Community (Region Madrid since 1983)
Barcelona	Special Law of 1960	Partial derogation of special law by LRBRL (1985)	Municipal Charter Barcelona, approved the Law of Autonomous Community of Catalonia 22/1998

2. Towards a special government model for major cities: law enacting measures to modernise local government

At the beginning of the 1990s, the seven major Spanish cities (Madrid, Barcelona, Valencia, Seville, Zaragoza, Malaga and Bilbao) had constituted their own lobbying group called “the big seven”, “Group 7” or “C-7”, without legal personality, but quite active during the first half of the decade. This lobby did not call for a singular organic-functional

model for this group of cities, but rather its objective was essentially to obtain a law on major cities that would strengthen those municipalities both financially and in terms of competencies (Rodríguez Álvarez, 2002b: 311).

The mayors of those cities met periodically in one of their municipalities to harmonise positions and develop a common front, other than through the Spanish Federation of Municipalities and Provinces (FEMP). This ruffled feathers among executives of that important State association of local entities, as was made clear by its chair, Francisco Vázquez, Mayor of A Coruña.

In any case, the activity of this lobby declined during the second half of the 1990s, until it became totally inactive¹²⁷. This does not mean that some of those City governments, especially Barcelona, did not continue to push for more competencies and a reinforcement of the financial position of the major cities.

That was the situation in 2001 when the Secretariat General for Local Administration of the Ministry of Public Administrations prepared its "Informe sobre las Grandes Ciudades and sus Áreas de Influencia" (Report on Major Cities and their Areas of Influence), which included a far-reaching comparative study on the regulations governing major cities and metropolitan areas in various European and American countries, as well as a presentation of historical antecedents in Spain. The report then set out a series of proposals, backed by an abundance of statistics, as well as a list of major Spanish cities and their areas of influence.

¹²⁷ This may be due in part to the fact that the main driving-force or inspiration of the group was the City Government of Barcelona, which to a certain degree saw a part of its aspirations realised with the Municipal Charter of Barcelona, approved at the end of 1998. From that time it was decided to follow a path of one-on-one negotiations between the State and the "Generalitat" of Catalonia (the autonomous government of Catalonia). Additionally, and from earlier times, the growing number of cities in this group, at first mostly socialist and subsequently governed by the centre-right Popular Party, diminished the cohesion and continuity of this group's work.

This report was presented to the then newly-created Commission of Local Entities to the Senate on 11 October 2001, where it was the basis for a wide-ranging debate, which lasted until 2003, with contributions by professionals from a variety of fields.

In March 2003 two significant events occurred. The first was that the Spanish Congress approved a proposal backed jointly by the Popular (party supporting the national government at that time) and Socialist parliamentary groups, in which the government was urged to present to the Congress a bill intended to modernise local government. That bill established, *inter alia*, a specific local system for major cities, with appropriate organic-functional regulations for their needs, and established the guidelines for that reform. The government was also urged to take the measures necessary to comply with the provisions of the Statutes of Autonomy of the Community of Madrid regarding the special capital city regime, and to comply with the motion adopted by the Senate on 19 February 2002, requesting that the Government should present a bill granting the City Government of Barcelona the capacities and competencies envisaged in the Municipal Charter of Barcelona, without prejudice to the fact that “as not specifically regarding that city, the instruments should be put in place to permit the application of that regulation in the remaining cities that, given their size and management capacity, share the same needs and problems” (*sic*).

The second relevant event was the approval by the Senate Board on 26 March 2003 of the report on Major Cities and their Areas of Urban Influence, approved by the Commission of Local Entities, which coincided substantially with the the above-mentioned Congress proposal. However, it deals with certain key matters not addressed in the proposal, such as the expansion of the sectorial competencies of major cities and the need to consider the metropolitan reality; in both issues the leading role corresponds essentially to the Autonomous Communities, without prejudice to the existence of certain relevant sectorial ambits which fall within the competence of the State, such as municipal justice and public safety.

From that point in time, the preparation of the so-called Law of Measures to Modernise Local Government was accelerated. That law proposed, *inter alia*, the inclusion in the LRBRL of a new Title X, devoted to regulating the special system for so-called “large population munic-

ipalities". The Board of Ministers, at its meeting on 6 June 2003, approved the text as a bill, sending it to Congress under the parliamentary procedure. On 27 November 2003, the Congress approved the bill, which was enacted as Law 57/2003 of 16 December, for measures to modernise local government (LMMGL).

Title X of the LMMGL refers to major cities periphrastically as "large population municipalities". The aim of that name was to avoid the controversy that the expression "gran ciudad" ("big city" or "large city") created among Spanish municipalities, with a considerable number of candidates seeking to join the group for reasons of political and institutional symbolism and local pride. Nevertheless, it has been impossible to escape such inevitable pressures, in such a sensitive area, especially in an election year. As a result, the initially envisaged threshold of 500 000 inhabitants, was subsequently reduced to 300 000, a figure which is close to the level that is generally considered to constitute a "major city" in Europe.

The LMMGL (art. 121) distinguishes four groups or categories of "large population municipalities" and the special system applies directly only to the first two groups. The first comprises all municipalities with more than 250 000 inhabitants, which coincides roughly with the real major cities of Spain. The second comprises provincial capitals with over 175 000 inhabitants, and whose inclusion is justified in the law's memorandum because of the greater complexity inherent in being a capital city. The third category is made up of municipalities that are capitals of Autonomous Communities (regions) or seats of corresponding autonomic institutions. Finally, the fourth category comprises cities of more than 75 000 inhabitants with special economic, social, historical or cultural circumstances. For the last two categories, the application of the special system is not direct, but applies only if so decided by the legislative assemblies of the corresponding regions, at the request of the interested city governments.

In accordance with official population figures at 1 January 2003, which are those prevailing at the time of enactment of the LMMGL, the cities directly affected by this new special system for "large population municipalities" are those set out in table 2.

Table 2. Cities directly affected by the system for major cities ('large population municipalities') (by population)

First group: cities with more than 250 000 inhabitants	A) PROVINCIAL CAPITALS - Madrid - Barcelona (*) - Valencia - Seville - Zaragoza - Malaga - Murcia - Las Palmas de Gran Canaria - Palma de Mallorca - Bilbao - Valladolid - Cordoba - Alacant/Alicante B) NOT PROVINCIAL CAPITALS - Vigo - Gijón
Second group: provincial capitals with more than 175 000 inhabitants	- A Coruña - Granada - Vitoria-Gasteiz - Santa Cruz de Tenerife - Oviedo - Pamplona-Iruña - Santander - Donostia-San Sebastián - Almería
Source: Prepared in-house using data from the National Statistics Institute (*) The application of the LMMGL to Barcelona is suspended until approval of the special State Law for Barcelona.	

The resultant group of 24 municipalities comprises 15 cities with more than 250 000 inhabitants and 9 provincial capitals with populations of over 175 000. The official joint population in 2003 for the two groups of cities subject to the direct application of the law is 12 204 820 inhabitants, i.e. 28.57% of the total population of Spain. Additionally,

the law may be applied on a discretionary basis to the other 29 provincial capitals, two regional capitals that are not provincial capitals (Santiago de Compostela and Mérida), two autonomous cities (Ceuta and Melilla), the seat of an autonomic institution (Cartagena, seat of the Regional Parliament of Murcia) and some 35 other cities with more than 75 000 inhabitants and which were not included in the above groups. In total, 93 municipalities, including the 24 on a direct basis and 69 on a discretionary basis were subject to the law.

Nevertheless, we would point out that the application of the LMMGL to the municipality of Barcelona has been suspended until such time as its special SYSTEM is approved, representing a resounding and unexpected success for the negotiators of the City Government of Barcelona, who have managed not only to maintain intact the Municipal Charter of Barcelona approved by the Catalanian Parliament, but also to commit the State to the future preparation of a State law containing a special SYSTEM for Barcelona.

3. Main aspects of the new special system for major cities

Certain key aspects of this new system are of interest to us: its organisational model, the importance attributed to a new level of professional public managers, the boost given to social participation and the defence of citizens, and the creation of an urban observatory.

The organic-functional model for major cities or “large population municipalities” is characterised essentially by the creation of a strong executive, with functions clearly differentiated from those of the Municipal Board (the “Board”), and comprising the mayor and a Local Government Board which appoints and dismisses members freely. One third of the members may be non-elected. This model is not especially novel because, as concerns the delegates of services and participation, it is in line with what the special laws of Barcelona (1960) and Madrid (1963), called the “Executive Municipal Commission”.

The distribution of attributions between key bodies in the common municipal model is modified, attributing absolutely all municipal and management competencies to the municipal executive, taking to its

logical conclusion the line of action initiated by the reform of the local legal system of 1999 (Rodríguez Álvarez, 1999: 68-70). The Board becomes a deliberating chamber concentrating normative, planning, symbolic and control competencies, some of which (very few in reality) may be delegated to the commissions. Additionally, for the first time, the traditional bicephalous nature of the mayor, traditionally the head of the local executive, and chair of the Board is broken, in such a way that the latter function may now be delegated to a member of the Regional Parliament. In summary, the parliamentary characteristics of the local government model are accentuated, with a clearer separation between the Board and the local executive.

Although the mayor holds the central position in the system, he/she is no longer in charge of many management competencies, but is more the leader of an executive whose collegiate body – the so-called Local Government Board – takes on a greater proportion of such attributions (as opposed to the common regime model, in which it has only the powers delegated by the mayor and the Board). Nevertheless, that Local Government Board has ample powers to delegate to its individual members—whether elected or not - and, to a lesser degree, to the management personnel whom we will deal with subsequently. In the latter case, the functions that may be delegated relate principally to personnel management, licences and sanctions. However, it should not be forgotten that, in the end, it is the mayor who designates members of the Local Government Board, which should represent at least two-thirds of the members of the municipal council, as the other third, for the first time, will be designated on an entirely free basis by persons who are not necessarily members of that council. Accordingly, the mayor has absolute leadership in the ambit of municipal government, as all members of the Local Government Board are persons of confidence nominated by the mayor.

Finally, certain management bodies have been created, which may be filled by qualified civil servants from any of the public administrations – general managers of municipal services and general coordinators of each main area or office. Some of the competencies pertaining to the Local Government Board and referred to above, as well as certain attributions of the mayor may be delegated to those civil servants. The wide possibilities for those managers include a new and advanced el-

ement of “internal competition” in these municipalities, as they are open to all administrations. This model should logically be imitated to provide management positions in all public administrations, expanding the possibilities for designating qualified public professionals and, in that way, enhancing mobility and the career opportunities of public managers.

Based on the specific characteristics of certain management positions, the Board can authorise appointments to be made from the public or private sector, including from outside the civil service, taking into consideration the criteria of professional competence and experience in positions of responsibility.

For the first time, a true “market for local public managers” has been created in Spain, open to managers from the public and private sectors, and constituting the basis for a professionalised local technocracy.

4. Citizen participation mechanisms in the major cities

No less important are the innovations implemented by the LMMGL in respect of citizen participation (table 3), clearly inspired by the Recommendation of the Committee of Ministers of the Council of Europe to the Member States (2001) 19, regarding the participation of citizens in local public life (Fundació Pi i Sunyer, 2002: 22-30).

First, there are certain measures promoting participation, applicable in all municipalities; these are essentially the obligation to establish and regulate through organic norms ¹²⁸ the appropriate procedures and bodies for the effective participation of citizens in matters relating to local public life, both in the ambit of the municipality as a whole and in each of its districts, where such exist; the creation of popular initiatives – which in the case of large population municipalities must be supported by at least 10% of citizens - and the interactive use of infor-

¹²⁸ These norms must be approved by an absolute majority of the legal number of Board members.

mation and communication technologies to facilitate participation and communication with citizens, as well as for the presentation of documents, the implementation of administrative procedures, surveys and, where appropriate, citizen consultations.

As regards major cities in particular, specific measures of enormous relevance have been implemented.

4.1. Devolved municipal organization

In the big cities, the district organisation, as referred to in Article 24 of the LRBRL which was optional before Law 57/2003, is now compulsory for densely populated municipalities as one of the indispensable institutional mechanisms intended to strengthen citizen participation. The actual size of these big urban agglomerations makes it essential for a type of devolved organisation to be established, to a varying degree of intensity according to its size and the complexity of every city.

Until now in Spain no decentralised methods have been used in the majority of our big cities that could be considered as minimally satisfactory. That can be explained by various reasons.

First, very few Spanish cities have been encouraged to set up a devolved organisation worthy of the name. Even some big cities, whose characteristics would be ideal for its implementation, have not paved the way in this direction, or they have limited themselves to adopting some precautionary regulation that has not then been implemented. In fact, among the big Spanish cities, there are only district organisations in Madrid, Barcelona, Valencia, Seville, Saragossa, Malaga, Bilbao and Las Palmas de Gran Canaria. In some of them, that organisation is more nominal than real.

On the other hand, the district organisation has only been thoroughly consolidated in Madrid and Barcelona, despite the fact that some other cities have nevertheless taken steps to implement such in recent years. Only in these cities - and to a lesser extent, in Valencia - has there been any significant and meaningful delegation of district services

(Rodríguez Álvarez, 1996: 580-588). This seems to support the thesis that decentralised organisation is imposed by force of circumstances in most large cities, in which even simple requirements for efficiency require the use of a decentralised formula, beyond the political decisions that favour them – apart from the fact that they contribute to deepening the process. In other cities, districts still have a limited number of services and their consolidation process is very slow.

As we have already noted, district-level organisation should be generalised – it should even be compulsory – at least in municipalities with over 250 000 inhabitants. Furthermore, in all cases, it should involve an important delegation of services to the districts, as a means of bringing municipal administration closer to citizens and allowing them to influence effectively the services provided. That would satisfy the principle of proximity in some urban agglomerations that, as they are complex social relation systems, in turn have relationships with sub-systems at the district level. In addition, it is evident that owing to the size of the districts, they are the most suitable framework for citizen participation in the context of the big cities.

Law 57/2003 tries to achieve a true, and not merely nominal or semantic decentralisation, and therefore also requires the plenary session to determine, through an organic type standard, the minimum percentage of the corporation's budgetary resources to be managed by the districts as a whole (Art. 128.2 LRBRL).

Likewise, we believe that, in future, serious consideration should be given to the possibility that the elected district members who, in most the cases, together with the representatives of the various sectorial associations, should be elected directly instead of being appointed by the town council from among its members. That would reinforce the democratic legitimacy of the districts and their governing bodies would reflect the sociological composition and political preferences of inhabitants of its territorial circumscription. All this would obviously avoid disturbing the unity of management of local government at municipal level, without converting it into an excuse to blur or alter the political representation of the districts.

4.2. Participation in strategic planning and local development policies

Strategic planning is an area in which Spain still has very little experience, but which has enormous potential. Only a few town councils, such as those of Barcelona (Colomé and Tomás, 2002: 141- 146), Bilbao (Font, 2002: 147-159) or Alcobendas (Díaz Méndez and Palomares Martín, 2001: 177-196) have exploited in-depth the possibilities of this methodology.

On this subject, Law 57/2003 establishes the need for a participative body densely populated municipalities, the so-called "Social City Council", regulated by Article 131 of the LRBRL. This body, regulated under organic procedures authorised at the plenary session (Art. 123.1.c) is made up of representatives from economic, social, professional organisations and the most representative residents, including employer organisations and trade unions, chambers of commerce and industry, schools and professional associations, residents associations, etc.

It is the responsibility of each plenary session to determine the functions of the Social Council, but the LRBRL establishes three basic and necessary ones, namely preparing studies and proposals concerning the following:

- a) Local economic development.
- b) Strategic city planning.
- c) Large urban projects.

Law 57/2003 introduced into Spanish administrative law concepts that correspond to some current significant local proactive policies (local development, strategic planning), that until now had been absent from our local law. This is reinforced by the functions attributed in these areas to the provinces in the new wording of Article 36.1 of the LRBRL.

At present, the City of Barcelona has a council, created by Catalanian law and approved in its Municipal Charter, and whose functions include, *inter alia*, communicating the city government's budget.

These types of bodies, appropriately organised and utilised, can constitute an ideal institutional framework to strengthen the social capital of the city (together with other participative mechanisms) and forma-

lise “urban coalitions” aimed at promoting the city’s development and reinforcing its position in inter-territorial competitiveness. In any case, given its significance, we will devote a separate section of this chapter to the Spanish experience in this area.

4.3. The defence of citizens and their participation in the improvement of local administration

In respect of the defence of citizen’s rights, a “commission for suggestions and claims” was preferred to the creation of an “ombudsman”. This commission, formed by representatives of all political groups in proportion to the number of members of each group in the plenary session, can supervise the activity of the municipal administration. All government and municipal administrative bodies are required to collaborate with the commission, which must submit to the plenary session an annual report detailing the complaints received and the weaknesses observed in municipal services, specifying suggestions or recommendations not accepted by the municipal administration, without prejudice to the preparation of ad hoc extraordinary reports, when required by the gravity or urgency of certain matters.

The commission solution was adopted owing to the reluctance of many mayors of major cities to take on the role of a “public defender”, which could turn into a kind of general controller for the city government or a de facto competitor with the mayor.

4.4. The tributary council

Also in the area of citizen defence, but in the fiscal area, consideration has been given in these municipalities to the creation of a specialised, technically independent body to resolve economic-administrative claims, at no cost to citizens. The members of this body, always an odd number, with a minimum of three members, would be designated by the Board on the basis of an absolute majority. Its decisions are final at administrative level and may only be appealed against before jurisdictional bodies.

A clear precedent for this body is the “Tributary Council” existing in Barcelona, although the LMMGL model appears to be more evolved, as the members of the Barcelona council are appointed by the mayor not by the Board, and they merely make proposals which are transmitted to the mayor, rather than resolving administrative actions.

Table 3. Measures for citizen participation and defence

<p>Common measures for all municipalities</p>	<ul style="list-style-type: none"> - Need to regulate the adequate procedures and bodies (approved by an absolute majority) for the effective participation of citizens, both in the ambit of the municipality taken as a whole and its districts (when these exist) - Right to civic initiative (formed by 10% of the citizens of municipalities with more than 20 000 inhabitants) - Promotion of the interactive use of new information and communication technologies: <ul style="list-style-type: none"> a) Facilitate participation and communication b) Presentation of documents and realisation of administrative procedures c) Conducting surveys and citizen consultations
<p>Specific measures for major cities</p>	<ul style="list-style-type: none"> - Division into districts with decentralised bodies to manage a percentage of the budget determined by the plenary session - Creation of the Social Council for the city - Creation of the Commission for Suggestions and Claims - Creation of a specialised body to resolve economic-administrative claims
<p>Source: In-house preparation</p>	

Finally, we would also emphasise the significance of the Urban Observatory, which is under the responsibility of the Ministry of Public Administrations. Its aim is to understand and analyse the evolution of the quality of life in large population municipalities. This is the first time that local Spanish law has established a benchmarking tool, clearly integrated in the principles of new public management, and which, if appropriately designed, could constitute an effective instrument for studying the evolution of the quality of urban life and, consequently, for evaluating the results of certain urban policies.

5. Effective implementation of act 57/2003

We have analysed the degree of development of Act 57/2003 in the 13 Spanish cities with populations of above 300 000 inhabitants. In Spain, generally speaking, adaptations to the new organisational models laid down by law are fairly rapid. Act 57/2003 is extremely complex, however, and the term for adaptation stipulated in the Act was exceptionally short: only six months, when adaptation to a new model generally requires a total change in municipal regulations (usually up to seven new regulations are required).

The result is that as the Act came into force on 1 January 2004, no major city has been able to comply strictly with the deadline – not even the cities the most enthusiastic about the new model, such as Madrid. Nonetheless, in most cases considerable efforts are being made. The exceptions are either when the city is subject to a profound political crisis concerning its majority, which has led to a halt in municipal activities in all fields, including this particular field (Alicante), or when the political will or drive is clearly lacking (Valencia). In the other cases, the necessary adaptation is being implemented and, in some cases, is almost complete (Madrid, Palma de Mallorca, Las Palmas de Gran Canaria), while in others it is being implemented at a reasonable pace (Murcia, Bilbao) or more slowly (Seville, Malaga, Valladolid, Zaragoza, Córdoba).

The following table 4 shows us the situation in these thirteen cities as of 1 December 2004. There are five possible situations with regard to seven regulations: nothing has been done (Nothing), the regulations

are being drawn up (In prep.), they have been drawn up but are not yet approved (Prep.), they have been approved initially (Init.¹²⁹) or definitively (Def.).

In total, practically half of the adaptation processes have been carried out, albeit very unevenly. For the first time in the recent history of Spanish legislation, it is evident that in certain municipalities the problem is not simply a delay or slowness in implementing regulations, but virtually amounts to disregarding a legal obligation. This constitutes a serious breach of the moral authority of the State over the municipalities, which goes beyond the complexity of the adaptation of the Act. Slowness is one thing, but not taking any action whatsoever is a completely different matter.

Turning now to the contents of the regulations, there is an evident similarity in the institutional solutions, which derives from the exchange of information and cooperation between the municipalities. Several work sessions were organised by the Spanish Federation of Municipalities and Provinces (*Federación Española de Municipios y Provincias*), attended by experts from all the major cities, in order to endeavour to apply and develop the Act in accordance with uniform criteria. This is evident in the municipal regulations.

Furthermore, while it is true that Act 57/2003 is not applied in Barcelona, which is governed by a special Act of the Parliament of Catalonia enacted at the end of 1998, approving a Special Charter, it is also true that Act 57/2003 is broadly inspired by the Barcelona Municipal Charter, and that the municipal regulations, especially as far as citizen participation is concerned, follow to a large extent the model of the Barcelona charter and the pertinent municipal regulations of Barcelona. Therefore there is not a great deal of variety amongst the solutions analysed.

That is even evident in the regulations of Madrid, which also imitates to a considerable degree the regulations of the other big Spanish city.

¹²⁹ In Spain, once municipal regulations are drawn up, they are initially approved by the municipal council and are submitted to the public for possible suggestions, proposals and objections. Subsequently, in the light of the public input, the municipal council approves the regulation on a definitive basis, introducing the pertinent amendments accordingly.

It is also important to note in which areas the most progress has been made in the adaptation process. The regulation on economic-administrative claims, under which a special independent body deals with appeals by citizens regarding local taxes, has been adopted definitively by seven cities and initially by three. This is a very sensitive issue from a political and legal standpoint, affecting the fundamental rights of citizens, and as a result most of the municipalities have sought to regulate this matter first.

Secondly, eight cities have adopted definitively the regulation on the municipal council (the Plenary Session), a regulation which is also a priority as it lays down the scope of action for the principal body representing the city, and affected by profound changes in Act 57/2003. Thirdly, six cities have regulated definitively and one initially the organisation of the municipal administration, where there are also certain important innovations, such as the aforementioned municipal council.

Fourthly, the Committee of Suggestions and Claims has been approved definitively by four cities and initially by three others. The aforementioned committee is another body set up to defend the interests of citizens, although it includes a participatory element, given that there is a proactive element (suggestions) as well as a reactive (claims) one.

On the other hand, the level of regulation is less, and the delay is most apparent, in the purely participatory aspects. Indeed, only two cities have adopted definitively, and three initially, the regulations on districts. Three have approved definitively, and one initially, the regulation on citizens participation. Lastly, the regulation on the City Social Council has been adopted definitively by only two cities (Madrid and Las Palmas de Gran Canaria), while two others have approved it initially.

These results, generally speaking, are a clear indication of the lack of interest among local politicians in Spain as regards participation, at least as far as formal mechanisms are concerned. Public information mechanisms may be adequate, but in general the means of participation have been and are clearly insufficient, with the exception of certain cities. In Spain, moreover, participation of the corporate type, via associations and NGOs, has always been preferred to the individual

participation of citizens, and not through social boards of cities in general, but through sector boards or similar bodies created for specific policies.

6. The debate on the direct election of mayors

6.1. The present legal framework

The Spanish constitution is one of the few that addresses the system by which mayors are elected. In typical Spanish fashion, and expressly in order to achieve a consensus, it provides for the co-existence of the two systems of election which exist in democratic models: "Mayors will be elected by councillors or by citizens" (Art. 140).

This is due to the fact that those who drew up the Constitution and the political forces were not able to reach an agreement on the best system; as a compromise and to achieve a consensus both are authorised. Traditionally in Spain, the right wing preferred direct elections based on a majority-based system, while the left preferred the municipal council system (the "plenary meeting"). Those positions have changed and fluctuated considerably over the last ten years. However, generally speaking, that has been more the result of opportunistic electoral calculations than of deep-seated ideological convictions.

With the General Electoral System Act (*Ley Orgánica del Régimen Electoral General*) of 1985, regulating local elections, approved under a Socialist government, a fairly broad consensus was reached: mayors would be elected directly in the smallest municipalities with less than 100 inhabitants (of which there are currently 932). Such municipalities would be governed by a system of direct democracy, without a municipal council, with neighbours participating in a "neighbours' assembly" chaired by the mayor. In the remaining 8 109 Spanish municipalities (at that time there were fewer), a municipal council would exist and would be responsible for electing the mayor.

Table 4. Degree of adaptation of cities with more than 300 000 inh. Of act 57/2003 (as for 1st December 2004)

	Mayor's Party	Municipal Organisation	Municipal Council Regulation	Regulation of economic-administrative claims	Social Council Regulation	Suggestions and Claims Committee Regulation	Regulation of districts	Regulation on citizens' participation	VALUATION OF ADAPTATION
MADRID	PP	Def.	Def.	Def.	Def.	Def.	Initial	Def.	Adaptation almost complete
BARCELONA	PSOE								Act 57/2003 not applied. Barcelona has its own special Act (1998)
VALENCIA	PP	Elab.	Elab.	Elab.	Elab.	Elab.	Nothing	Elab.	No action taken
SEVILLE	PSOE	In prep.	In prep.	Def.	Def.	Def.	In prep.	In prep.	Being adapted slowly
ZARAGOZA	PSOE	Def.	Def.	Initial	In prep.	In prep.	In prep.	In prep.	Being adapted slowly
MALAGA	PP	In prep.	Def.	Def.	In prep.	In prep.	In prep.	In prep.	Being adapted slowly
MURCIA	PP	Def.	Def.	Initial	Initial	Initial	Initial	Initial	Being adapted at a reasonable pace
LAS PALMAS DE GC	PP	Def.	Def.	Def.	Def.	Def.	Initial	Def.	Adaptation almost complete

	Mayor's Party	Municipal Organisation	Municipal Council Regulation	Regulation of economic-administrative claims	Social Council Regulation	Suggestions and Claims Committee Regulation	Regulation of districts	Regulation on citizens' participation	VALUATION OF ADAPTATION
PALMA DE MALLORCA	PP	Def.	Def.	Def.	Initial	Initial	Def.	Def.	Adaptation almost complete
BILBAO	PNV	Def.	Def.	Def.	Nothing	Def.	Def.(1)	Nothing	Being adapted at a reasonable pace
VALLADOLID	PP	Elab.	Def.	Def.	Elab.	Elab.	Elab.	Elab.	Being adapted slowly
CORDOBA	IU	Initial	Initial	Initial	Elab.	Initial	In prep.	In prep.	Being adapted slowly
ALICANTE	PP	In prep.	Elab.	Elab.	In prep.	Elab.	in prep.	In prep.	No action taken

Acronyms of parties: PP: Partido Popular (People's Party); PSOE: Partido Socialista (Socialist Party); PNV: Partido Nacionalista Vasco (Basque Nationalist Party); IU: Izquierda Unida (United Left).

(1) As far as districts are concerned, Bilbao maintains an old regulation which is more than 15 years old.

The system changes depending on the population of the municipality. In municipalities with between 100 and 250 inhabitants, where there is a single ballot with the name of all the candidates from all the parties, coalitions, federations and groups of electors, each elector is entitled to vote for up to four candidates. The five that receive the most votes will be elected to the municipal council. Subsequently, these council members elect by an absolute majority (a minimum of three votes) the future mayor from among its members. If no candidate obtains this minimum number of votes, the candidate who has received the most popular votes is elected automatically. This system is currently applied in 1 651 municipalities.

Lastly, in the majority of the municipalities, those with more than 250 inhabitants (5 526), the system is based on partitocracy: lists are closed and blocked and each elector is only entitled to vote for a complete list, with the seats being distributed subsequently using the d'Hondt system. The mayor is later elected by the members of the municipal council, but only those in first place on the lists that have been elected are eligible to be candidates. As in the previous case, in order to be elected the mayor has to secure, in a single vote, the support of the absolute majority of members of the council. If no candidate obtains such a majority, the first person on the list having obtained the most votes is automatically elected as mayor, with the aim of assuring governability in all cases.

Therefore, except for municipalities with less than 100 inhabitants, the system is one of indirect elections, along the lines of a parliamentary model. However, it also has elements which make it a mixed system. Above all, however, it is a system which has been widely accepted by political parties and public opinion in general. Occasionally, there have been proposed changes and reforms, concerning in particular the possibility of unblocking the electoral lists and/or the direct election of mayors (more recently), but such initiatives have not to date secured either political or public support.

Furthermore, in most cases the system has assured governability, and whenever an absolute majority has not been reached, pacts between political parties with similar or complementary policies have provided a stable framework in most cases. During the 1999-2003 term of of-

fice, for instance, 70.26% of the municipalities with more than 100 inhabitants had a list with an absolute majority (the percentage was as high as 96.18% in municipalities with between 100 and 250 inhabitants). If we add the 932 municipalities where the mayor is elected directly, the percentage of municipalities where the identity of the mayor is known on the day of the election is very high (81.27% of municipalities).

The fact that only the heads of lists with the most votes may be elected mayors and the high percentage of lists which obtain the absolute majority of votes, together with the fact that the mayor is the head of the list which obtains the most votes in the absence of an absolute majority, or a pact between parties, leads electors to perceive elements of direct election in the process.

6.2. The position of the main political parties

It was not until the late 1990s that the Socialist Party submitted (1999) a bill to amend electoral legislation, influenced by recent changes in other European countries (Italy, Germany, Austria), and also based on calculated possible benefits from the change of the system. For municipalities with the closed list system, the bill proposed a form of direct election of mayors by means of a second ballot and a majority premium for the list or lists supporting the mayor, thereby assuring the mayor of stability in the municipal council. The system drew heavily on the Italian model for municipalities with more than 15 000 inhabitants.

This proposal was made in a very particular context: the Socialist party (PSOE) was still in a somewhat isolated position between the right wing Partido Popular (PP), holding the absolute majority, and the left wing party Izquierda Unida, which had started to implement strategic actions with the PP in order to attack the PSOE, which it aimed to surpass, albeit unrealistically. The Socialist party reacted by submitting this bill, hoping that leftwing voters, faced with a divided left wing, would support the Socialist party candidates in the second rounds, thus enabling them to recover cities lost to the PP.

The PSOE, traditionally geared towards the parliamentary model, therefore supported direct elections on the basis of its own calculations. The PP, on the other hand, representing a right wing more historically inclined to support direct elections (albeit not very vociferously) now opposed direct elections as a result of its own calculations: it was supported by the entire central-right wing, while the left wing was more split. The electoral system in force therefore favoured it, while direct elections with two rounds would give the socialists the edge. Meanwhile, these debates received little publicity and the system continued to work reasonably well.

However, the role of mayors is reinforced not only by the way in which they are elected but also by their responsibilities. In this regard the fact is that recent legislative reforms have given Spanish mayors a considerable boost. The first of these, in 1999, transferred a considerable number of responsibilities from the plenary session to mayors, while the second reform, in 2003, which concerned only the largest cities transferred all of them.

The scenario changed with the general election on 14 March 2004. The system of direct election is favoured by the heads of municipal policy in the PSOE and the PP (although in each of the big parties, each system has its proponents and detractors). However, it has little support among the minority parties, which believe in general that it offers them no advantages. Both big parties included the proposal in their electoral programs, although they did not specify what mechanisms they have in mind; the issue did not arouse great interest among the electorate. It appeared that Spain would no longer oppose or be a barrier to the expansion of direct elections, as was the case described in a report of the Congress of European Local and Regional Authorities of May 2004 (Council of Europe, 2004). Indeed, one of the authors of that report was Italian.

Following the Socialist victory in the election, ideas have been put forward on how to transform the proposal into reality. On the one hand, the First Deputy Prime Minister has suggested the possibility of two-round direct elections, and the Minister of Public Administrations, who is responsible for relations with local authorities, has voiced an opinion along the same lines. The Secretary of Municipal Policy of the PSOE, Álvaro Cuesta, has also made similar proposals. His model is

based on the current model, in other words, a system of closed and blocked lists in proportion with seats. The novelty is that if none of the lists obtains the absolute majority of members of the municipal council, the mayor would be elected in a second round, which would be limited to the first candidates on the lists which drew more than 10% of votes in the first round, but without a majority premium. This is a concession to minority parties allied with the PSOE, such as IU and Esquerra Republicana de Catalunya (ERC), *inter alia*, which fear that a majority system would strip them of seats in the municipal councils.

The PP, which has also now expressed an interest in direct elections, contains most of the central-right wing in its lists, and has fewer potential allies amongst minority parties. It thus prefers a majority system, by which the list which obtains the most votes would secure not only the mayor's office but also the absolute majority of seats in the municipal council. Needless to say, such an option is firmly opposed by the minority parties.

6.3. The proposals of the white paper for the reform of Spanish local government

The framework for reflection on these and other reforms of Spanish local government is the White Paper for the Reform of Local Government (*Libro Blanco para la Reforma del Gobierno Local*), drawn up by a committee of 19 experts set up by the Ministry of Public Administration in July 2004. The committee is required to submit a first draft of its conclusions in February 2005. They will then be widely analysed and debated by the major territorial players in the period up to summer 2005. The committee has stated that it is considering the possibility of introducing certain elements to reform the current system. It proposes, without altering the current system, nor adding to its complexity, to increase the chances of directly electing the mayor, without requiring separate elections for the mayor and the plenary session, and without troublesome second rounds (barring exceptions).

According to the committee, it is possible to raise the percentage of directly elected mayors substantially with a series of simple but clear measures:

- a) In the 932 municipalities with less than 100 inhabitants (11.49% of Spanish municipalities), the current system of direct election via a majority uninominal system would continue.
- b) In municipalities with between 100 and 1 000 inhabitants, where a plurinominal majority system is already in place in municipalities with between 100 and 250 inhabitants (which the committee plans to expand to 1 000 residents), the councillor who has obtained the most popular votes would be elected. The evidence shows that this councillor has almost always been given an absolute majority, and normally has a sufficient majority in the plenary session. This measure would increase considerably the number of directly elected mayors (there are 1 651 municipalities with between 100 and 250 inhabitants, and 2 341 with between 251 and 1 000 inhabitants. The sum of both makes up 49.23% of Spanish municipalities).
- c) In municipalities with more than 1 000 inhabitants, the head of the list who has obtained the absolute majority of votes would be automatically elected as mayor. This simple measure would also enable the number of directly elected mayors to rise considerably (over the 1999-2003 term, 2 060 municipalities obtained an absolute majority in this bracket, 65% of municipalities with over 1 000 inhabitants and 25.40% of total municipalities).
- d) It might be possible for several lists to be “linked” before the election, i.e. the electoral authority would be informed that they support the head of the list obtaining the most votes amongst the linked lists for mayor. The advantage of this system is that it avoids second rounds and enhances the transparency of the system and the relations between the different political groups. The electoral authority would have to be informed of the link, which would also figure on the electoral ballot paper.
- e) In any event, the committee responsible for drawing up the White Paper considers that if a second round system is introduced for cases of councils when absolute majorities are not secured the first time around, it should be limited to large cities, the number of seats in the municipal council from the first round should be maintained, and only the first candidates on the lists which have obtained a high percentage of votes should proceed to the second round as candi-

dates to be mayor (indeed, the committee suggests that this possibility could be restricted to the two candidates with the highest number of votes).

What is evident, at any rate, is that this issue has not yet been properly debated in the media or by public opinion in Spain. There are undoubtedly more important problems in the Spanish local agenda, including priority issues such as the increase in the powers of municipalities, improving financing or overcoming the detrimental effects of a highly fragmented municipal map.

7. Conclusion

The Spanish local government system has traditionally been characterised by a marked uniformity and by a fear of organic-functional and competence-related diversity, generally establishing the same regime for all municipalities, regardless of their populations. The only exceptions are the Special Laws of Madrid and Barcelona, promulgated during the regime of General Franco. This model had proved to be antiquated and needed a significant, in-depth reform to improve government and governance mechanisms in the major Spanish cities in the context of a globalised and competitive world.

This uniform inertia was broken for the first time in a clear manner and for a significant group of major cities with the Law of measures for the modernisation of local government of 2003, which essentially establishes a new organic-functional model for those municipalities, with a clear separation between the Board and the local executive, as well as a new level of professional public managers. Additionally, it strengthens participation by citizens and socio-economic agents, and establishes mechanisms for citizen defence, as well as generally promoting a more modern, efficient and effective management, setting out various modernising provisions integrated within the criteria of new public management.

The promotion of this reform is, without a doubt, a correct decision. However, the establishment of a new urban policy in Spain also requires the implementation of the Law 57/2003 by the municipalities of the major cities, and we need more time to observe the degree of im-

plementation and the creativity of the Spanish municipalities in this arena. At the moment, we can see that the establishment of new tools and mechanisms to develop the participation of citizens is not one of the priorities of the mayors of these cities.

On the other hand, the debate on the direct election of mayors has reached Spain, but not via public opinion or the media, but just in the electoral programs and the discussions (not really in-depth) between the political parties. In general terms, Spanish citizens seem to be content with the present electoral system - which in fact operates in some aspects like a direct election system - and this topic is not the priority for the modernisation of the local government.

At the end of the day, however, the Socialist Government has put the topic on its agenda to be dealt with in the short term. At the moment, the Committee for the White Paper for the reform of the Local Government clearly prefers to introduce small changes that will probably lead to the direct election of mayors in most (but not all) of the municipalities, rejecting in any case second ballot procedures.

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Chapter 7. The Growing Use of Referenda in Local Politics: a Comparison of France and Germany

Christophe Premat

“If I say that the members of a society ought to be able to decide all important issues directly through such devices as a referendum, then I am implicitly saying [...] that it is feasible or practicable for a society to run its affairs in this way” (Weale, 1999: 8). Notwithstanding all the attempts of political theory ¹³⁰. (Weale, 1999: 24-31) to define and classify democratic regimes, it is important to add empirical facts to a normative approach, in order to be able to understand the characteristics of a democratic regime. That means focusing on the **instruments** that promote the democratic reality. We do not suppose that there is a substantial entity called “democracy”, but rather that there are differ-

¹³⁰ Albert Weale built a typology of five different democratic regimes with two strong trends, a representative orientation and a participatory orientation: unmediated popular government, party-mediated popular government, representational government, accountable government and liberal constitutionalism. Representational government, according to John Stuart Mill’s theory, stresses popular participation in politics at local level, not as a rival to representative government but as a complement to it.

ent procedures ¹³¹. (Rancière, 1995) which can combine together and transform the concept of democracy. The fact is that democracy is practised at different scales which do not require the same political organisation. Some democratic tools might be easier to use at the local level. According to Sandrine Rui (2004), the three key words for local democracy nowadays are **information**, **dialogue** and **participation**. Local democratic systems can be opened through the instruments that promote each of those dimensions. We would like to focus on local referenda which lead to more uncertainty in local democratic systems as they strongly determine decisions.

The subject of referendum has become popular in the world, especially when we look at all the different constitutions which authorise such a procedure. Since the sixties, referenda have been increasingly linked to the **empowerment** of citizens: different political thinkers have claimed a new participatory age. The local level has been given a political specificity and we can notice an inclusive evolution in Europe. France and Germany have been influenced in very different ways by this participatory revolution. In France, whereas referenda have been presented as a way of expressing national sovereignty (article 3 of the Constitution of 1958), their use in local politics has been strongly controlled, as if the authorities were trying to avoid them. Nevertheless, different laws have institutionalised the possibility of local consultations. If referenda were previously merely consultative, they were recognised as binding in the last **Decentralisation Act** ¹³². In Germany, the situation was quite the contrary. Since the reunification of West Germany and East Germany, there has been a progressive institutionalisation of local referenda in almost all the *Länder*, under different conditions. Local politics have changed because of the growing use of this instrument. However, referenda are not possible at the Federal level. How can we explain this "silent revolution" (Inglehart, 1977) at the local level in France and Germany? How has the emergence of this procedure affected local representative systems?

¹³¹ According to the French philosopher Jacques Rancière, the Marxist dilemma between real democracy and formal democracy is over. The problem is to evaluate the different **forms** of democracy.

¹³² Law n° 2003-705 (1 August, 2003) stipulates new conditions for the use of local referenda.

To address this question, we will first analyse in detail the origin and institutionalisation of this procedure in both countries. What have been the reactions of the political elites to the use of local referenda? Then, by evaluating the number of local referenda and the issues dealt with by them, we will try to understand how the local political system has changed. How do referenda modify the **time-scale of local democracy**?

In France, the first local referenda were organised at the end of the nineteenth century without, however, their status being defined by the public authorities. Various bills were tabled by MPs to institutionalise such procedures, such as the bills of Mr Lanessan in 1883 ¹³³ (Viguiier, 1996) and Mr Mackau in 1890 ¹³⁴; all were rejected. The representative principle was the main criterion of local government: the law of 5 April 1884, allowed the election of local councils. The republican institutions had their foundations at the local level. Some local referenda ¹³⁵ were held between 1880 and 1907, on topics such as the location of the market place, the construction of buildings for the army, the division of communes, the organisation of religious ceremonies and local taxes. Local authorities wanted to ascertain the opinion of electors about financial questions. However, the government began to prevent such procedures, by cancelling them ¹³⁶. Then, in 1905 and 1907 ¹³⁷, the Council of State cancelled local authority deliberations which planned a local referendum. Between 1907 and 1959, only one local referendum was held, because referenda were illegal. Finally, local referenda were authorised in 1971, but only for communes. Ac-

¹³³ This proposal promoted the possibility of popular initiatives at the local level. 1/20 of voters can call for a referendum on any local government deliberations.

¹³⁴ *Official Journal, annex n°3853, 1889* and *Official Journal, annex n° 582, 1890*. The arguments against the creation of such procedures were mainly the fear of anarchy and the fear of a distinction between tax-payers and other citizens.

¹³⁵ For instance, we can quote the referenda of Cluny (1888), Bagnols (1888), Riom (1889), Suresnes (1895), Beauvais (1896), Meudon (1896), Dijon (1897), Fougères (1897), Pont-Audemer (1897). Around 30 local referenda were organised in those years, but it is hard to give an accurate estimate.

¹³⁶ On 23 March 1889, the Home Office asserted that the local referendum was **illegal** because it was contrary to the representative system. On 27 November 1892, the authorities cancelled a consultation in Paris about the Gas Company.

¹³⁷ See Council of State, 7 April 1905 for the commune of Aigre and State Council, 17 November 1907 for the commune of Brugnens.

According to Marion Paoletti (Paoletti, 1996), between 1971 and 1992, around 202 local referenda were organised. At the same time, the local referendum concept became a norm in political speeches.

Whereas in the seventies, various left-wing organisations promoted the idea of local democracy, the “referendum”, as an instrument of local democracy, was popular among the conservative and socialist parties. In the 1990s, a series of laws took the principle of consultation into account. In fact, the word “local consultation” was preferred in order to avoid a contradiction between the referendum and local representative governments ¹³⁸. A law enacted on 6 February 1992, authorised the consultation of “inhabitants” for a limited number of topics. The concept of popular initiative was introduced for the first time on 4 February 1995. One fifth of the electors can request that a local consultation is held. During the 1990s, the authorities promoted the use of other instruments that are not as complex as referenda. Town councils were created and the law of 27 February 2002 made them compulsory for cities having more than 80 000 inhabitants. The last step towards establishing local referenda was accomplished with the Decentralisation Act of 2003 ¹³⁹. A referendum is decisive if 50% of the electors take part in it. Although the instrument is legally binding, it is practically impossible to organise a local referendum unless the topic is of particular importance for the local population.

The paradox is that the authorities still have their fears about the introduction of such an instrument. Many politicians call for more participatory democracy, without specifying local referenda. In March 2004, during the regional and cantonal elections campaign, we conducted a survey among the members and supporters of five political parties on the subject of local democracy. Our survey was carried out in Bor-

¹³⁸ The authorities see the referendum as a **public enquiry** which means a purely consultative instrument. The referendum should not become a **constraint** for local governments.

¹³⁹ The references for this series of laws are as follows. Law n° 71-588 (16 July 1971), Law n° 92-125 (6 February 1992), Law n° 95-115 (4 February 1995), Law n° 2002-276 (27 February 2002), Law n° 2003-705 (1 August 2003).

deaux, based on a panel of seventy-four interviewees (see Annex II) ¹⁴⁰. The perception of local democracy was clear: around 37% of the respondents associated local democracy with the existence of **town councils**, 18% emphasised the quality of the relationship between local representatives and citizens, whereas only 9% mentioned the possibilities of local **consultations** and referenda (see Annex III).

In Germany, the history of local autonomy dates back to 1808 (see Annex I), when Prussia granted the right to administer their own affairs to a small number of cities (*Selbstverwaltung*). That right was extended to other communes at the end of the nineteenth century. Nevertheless, local autonomy does not necessarily mean local democracy. It was the Weimar Constitution ¹⁴¹ which authorised the use of semi-direct democracy procedures ("*plebiszitäre Elemente*") (plebiscite elements). Certain articles of that constitution (articles 73 and 76) introduced the rights of popular initiatives and referenda. For instance, article 73 (§3) allowed popular initiatives (one tenth of voters) for a bill proposal, provided that the popular initiative concerned a detailed proposal. The government then had to present the initiative to Parliament, which could adopt it directly, without submitting it to a popular vote. In any event, Parliament had to be consulted, contrary to the practice in some American states, where the concept of direct popular initiatives has been introduced ¹⁴². The Weimar Constitution clearly had a unitary orientation, as the *Länder* were not really recognised as states. It is particularly noteworthy that in some constitutions, the concepts of popular initiatives and referenda were introduced. For instance, in the

¹⁴⁰ This questionnaire is merely indicative. First, we obtained more answers from left-wing parties (The Green Party, Socialists and Communists) than from conservative parties (UDF, UMP). We obtained no answers from the extremist parties (LCR, FN). This questionnaire cannot be used to describe any national trend; it was conducted in the city of Bordeaux to test the political topics of the 2004 campaign and the understanding of recent laws on decentralisation and local democracy. The majority of the questionnaires were completed in our presence.

¹⁴¹ In the Weimar Constitution, in 1919, the right of **local self-administration** was recognised in article 127 (*Recht der Selbstverwaltung*). Nevertheless, local government was considered as a representative unit, like in France.

¹⁴² At that time, the States of Utah, Oregon, Montana, Oklahoma, Missouri, Arkansas, Colorado, Nebraska, Idaho, Arizona and California institutionalised the direct legislative initiative. In the State of Maine, 12 000 signatures were required to propose a bill and for the other States, the quorum was between 5 and 20%. In Washington, a bill could be adopted through a popular proposal.

Baden Constitution (article 6, §2), popular initiatives were authorised (subject to at least 5000 signatures). It is known that some communal referenda were organised, for example in Munich, when on 12 December 1920, a referendum was held after a popular initiative in order to call new local elections (Faure, 1926: 188).

In France, there is a specific debate on the distinction between plebiscites and referenda. Theoretically, a plebiscite is the approval of the politics of a person, whereas a referendum concerns a vote on a text. In practical terms, the distinction is blurred, because some referenda are close to plebiscites (Denquin, 1976). In our opinion, Louis Faure made a clearer definition by writing that “the plebiscite concerns a name and the Referendum a question, a “no”. If the referendum is a step towards a direct government, the plebiscite tries to establish the representative government” (Faure, 1926: 123). In fact, according to French political tradition, the national referenda share the characteristics of plebiscites. After the plebiscites of Napoleon I and Napoleon III, President De Gaulle reinvented those procedures at the national level, in order to avoid the hegemony of political parties over Parliament. The plebiscite is a reorganisation of powers inside the representative government.

There is a very interesting debate in Germany (Schiffers, 1999) as to whether the mechanisms of semi-direct democracy granted by the Weimar Constitution provoked the destruction of the political stability of the country in the way the Nazis and the far-left parties used them. On the one hand, Stefan Meinecke denounces the possible **political manipulation** of those mechanisms, while on the other hand, Otmar Jung (Jung, 1989) ¹⁴³ considers that their presence did not help to destroy the regime, because of their neutrality. The extremist parties changed the nature of these instruments. Reinhard Kreckel’s description of the Weimar experience as a “democracy without democrats” (Kreckel, 2000: 17) is particularly apposite.

¹⁴³ For Jung, those mechanisms were merely a possible correction to balance the Parliamentary regime whereas for Meinecke, those instruments had another political meaning.

The plebiscites used by the Nazis had nothing to do with direct democratic procedures¹⁴⁴, as they were imposed without any political debate (Jung, 1999)¹⁴⁵. That explains why, after the Second World War, a “*plebispobie*” (Luthardt, 1994) was shared by almost all the political elites and affected the drafting of the Federal Constitution. The Federal Constitution of 1949¹⁴⁶ did not provide for referenda, except for modifications of the territory of the *Land*¹⁴⁷. Article 28 (paragraph I) of the Constitution reaffirms the representative principle at the local level, by stating that the people must have elected councils (*Volksvertretungen*) in the *Länder*, the districts (*Kreise*) and the communes (*Gemeinden*). The only trace of direct democracy is mentioned in the third proposal of the same paragraph: in some communes, the town-meeting¹⁴⁸ (*Gemeindeversammlung*) can play the same role as an elected council. Notwithstanding this authorisation, semi-direct procedures are excluded at the communal level.

However, in 1956, the *Land* of Baden-Wurttemberg introduced the possibility of referenda at the local level. It is necessary to clarify the definition of “local referenda”: to which territorial entity does the word

¹⁴⁴ The *Länder* lost their prerogatives during the Nazi era. All local governments were replaced by governments which followed the will of the *Führer*.

¹⁴⁵ All these referenda had an international goal, because they had to justify the **annexing** of different territories. We found traces of an attempted plebiscite in Luxembourg which was occupied by the Nazis. On 10 October 1941, the “*Gauleiter*” decided to organise a population census in Luxembourg. They tried to transform this census into a plebiscite with questions on the nationality, language and ethnic belonging. The Luxembourg resistance prevented the population from participating in this census. The hidden plebiscite, which was intended to abolish the Luxembourg language, did not materialise. See Esch-sur-Alzette, Archives of the Museum of Resistance, Luxembourg.

¹⁴⁶ Bavaria did not ratify the Federal Constitution in 1949. The Constitution of the free *Land* of Bavaria dates back to 1946. In Bavaria, around **20** referenda were held on different topics and **33** popular initiatives were launched at state level. It is thanks to the referendum of 1995 on the introduction of popular initiatives and referenda at communal level that local democracy has really been implemented.

¹⁴⁷ **Article 29** of the Federal Constitution allows the organisation of referenda for the modification of territorial limits (*Neue Gliederung*). For instance, on 7 June 1970, a referendum was held to decide whether the country of Baden should remain in the *Land* of Wurttemberg. With a participation rate of 61%, 81% of the people rejected the proposed territorial modification.

¹⁴⁸ This local democracy model exists in some small municipalities, it covers the organisation of most Swiss communes: in Switzerland, around 85% of communes have a system of **town-meetings** (*Bürgerversammlung*). In Spain, communes with less than 100 inhabitants have the same organisation (***Consejos abiertos***).

“local” refer? Should the regional level be included in this definition, which means that the local system would be seen as a negative entity, that is to say the opposite of the Federal system, or does it refer only to communal referenda? In fact, this question is purely theoretical, as there is a strong link between the *Land* communal levels¹⁴⁹. In German, the words used for communal participation are *Bürgerinitiative*, **Bürgerbegehren** and *Bürgerentscheid*: the aspects of popular initiatives, referenda and popular decisions are distinguished. When referring to the *Land* level, the words used are *Volksinitiative*, **Volksbegehren** and *Volksentscheid*. That means that the concept of “Bürger” is linked to the communal level, whereas “people” refers both to the *Länder* and the *Bund*. This terminology specifies the local level. In France, the term “local referendum” is somewhat vague, because it refers to all non-national administrative entities. The legislator is reluctant to introduce such tools because the notion of “local people” has no legal validity: the lack of precision shows that legislation is hesitant about acknowledging local referenda.

It is through the legislation of the *Länder* that the communal landscape has been modified in Germany. In France, since the Decentralisation Act, the regions and departments can organise local referenda, but those possibilities are very rare¹⁵⁰.

In Baden-Württemberg, a popular initiative is taken into account if 10% of the people of the commune take part in it. In the case of a referendum, 30% of the population has to approve the referendum (Gabriel, 1999; Ritger, 1994)¹⁵¹. That is why we deal with the *quorum*

¹⁴⁹ In Germany, we can distinguish three main local levels, the *Land*, the *Kreis* and the Commune (*Gemeinde*), whereas in France, we count three local levels, the region, the department and the commune. The problem is that the political visibility of the region and the department is not that obvious even if the last decentralisation laws allow these different levels to organise local referenda. There is a strong ambiguity in France between the administrative map and the political map.

¹⁵⁰ The example of Corsica is striking: the Government presented this referendum as a political test for the Decentralisation Act. The aim of the referendum aimed was to reunify the two departments of Corsica in one regional territory. The referendum was held on 5 July 2003 and the population rejected the proposed administrative merger.

¹⁵¹ In 1956, 50% of the population had to approve the referendum (*Die Zustimmungsquorum*). In 1976, the quorum was reduced to 30%.

of popular initiatives (that is to say the *input* into the political system) and the *quorum* of the referendum. Those different steps indicate the complexity of the procedure. In addition, there are strong time constraints on those possibilities. These procedures are all the more interesting as they oblige the political system to **react**. Therefore, the local authorities are more responsive and more accountable. Semi-direct procedures have nothing to do with immediate democracy (Rosanvalon, 2004: 66), insofar as time prevails: whereas immediate democracy is linked to the myth of the transparency of social will, direct democracy and semi-direct democracy procedures require a strong organisation. From 1956 to 1981, according to our calculations, there were around 151 local referenda (Beilharz, 1981) which were not successful in Baden-Württemberg, because of the restrictions of the article 21 governing communal organisation in Baden-Württemberg.

The subject of direct democracy became more and more important in Germany as a result of reunification. The motto "*Wir sind ein Volk*" reflected not only the wish to be one country again, but also the affirmation of popular sovereignty. The question of the representation of this popular sovereignty implies the invention of democratic tools, including referenda. The political culture of participation is not the same in the Eastern *Länder* (Lozac'h, 2001: 151-182), there is a need to promote direct democracy instruments in order to express a new political situation. Just before reunification, the association "*Mehr Demokratie*" (More Democracy) was founded by people who took part in the **social movements** of the sixties (Kohser-Spohn, 1996) (Markovits, Gorski, 1993). In 1987, a bus, on which "Direct democracy" was written, travelled across East and West Germany to promote that idea. Between 1987 and 1992, the bus stopped in 400 cities. *Mehr Demokratie* is the association which supported the inclusion of local referenda in the legislation of *Länder* and in the communal charters.

In both countries, the participatory revolution transformed the referendum into a new **norm** of political participation in political speeches. The artist Joseph Beuys (Beuys, Bodenmann-Ritter 1997) developed the idea of self-creation, especially in art and politics. He influenced many members who contributed actively as members of *Mehr Demokratie* to promoting the concepts of popular initiatives and referenda at all levels. In France, although various local actors influenced

political parties, they were not members of **non-voter organisations**. Those local actors were mainly local representatives who linked the idea of local democracy to calls for decentralisation, in order to increase their power. Decentralisation is characterised by the fact that the *préfets* (administrative power) transfer some of their prerogatives to local representatives. In this way, we can conclude that in France there was no real social demand for the inclusion of semi-direct democracy procedures at local level.

In Germany, *Mehr Demokratie* helped to institutionalise the local referenda. It began with the *Land* of Schleswig-Holstein, which introduced the possibility of local referenda and local popular initiatives. Annex IV summarises this form of institutionalisation in the 1990s, and shows the year direct democracy procedures were introduced and the minimal turnout required to organise referenda. Almost every *Land*, except Berlin, adopted communal referenda: the problem concerns the turnout, that is to say the minimal participation rate required for the popular decision be registered. It explains why many *Länder* have changed the *quorum* on numerous occasions. The association *Mehr Demokratie* distinguishes between legislation which facilitates the use of referenda and legislation which prevents them: only the *Länder* of Hamburg and Bavaria (Dressel, 2003) really allow the development of referenda. The example of Bavaria is noteworthy, as referenda have balanced the political system at local level, dominated by the conservatives for many years.

Political parties (Klages, Paulus, 1996; Weixner, 2002) were divided concerning the use of those instruments. The FDP liberal party included the possibility of referenda in its programme in 1969, then in its election programme in 1980 and in the Liberal Manifesto of 1985. In 1958, the Social-Democrats (SPD) proposed a law on the organisation of a referendum about the development of nuclear weapons. During its political congress of 1986, the SPD decided to propose referenda at all levels¹⁵². Again, in December 1989, the SDP programme declared that referenda should be included at all levels. The Communists (PDS)

¹⁵² In the nineteenth century, the Socialists introduced the idea of direct government. Under pressure from Rittinghausen, the Socialists raised the idea of direct legislation at the Congresses of Eisenach and Gotha.

and Ecologists (Bündnis 90/Die Grünen) ¹⁵³ are also in favour of the introduction of such procedures. However, the Conservative Parties (CDU, CSU) are against them, because they fear the emergence of new actors on the political scene. If we compare the reactions of the political parties in both countries, the Ecologists ¹⁵⁴. (Vialatte, 1996) are the first political movement fighting for the introduction of referenda and the promotion of participatory instruments (Budge, 1996). The French Socialists ¹⁵⁵ seem to be somewhat more reserved about the use of local referenda than their German colleagues. The French Conservatives are less hesitant than their German colleagues, but in concrete terms the situation is totally different as local referenda are strictly controlled in France. If the possibilities were enlarged as in Germany, the French Conservatives would certainly adopt the same attitude. In Germany, the coalition between the Ecologists ¹⁵⁶ and the Social-Democrats renewed interest in this subject, whereas in France the attitudes differ when the members are local representatives, insofar as they do not accept the development of these practices ¹⁵⁷ (Mabileau, 1994).

¹⁵³ The Ecologists advocate direct participation at all levels in Europe. The programme for the last European elections of 2004 clearly referred to the enlargement of citizen participation. See "Für Bürgernähe und demokratische Beteiligung" in *Let's Green Europe, Europa-Wahlprogramm*, (www.eurogreens.org, 2004), 67.

¹⁵⁴ We carried out a study on the Communist Party's attitude to the use of local referenda, by interviewing several members in the Paris suburbs. Some Communist municipalities try to enlarge the participation of the citizens by organising local referenda. Local referenda are an opportunity for the Communist Party to compensate for its decline and gain some **visibility**.

¹⁵⁵ However, the French Socialist Party organised a referendum to ascertain the opinion of members on the European Constitution project, on 1 December 2004.

¹⁵⁶ The Ecologists used to describe themselves as an "anti-parties" parties, because they worked according to the principle of "*Basisdemokratie*" (**grass-roots democracy**). The members have to be consulted regularly in order to avoid a certain bureaucratisation of the movement. The party organised many local consultations of members, as in 1984 in North Rhine Westphalia and in 1992 in the region Ile-de-France. An interesting research programme would be to evaluate those **referendum practices** inside the political parties (Budge, 1996).

¹⁵⁷ This is the discrepancy between the **myth of local democracy** which is ideologically accepted in France and **the reality of the local system**. In the 1970s, many administrative reports (Peyrefitte, Guichard, Aubert) stressed the importance of local referenda, but the implementation of local democracy was forgotten in the decentralisation laws of 1982.

The origin and the institutionalisation of these practices highlight an open structure of representation. In fact, those instruments were not introduced to simplify public policies. It is because the choices are becoming increasingly complex that citizens and the political system have to work together. The efficiency of referenda has to be measured by the relationship between practices and existing legislation.

If binding local referenda have blossomed in Germany, it is striking to notice that the **direct election** of the mayors and the **recall** procedure (Wollmann, 2002: 78-81) were added in some *Länder* to those procedures. Until recently, only the southern *Länder* of Bavaria and Baden-Württemberg used local referenda. In the *Länder*, which were located in the American occupied zone, the influence of the American style of local government is striking. All the different kinds of local government date back to the partition of Germany into several occupied zones. For instance, in North Rhine Westphalia, after 1945, the local government was shaped according to the British model, with the presence of a local parliamentary system, in which the elected local council is the key. The separation between the legislative power and the executive power (there was a city manager, a *Stadtdirektor*) was all the more important as the executive power was appointed by the local council. Since the early 1990s, the "South German form of local government" has been adopted by all the *Länder*. The East German *Länder* also transposed this model, in order to generalise the principle of election at the local level. It is to be noted that the direct election of the mayors cannot be reduced to a direct democratic procedure. A recall procedure has been also introduced in three *Länder*: for instance, in the *Land* of Brandenburg, some mayors have been removed from office thanks to the organisation of a referendum. According to Hellmut Wollmann, in 2000, we can conclude that "ten percent of full-time mayors lost their position as a result of successful local recall referenda" (Wollmann, 2002: 80).

To some extent, the introduction of this practice cannot be compared to the intensity of American recall procedures (Cronin, 1989; Stelzenmüller, 1994). In the USA, there are between **15 000 and 19 000 local referenda** each year. Many of them concern recall procedures. Between 1993 and 1998, in the *Land* of Brandenburg, **21** procedures were initiated and 12 of them have resulted in a referendum; 7 out of

those 12 referendums resulted in the mayor being removed from office (Wollmann, 1999: 113-114; Premat, 2004: 147). In 1998, the Parliament of the *Land* of Brandenburg increased the minimal quorum from 20 into 25%, in order to avoid the multiplication of such procedures.

As a matter of fact, these practices indicate a strong change in local democracy: the representative system can be reversed at the local level in some *Länder*. Local elites have to be more accountable and cooperate with the citizens by opening the representative system.

In France, the recall procedure is not mooted as a possibility in political speeches. French political tradition refuses the possibility of reversing electoral decisions. In fact, mayors control the mechanisms of local democracy, this is why some researchers have compared this system to a kind of "**municipal presidentialism**" (Sorbets, 1983). The sociology of local elites in France shows that the renewal of local representatives is very limited. The conquest of municipalities is the first step in the political career of certain mayors who try to increase their visibility at the national level (Mabileau, Sorbets, 1989). Hence, a typology can be established in Europe between different types of local systems: the combination of local presidentialism and referenda does not have the same effects as the combination between local parliamentary systems and referenda ¹⁵⁸. In France, when local referenda are held, it is a test for the mayoral legitimacy.

The obvious conclusion is that in France, referenda are typically a mayoral tool (Paoletti, 1997). Between 1995 and 1998, only one referendum was organised as the result of a popular initiative ¹⁵⁹. The law of February 4th 1995 established the right of popular initiatives for the first time (one fifth of electors can request a local consultation on town and country planning matters). Between 1995 to July 2004,

¹⁵⁸ The criteria of Lijphart could be applied to the local level (Lijphart, 1984).

¹⁵⁹ The referendum was held on 22 June 1997 in the district of Val d'Argent, in Alsace. The popular initiative required the construction of an infrastructure for tourism. 66.90% of the population took part in the referendum and 55.5% accepted the initiative (Datascource: French Home Office).

2.45% of local consultations were held as a result of a popular initiative ¹⁶⁰. Popular initiatives are not possible at the national level ¹⁶¹.

The recent wave of institutionalisation of local referenda in Germany helped those practices to develop. Annex V gives an idea of the number of local referenda in the *Länder* since their institutionalisation. In Germany, there is a difference between citizen initiatives (*Bürgerinitiative*), popular decisions (*Bürgerentscheid*) and referenda (*Bürgerbegehren*). Hence, there are three different possible outcomes for citizen initiatives: first, they can fail, secondly, they can be taken directly into account by the elected council and last, they can lead to a referendum. The popular decision can be taken either thanks to the referendum or by the council which agrees with the request of the initiative. The council may also decide to organise a referendum on a topic: if the population accepts it, then the decision is valid. Those possibilities explain the difference between referenda and popular decisions. In Switzerland, the distinction is made between initiatives, referenda and local votes. Popular initiatives can lead to popular decisions if the local council accepts them, or they can lead to the organisation of a local vote. Furthermore, in Switzerland, the referendum is a negative procedure: there is a deadline for the people to react against a municipal deliberation, in order to change the local decision. In France, the referendum is most of the time consultative ¹⁶²: it is organised in respect of a project and not after a municipal vote. The question of **local time-scales** is totally different in the three countries.

¹⁶⁰ The other demands were rejected by the elected local council (Data source: French Home Office).

¹⁶¹ A Communist deputy (André Gérin) tabled a bill on the introduction of “popular initiative referendum” at municipal, regional and national levels. The bill was rejected by the House of Representatives. See Bill n°1726 (22 June 1999) on <http://www.assemblee-nat.fr/propositions/pion1726.asp>

Article 7 of the bill is interesting because the procedure would be not only in the hands of the mayor at local level. According to the proposal, the **mayor** and a **college of citizens**, chosen by drawing lots, would have one month to examine the demand. This college of citizens would be renewed every two years.

¹⁶² The referendum is only **prospective**, it is close to a public enquiry. If we define the local referendum in the Swiss way, that is to say in reaction against a municipal vote, there would have been very few local referenda in France.

In Germany, 1260 local referenda out of 2472 were held in Bavaria between 1995 and 2002, which means that half of the German local referenda are located in this area. Some 578 popular decisions out of 1380 are taken in Bavaria. There are around 2152 communes in Bavaria and the average frequency of local referenda would appear to be 210 a year ¹⁶³. As a matter of fact, around one tenth of Bavarian communes hold a referendum each year. This frequency shows that the Bavaria case is growing closer to the referenda practices of some Swiss cantons ¹⁶⁴.

Local referenda in the five new *Länder* are not so frequent: if all such procedures between 1990 and 2002 are counted, there were only 229 referenda ¹⁶⁵ (less than 20% of the total) and 221 popular decisions (16% of the total). It would be too early to conclude that the cultural shift is in process in those *Länder* insofar as the *Land* of Saxony is the sixth *Land* of the country in terms of referenda frequency. Annex V shows that the conditions are almost the same in Saxony as in Saarland. Saarland is the poorest *Land* in terms of referenda. Its poor score is not due to the structure of local government. In fact, the Rhine local government model can be found in Saarland (Volmerange, 2004) ¹⁶⁶, Rhineland-Palatinate and Schleswig-Holstein, with the presence of a burgomaster. Nevertheless, there were 267 referenda in those *Länder*, therefore the explanation based on the structure of local government is not particularly relevant. A comparison between annex V and annex VI indicates that the quorum influences the practice. Where the quorum is close to 30%, the number of consultations is very limited ¹⁶⁷. In Saxony-Anhalt, in Baden-Württemberg and in Saarland, the quorum prevents these practices from developing.

¹⁶³ This figure is only valid for this period of time. The frequency has certainly changed since 2002.

¹⁶⁴ There is a huge diversity of referenda practices in the 3000 communes of Switzerland. It also depends on the relation between the town-meeting and the use of local referenda, when the commune is administered according to this principle.

¹⁶⁵ Seventy-five referenda led to a popular decision: in other words, 33% of the local referenda resulted in popular decisions in those *Länder*.

¹⁶⁶ In Saarland, the direct election of the burgomaster dates back to 11 May 1994, in Rhineland-Palatinate to 5 October 1993 and in Schleswig-Holstein to 22 December 1995.

¹⁶⁷ In Baden-Württemberg, some political parties and associations are endeavouring to have this quorum lowered.

In a nutshell, if we consider the period of time, the practices are mainly located in Bavaria, North Rhine Westphalia, Hesse and Schleswig-Holstein ¹⁶⁸. The majority of the issues concerned planning questions. It is impossible to organise a referendum either on a financial question or on the communal administration, contrary to practices in Switzerland (Premat, 2004: 144-149; Trechsel, 2000).

In France, between 1995 and 2004, there were 180 local consultations ¹⁶⁹. Marion Paoletti counted 202 local referenda between 1971 and 1992, and there were 41 local consultations between 1992 and 1995 (Belloubet-Frier, 1996: 163-179). Consequently, since the institutionalisation of local referenda in France, there have been 423 local referenda ¹⁷⁰. If we add the local referenda held at the end of the nineteenth century, that produces a total of between 460 and 470 referenda. A figure of 423 local referenda in 33 years of codification produces an average frequency of 12/8 local referenda a year. In fact, given the number of communes (36 000) ¹⁷¹ (Paoletti, 1999), the level is very low. Nevertheless, a comparison of the number of local referenda and the number of communes can be misleading. It is not the frequency of local referenda which explains the extension of local democracy. A quantitative approach and a qualitative approach are necessary in order to understand the way referenda are organised at the local level. Annex VI describes the relationship between the size of the commune and the referenda (1995 and 2004). 99 local referenda out of 180 (55%) were organised in small communes. Considering the very large number of small communes (33915), the proportion is not high at all. As a matter of fact, it is not appropriate to deal with an increase of "rural referenda". When the communes are not that big ¹⁷², people

¹⁶⁸ 1844 referenda out of 2472 (75% of the German referenda) and 805 popular decisions out of 1084 (75% of the German popular decisions) took place in those *Länder*. We did not collect data on the number of local referenda in the *Land of Hamburg*.

¹⁶⁹ Data source: Home Office (July 2004).

¹⁷⁰ In the French case, there is no distinction between referenda and local consultations.

¹⁷¹ Just over 1% of communes have had a local referendum (Paoletti, 1999).

¹⁷² There is obviously in France a high number of small communes. The criterion which distinguishes rural communes from urban ones is very hard to define. For many years, official statistics considered rural communes as communes with fewer than 2000 inhabitants (Mendras, 1988).

know each other and the organisation of a referendum can cause social conflicts ¹⁷³. In addition, the list established by the French Home Office does not include several local referenda which were illegal and therefore not known to the prefectures ¹⁷⁴. An examination of those local referenda which are not recorded by official statistics ¹⁷⁵ indicates that some "local" topics are not known outside the commune, because they are seen as internal affairs. Sometimes, the mayor knows that an administrative tribunal will cancel the procedure because the topic of the referendum is the competency of the State. This is why the mayor does not want the prefecture to know about it ¹⁷⁶.

If we locate those referenda, most of them were organised in Provence ¹⁷⁷ (See annex VIII) insofar as 35 local referenda were held in that region. In other words, the average frequency of local referenda between 1995 and 2004 was 4 per year for 963 communes in Provence. This was certainly due to reasons of territorial reorganisation, but we have too few tools to make serious conclusions about that hypothesis.

¹⁷³ In some small communes, proximity dramatises the way local politics are conducted. For instance, in February 1993, in the Department of Vienne, the mayor of Chatain (360 inhabitants) committed suicide as a result of the consequences of a local referendum. The referendum was about the acceptance of radioactive waste. The mayor agreed with the installation of a laboratory which would have processed the radioactive waste. He won the referendum (60% for, 40% against in January 1993), but pressure from the local environmentalist association and threatening letters affected him. The close-knit relations in some villages can lead to a lot of pressure. In this regard, please refer to the work of Uli Windisch who analysed such local relations in a small village in Switzerland (Windisch, 1992) (Barth, 1993).

¹⁷⁴ Our research suggests that between **5 and 10%** of local referenda are ignored or neglected by official statistics.

¹⁷⁵ In addition, some departments did not answer the Home Office enquiry. We have tried to complete those data by calling the prefectures of the missing departments.

¹⁷⁶ We interviewed the mayors who organised these referenda, as well as the prefectures. Considering that the newspapers and certainly by the sub-prefectures are aware of some local referenda, prefectures choose not to interfere if the referendum is not important. For instance, some topics are very **symbolic**. In February 2003, a local association proposed to the mayor of Les Mages (1500 inhabitants, department of Gard in the South-East of France) to organise a local consultation on the Iraqi war (96% were against the war, but only 20% of the people took part in that initiative).

¹⁷⁷ Nevertheless, a few local referenda were held at the same time in this area, with regard to a merger of communes.

Urbanisation trends suggest that in the future, some local referenda will be organised for the mergers of communes ¹⁷⁸. For instance, in the region of Nord-Pas-de-Calais, which is an urban region ¹⁷⁹ (the density is much higher than the average density of population in France), 12 referenda out of 15 were organised on the merger of communes with the city of Lille ¹⁸⁰. There are slightly more referenda in the regions where the urbanisation rate is high, but the practice of local referendum is increasing too slowly in France to make a serious correlation between the urbanisation rate and the use of referenda. Furthermore, some communes have begun to develop a culture of local referenda as they have organised several consultations, such as Mons-en-Baroeul (4 referenda since the end of the seventies) (Jeantet, 1991: 150) ¹⁸¹, Entremont (3 referenda since 1991), Couilly-Pont aux Dames (3 referenda between 1996 and 1999).

On the whole, the turnout was higher than 50% in 61% of cases and in 48% ¹⁸² of cases, the population approved the projects. We can explain this slow trend by a discrepancy between decentralisation and local democracy. As the laws of 1982 stressed on decentralisation, the question of local democracy has been delayed. The authorities do not want to make too obvious a connection between **local democracy** and **decentralisation** ¹⁸³, this is why the last Decentralisation Act recognised the possibility of local referenda while restricting their use.

¹⁷⁸ In 1995, there were more than 36 000 communes in France whereas in the former European Union there were 79 000 European communes. The necessity to merge communes is at stake in the future. See the review *Pouvoirs*, n° 95, 2000.

¹⁷⁹ The Department of Nord is urban whereas the Department of Pas-de-Calais is rural.

¹⁸⁰ Many of these communes have more than 20 000 inhabitants, namely Marc en Baroeul (37 679), La Madeleine (22 696), Lambersart (28 369), Verlinghem (2 399), Hem (19 814), Croix (20 832), Mouvaux (13 341), Ennetières-en-Weppes (1 141), Hallennes-lez-Haubourdin (3 828), Wasquehal (18 716), Roncq (12 794) and Lannoy (1 727).

¹⁸¹ Mons-en-Baroeul organized four referenda in 1977, 1980, 1987 and 1998 on budget problems though it was not legal.

¹⁸² Data Source: direction générale des collectivités locales, French Home Office.

¹⁸³ There is a juridical distinction between “**deconcentration**” and **decentralisation** (Larangé, 2000). “Deconcentration” means that the services of the Central State are decentralised in order to be more efficient. When the authorities refer to local democracy, they mean the power of local representatives.

The increase of local referenda in both countries is beyond all doubt. The question is their intensity: whereas the recent wave of institutionalisation in Germany helped the development of local referenda, the evolution is much slower in France. Referenda are not included as much in local political systems: the opening of those systems is in process, it implies a change in the status of local representatives. In Germany, the fact that the demand comes more from the population allows the political system to translate those needs. In France, the input is clearly controlled by the local authorities and especially mayors who improve their legitimacy by organising these procedures. Notwithstanding such resistance, it is relevant to declare that those trends will accelerate. Local politics is becoming complex (Zolo, 1992) because of the emergence of these new procedures that lead to the emergence of new social actors and change the nature of the local time-scale. Indeed, the fact that some citizens are more active and take part in defining public policies (Papadopoulos, 2002: 133-157) extends the duration of public policies which exceed the time of the local authority's mandate. It is hard to solve the dilemma between participation and the efficiency of public policies.

Annex I: a comparison of the history of local referenda in France and Germany

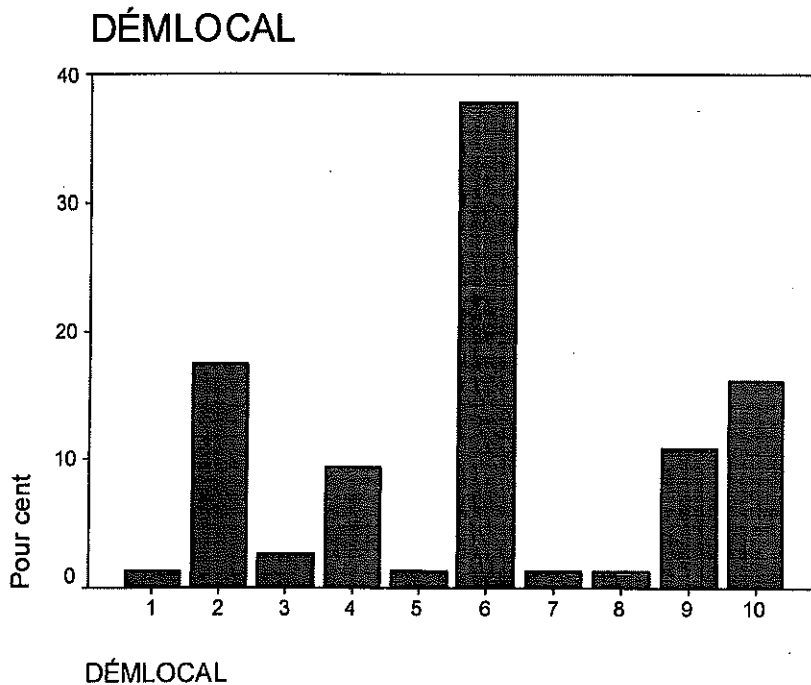
Some key dates	France	Germany
1880-1907	First local referenda in France (between 30 and 40) until the Conseil d'Etat cancelled some procedures. Strong hostility of the French Parliament	Local autonomy
1919-1933		The Republic of Weimar introduced some direct democracy procedures as corrective mechanisms. Local referenda and local popular initiative existed
1930-1945		Nazis plebiscites. Trauma which explained a post-war " <i>plebisphobie</i> "
1945-1960	<ul style="list-style-type: none"> - 1946: the Constitution of the Fourth Republic was approved by referendum. - 1958: the Constitution of the Fifth Republic introduced referenda at national level (from 1958 to 1969, 8 national referenda). 	<ul style="list-style-type: none"> - Some <i>Länder</i> adopted referenda at State level (Bavaria and Baden-Wurtemberg) after the war - 1955: introduction of the possibility of communal referenda in the legislation of Baden-Wurtemberg
1970-1989	<ul style="list-style-type: none"> - The Law of 16 July 1971: local referendum is compulsory in case of the merger of communes. First acknowledgement of local referenda - The decentralisation laws of 1982 (I) 	
1990-2004	<ul style="list-style-type: none"> - Series of laws which defined as well as restrained the use of local referenda - 6 February 1992: the possibility of local consultations was introduced with some conditions: weak opening of local governments - 4 February 1995: Popular initiatives became possible under certain conditions. Local referenda are merely consultative - 27 February 2002: "Democracy and neighbourhood" - 1 August 2003: Decentralisation Act (II) 	<ul style="list-style-type: none"> - 1990: the Reunification of Germany: many <i>Länder</i> adopted local referenda in their communal charts - Fight of <i>Mehr Demokratie</i> association to extend this tool: a lot of local referenda have been held since the 1990s

Annex II : Enquiry on local democracy in the city of Bordeaux

- 1) Male Female
- 2) Age
 - Between 15 and 25 years old
 - Between 26 and 40 years old
 - Between 41 and 60 years old
 - More than 60 years old
- 3) What is your job?
- 4) To which political party do you feel close?
- 5) Your position inside the party
 - Supporter
 - Member
 - Militant
 - Elect
 - Other
- 6) How do you see the devolution process?
- 7) Which word would you use to describe "local democracy"?
- 8) The Constitutional Law of 28 March 2003 stated the decisive value of the local referendum. Do you think that this instrument would be efficient to enlarge citizen's commitment?
 - Not at all efficient
 - Not very efficient
 - Sometimes efficient
 - Efficient
- 9) Was the topic of citizen's commitment important in the campaign for the 2004 regional and cantonal elections?
 - Not at all important
 - Not very relevant
 - Secondary
 - Important

Source: own research

Annex III: the perceptions of local democracy in Bordeaux

**Heading**

DÉMLOCAL = answers to the definition of local democracy

Numbers 1 to 10 correspond to the answers that the members proposed.

1 = "local life"

2 = "**relation local representatives/citizens**"

3 = "the power of the local representatives should be limited"

4 = "**local consultations**"

5 = "information"

6 = "**town councils**"

7 = "more power for the mayor"

8 = "initiatives from associations"

9 = "there is no local democracy"

10 = "no answer"

Source: own research (survey conducted using a panel of seventy-four people from five different political parties in Bordeaux, results analysed with SPSS software)

Annex IV: Referenda at communal level in Germany (quorums and deadlines)

Date of the introduction of direct democracy procedures	Popular initiative: quorum of signatures	Deadline for obtaining signatures	The minimal quorum required for the referendum to be decisive
Baden-Württemberg (1956)	5-10%	4 weeks	30%
Bavaria (1995)	3-10%	No delay	10-20%
Brandenburg (1993)	10%	6 weeks	25%
The city of Bremen (1994)	10%	3 months	50% of participation required
Bremerhaven (1996)	10%	6 weeks	30%
Hamburg (1998)	2-3%	-	No quorum
Hesse (1993)	10%	6 weeks	25%
Mecklenburg West-Vorpomerania (1994)	2,5-10%	6 weeks	25%
Low Saxony (1996)	5-10%	3 months	25%
North Rhine Westphalia (1994)	3-10%	6 weeks	20%
Rhineland-Palatinate (1994)	6-15%	2 months	30%
Saarland (1997)	5-15%	2 months	30%
Saxony (1993)	5-15%	2 months	25%
Saxony-Anhalt (1993)	6-15%	6 weeks	30%
Schleswig-Holstein (1990)	10%	4 weeks	20%
Thuringia (1993)	13-17%	1 month	20-25%

From: *"Mehr Demokratie"* ans SCHILLER, Theo, *Direkte Demokratie: Forschung und Perspektiven* (Wiesbaden, 2002).

Annex V: Local referenda and popular decisions in Germany

Land	Local referenda			Popular decisions				
	Period	Number	Frequency of local referenda a year (number of local referenda for X communes) N (1/X)	Not valid (the procedure is not correct)	Referenda which have become popular decisions	Number	Frequency of popular decisions a year for X-communes (number of popular decisions a year for X-communes) N (1/X)	Popular decision taken after referendum
Bavaria	1995-2001	1260	210 (1/10)	160 (13%)	578 (46%)	578	96.3 (1/21)	578 (100%)
Baden-Württemberg	1956-2002	283	6.2 (1/179)	130 (46%)	140 (50%)	292	6.4 (1/174)	140 (48%)
North Rhine Westphalia	1994-2002	232	29 (1/14)	89 (38%)	74 (32%)	74	9.3 (1/43)	74 (100%)
Schleswig-Holstein	1990-2002	202	16.8 (1/67)	88 (44%)	86 (43%)	100	8.3 (1/136)	86 (88%)
Hesse	1993-2002	150	16.7 (1/67)	32 (21%)	67 (45%)	67	7.4 (1/58)	67 (100%)
Saxony	1993-2002	130	14.4 (1/54)	41 (32%)	65 (50%)	121	13.4 (1/58)	65 (54%)
Rhineland-Palatinate	1994-1999	61	12.2 (1/189)	19 (31%)	23 (38%)	23	4.6 (1/501)	23 (100%)
Lower Saxony	1996-2002	51	8.5 (1/121)	22 (43%)	22 (43%)	24	4 (1/258)	22 (92%)
Brandenburg	1993-2001	36	4.5 (1/331)	19 (53%)	6 (17%)	28	3.5 (1/425)	6 (21%)
Mecklenburg West-Vorpomerania	1993-2002	30	3.3 (1/324)	22 (73%)	6 (20%)	25	2.8 (1/463)	6 (24%)
Thuringia	1993-1999	29	4.8 (1/219)	10 (35%)	15 (52%)	15	2.5 (1/421)	15 (100%)
Saarland	1997-2002	4	0.8 (1/52)	3 (75%)	-	0	0 (0/52)	0
Saxony-Anhalt	1990-2002	4	0.3 (0/1295)	2 (50%)	2 (50%)	33	2.8 (1/463)	2 (6%)
Total	1956-2002	2472	327.5	637 (26%)	1084 (44%)	1380	13.2 (1/329)	1084 (79%)

Data Source: WALTER-ROCC, Mélanie, "Direkte Demokratie in der Bundesrepublik Deutschland und im internationalen Vergleich" in GABRIEL, Oscar. *Politische Partizipation*, www.politikon.org/inhalt and data from the University of Marburg.

Annex VI: relationship between size and local referenda practices in France (1995-2004)

Size of the commune	Number of communes	Number of referenda
Less than 3500 inhabitants	33915	99
Between 3500 and 5000	801	14
Between 5000 and 10000	975	17
Between 10000 and 20000	426	29
Between 20000 and 50000	300	16
More than 50000	112	5

Data Source: French Home Office

Annex VII: topics of French local referenda (1995-2004)

Main topics	Proportion of referenda
Urban planning	37,8%
Public equipment	20,55%
Communal life	28,80%
Illegal consultations on State projects	12,77%
Total	100%

Data Source: French Home Office

Annex VIII: The number of local referenda in some French areas

Region	Population (1999 census)	Surface (1999 census) (km ²)	Density (Inhabitants per km ²)	Number of communes (1999 census)	Number of local referenda between 1995 and 2004 ¹⁸⁴
Ile-de-France	10 952 011	12 072	910	1 281	25 ¹⁸⁵
Rhône-Alpes	5 571 885	43 698	128	2 879	16
Provence	4 534 000	31 804	145	963	35
Nord-Pas-de-Calais	3 996 588	12 313	322	1 546	15
Midi-Pyrénées	2 522 696	6 299	53	3 009	11
Languedoc	2 114 955	33 570	63	1 542	10
Alsace	1 624 372	8 294	195	896	4
Bourgogne	1 463 240	31 593	46.3	2 039	14
Total for 8 regions	32 779 747	–	–	14 155	115
Total France	60 000 000	550 000	109	36 800	180

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¹⁸⁴ We use the data given by the French Home Office.

¹⁸⁵ The Home Office did not take into account the referenda which occurred in some districts of Paris (the nineteenth and the twentieth districts).

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Chapter 8. Continuity or Innovation? Citizen Involvement and Institutional Reforms in Swiss Cities

Michael Bützer

Introduction

New mechanisms for enhancing public participation in political affairs are becoming increasingly popular in European local politics (Kersting and Vetter, 2003)¹⁸⁶. Among other mechanisms, direct democratic institutions are understood as effective instruments to open up the political decision-making processes to the citizens, thereby complementing and counteracting representative forms of Government. Proponents of direct democracy see in such rights a compelling means to mobilize and empower the electorate (Barber, 1974), while opponents point out that bottom-up mechanisms overstrain citizens' capacities and hand resourceful groups an additional instrument to shape political outcomes to their advantage (Sartori, 1987). In Swiss com-

¹⁸⁶ Financial support in form of a research fellowship by the Swiss National Science Foundation (PBGE1-103077), and logistic support by the Institute of Governmental Studies, University of California at Berkeley are gratefully acknowledged.

munes, where popular participation is an integral part of the political process, discussions do not so much turn on the general desirability, but more specifically on the design of democratic institutions.

Switzerland undoubtedly enjoys the greatest experience of direct citizen involvement in political decision-making. Modern direct democratic institutions were implemented in the first half of the 19th century at cantonal and federal levels of Government. In many communes assembly democracies have been practised since the middle ages, and were later - towards the beginning of the 20th century - complemented by referendums and initiatives as well. Overall, it is at the communal level that popular involvement in politics is most far-reaching, even though an astounding diversity of communal regulations persists today (Horber-Papazian and Terribilini, 2000). This diversity is partly explained by the fact that, as a continental European exception (Norton, 1994: 3), limited communal autonomy was not granted by the federal State but the cantons, leading eventually to 26 different communal regulatory frameworks.

A peculiar feature of Swiss direct democracy is linked to the command of these institutions, namely that few ballot processes are controlled by governing elites. Almost all ballot measures come indeed to polls independent of the will of Government, but because of legal provisions or at the demand of political actors. Notwithstanding, in taking into account the variety of communal regimes, Swiss cities offer an appealing laboratory for analyzing direct democratic institutions in different contexts. In this chapter, I will present the institutional frameworks in three communal traditions and shed light on recent reformist changes. My observations on local institutions focus on Swiss cities, that is, communes with more than 10 000 inhabitants, but extend to both organisational and institutional reforms. This will allow me to assess the evolution of communal polities during the nineties. Which organisational reforms were successfully undertaken and implemented? In what communal tradition were democratic institutions reformed and how? How did direct citizen involvement evolve in Swiss cities from a comparative perspective?

From a theoretical point of view, political systems are challenged from two sides with respect to the delivery of public services, the democratic input and an efficient output (Vetter, 2002: 3). On the one hand,

political systems need to take into account, as comprehensively as possible, the political demands of their citizens. On the other, they need to deliver public services in accordance with efficiency criteria. Institutional reforms thus place governmental systems in a democratic dilemma, by inevitably infringing one of these criteria (Kübler and Ladner, 2003: 138). As has already been pointed out by Ladner (2000), efficiency-oriented goals prevailed in most institutional and organisational reforms in Swiss cities, with such measures as NPM, the extension of inter-communal cooperation or territorial fusions. Reforms of governmental structures of local Governments were undertaken less frequently, and the democratic consequences of these developments remain under-investigated. In analysing the implementation and dynamics of direct democratic institutions, I intend here to give priority to the democratic dimension of communal reforms.

1. Institutions and local democracy in Switzerland

1.1. Categorisation of institutions

Before introducing communal politics in a historical perspective and turning to an institutional overview, I must at this point elaborate on my categorisation of direct democratic institutions. Broadly speaking, four types of popular institutions can be identified, namely compulsory referendums, optional referendums, popular initiatives and counter-proposals (Papadopoulos, 2001). Citizens directly place an issue on the political agenda with popular initiatives, by proposing to the voters that they decide on a new legislative or administrative measure. Counter-proposals can be worked out, following the deposition of a popular initiative, by governing authorities. Optional referendums allow a minority of either the voters or the legislature to question a governmental decision by bringing it to the polls, and eventually by deciding on its abrogation. Finally, compulsory referendums come to polls either because of legal obligations or by a majority decision of governing elites.

Two remarks must be added to this categorisation. Unlike mechanisms that aim at involving the citizenry more directly in political processes, direct democratic institutions are concerned with decision-making, the

very last stage of this process. In other words, a popular vote puts an end to the political process by a majority decision of those taking part therein. Referendums and initiatives are thus only indirectly concerned with the planning and formulating stages of policy-making, unlike other mechanisms¹⁸⁷. Moreover, and more specifically for the local level, while constitutional and legislative proposals make up the bigger part of political activity at higher state levels, it is administrative measures that represent the main field of action in Swiss communes (Bützer, 2003). The standard categorisation of direct democratic institutions (e.g. Trechsel and Serdült, 1999) needs thus to be refined when considering citizen involvement in local politics, not least with respect to newer forms of such mechanisms.

1.1.1. *Compulsory referendums*

With regard to compulsory referendums, I shall first identify two types of communal measures, that are either law-making or law-applying in character. In the first category fall city-charter measures and those of a subordinate legal character, such as laws or ordinances. The remaining catch-all category encompasses administrative (e.g. planning zones) and financial proposals (e.g. communal bonds) (Hangartner and Kley, 2000). I also consider extraordinary referendums, which are brought to the polls by a majority decision of governing authorities, independent of the substantive issue at stake, as a separate institution. Below I will assess the extent to which a city has implemented compulsory referendums by constructing an indicator of the availability of the eight forms of these institutions in the years 1990 and 2000.

¹⁸⁷ Such other mechanisms include for instance citizen's juries, planning cells, deliberative polls or consensus planning. Direct democratic institutions do, however, also impact upon the policy-formulation stage. According to the hypothesis of Neidhart (1970), the constant threat of the launch of an optional referendum indeed forces political elites to compromises, or in other words, to take the standpoints of all important political actors into account for policy decisions.

1.1.2. *Optional referendum*

At the end of the policy-making process, a political minority can be granted the right to veto an approved decision by the legislature. A minority of the citizens or of the legislature aims therewith at overturning a political decision by the means of a popular ballot. In communes without compulsory mechanisms, optional referendums guarantee direct citizen involvement in politics. The ordinary optional referendum is launched by a fraction of the electorate within a given time span. Extraordinary optional referendums are initiated by a qualified minority of the legislative power, which can encompass both a minority of parliamentarians or of citizens in assemblies. Note that most cantons rather narrowly prescribe signature thresholds requirements and petition collection time limits to their communes (Schaffhauser, 1978: 280). Also, the scope of communal measures that are subject to the optional referendum varies substantially from one canton to another.

1.1.3. *Initiative and counter-proposals*

The complementary character of direct democratic to representative institutions becomes clearly visible with respect to popular initiatives. Hence, the deposition of a city initiative does not necessarily lead to a popular vote. If such a measure is accepted by the city government, a compulsory ballot vote may not be necessary. Similarly, if an initiative proposal falls within the scope of the optional referendum and is rejected by Government, no ballot vote may take place unless citizens launch an optional referendum petition. Besides plural (popular) initiatives, initiated by a fraction of the electorate, the single initiative (by one citizen) is also widely implemented in German-speaking cities. The complementary character of initiatives is further illustrated by the possibility of submitting a counter-proposal. Such proposals take on the subject of the initiative, but are normally more balanced in character by integrating conflicting points of view. Voting procedures vary considerable between cities, with the possibility of a double yes to each question and a subsidiary preference question prevailing.

1.1.4. *Double-voting, subsidiary questions and variant voting*

Through alternative voting procedures, citizen involvement in politics can be enhanced, political interest stimulated, governmental capacity improved and the power of decision of Parliament positively influenced (Bolz, 1992: 45). Several institutional opportunities can therefore be considered. In the "double-proposal" procedure, the Government presents its (differing) proposal together with the one of the legislature to the ballot. This allows a differentiated expression of opinion for the electorate. The vote procedure allows most of the time for a double-yes with a subsidiary question of preference between the proposals.

A voting procedure with a main and an additional subsidiary question serves the purpose of allowing the citizens a differentiated expression of opinion on one particular - and often controversial - aspect of a proposal. Normally, the system with the dependence of the subsidiary question to the main question is implemented, implying that the subsidiary question will only come into force (if accepted) should the main question be accepted. Still another procedure represents variant voting mechanisms. The legislature decides itself to present two or more concurrent proposals on the same topic to the electorate. This process, particularly suitable at the beginning of a project, allows the citizens to choose between several alternatives on the same question. As in the case of the double-voting procedure, citizens are generally offered the possibility of a double (or multiple) yes, with subsidiary questions determining the preference of alternatives in case of multiple acceptance.

1.2. Historical background and communal forms of Government

In order to better understand communal politics in Switzerland, it is useful to briefly recall some historical facts. As of the early Middle Ages, assembly democracies and forms of decentralization became central elements of the old Confederation (Neidhart, 1970). Cornerstones of modern political systems and institutions were, however, only established by Napoleon, after invading the Old Confederation in 1798 and by forcefully imposing the first federal constitution. Once modern political institutions were successfully implemented in the

cantons and at the federal level, regulations for communal democracies were gradually put in place as well. Especially with regard to citizen engagement mechanisms, direct democratic institutions were first implemented and extensively tested in cantons, and subsequently extended to federal and communal levels of Government (Bridel, 1952).

One key trade-off for implementing communal institutions consisted of the adoption of an "old" communitarian or "new" individualistic view on the people's sovereignty. As a consequence of cantonal freedoms, state conceptions and roles of citizens in communal policy-making processes diverge considerably among Swiss cities. Three broad communal traditions can be distinguished. In the German-speaking part of the country, a communitarian assembly form of Government continued to evolve in mainly rural communes, while more representative or pluralist democracies were formed in city-states. By contrast, local entities in Latin cantons were strongly influenced by French legacies and were primarily organized as representative-elitist democracies. The three traditions reflect distinct state conceptions, with a view of the state controlled by the citizens collectively (assemblies) or by citizens individually (city-states) in the German part, and another view of a limited control of citizens by the state in Latin cantons. Democratic conceptions and characteristic institutional features for the three traditions are summarized in table 1.

Table 1. Communal traditions and local institutional frameworks

Tradition Feature	assembly	city-state	Latin-French
State conception	control by citizenry	control by citizens	limited control of citizens
Sovereignty	communitarian	individualistic	individualistic
Democracy	assembly	pluralist	elitist
Size of executive	large	medium	small
Size of parliament	-	small	large
Comm. autonomy	extensive	medium	limited
Compulsory ref.	rare	norm	very rare
Hurdles opt. ref.	medium	low	high
Hurdles Initiative	medium	low	high

Extensive communal autonomy and self-administration by the citizens lie at the heart of the state concept of assembly democracies in the German-speaking part of the country. Communal Governments are understood as a board of directors, which executes only those tasks that the citizens cannot fulfil on their own (Schaffhauser, 1978: 221). The city-states of the German-speaking part build political sovereignty on a modern conception of the individual citizen, in delegating their political authority to elected representatives, and in controlling and complementing the latter's activities by way of direct democratic institutions (Hangartner and Kley, 2000: 133). Executives tend to be smaller in city-states than in assembly communes, since they are more professionally organised and counter-balanced by an elected Parliament. Representative institutions and a limited autonomy take on a much larger stance in cities of the Latin-French tradition, where the direct exercise of popular decision-making is not understood as the pinnacle of democracy (Schaffhauser, 1978: 134). Hence, political sovereignty is essentially transferred to elected bodies that tend to be more professional and larger than in the German-speaking part.

The extent of direct citizen involvement in local politics varies considerably among the cities of the three linguistic regions (Huissoud and Joye, 1991), and between the three traditions. The most far-reaching and widespread implementation of direct democratic institutions is found in communes of the city-state tradition. Compulsory referendums are the norm for all important political decisions. In addition, signature thresholds for launching optional referendums or popular initiatives are low. On the other end, direct citizen participation is limited in communes of the Latin-French tradition. Compulsory referendums are almost non-existent, and institutional hurdles for the launch of optional referendums or popular initiatives are high, if institutions are implemented at all. In German-speaking rural communes, citizens collectively decide on most political issues in assemblies. On a few occasions, a ballot vote can be declared mandatory for issues of the utmost importance, while signature thresholds for direct democratic minority rights remain moderate in between the other traditions.

To sum up, since the political systems of Swiss communes mainly depend on cantonal regulations, very distinct political systems have been able to emerge over the last two centuries. Three communal traditions

can be broadly distinguished: German-speaking assembly democracies in rural communes, pluralist parliamentary democracies in city-states, and more elitist representative democracies in cities of the Latin-French tradition. State conceptions, views on people's sovereignty and implementations of democratic institutions all vary significantly from one tradition to another. In particular, the roles and functions of direct democratic mechanisms change notably too. Following this line of reasoning, I will now assess the democratic openness of the political systems of these three traditions.

1.3. The democratic openness of political systems

The normative foundation of this section is based on the work of new institutionalist scholars (Thelen, 1999). I consider that political institutions in general and direct democratic institutions in particular guide the behaviour of political actors and decisively influence communal policies. In order to determine the impact of these institutions in a given city, the level of openness of the political system to the citizens becomes of prime importance. The more citizens are directly involved in policy formulation and decision-making, or the more democratically open a political system is, the higher the impact on policy design and processes, and ultimately on political decisions. Inversely, in political systems where citizens only marginally intervene in policy formulation and decision-making, their influence lessens, and with it the importance of direct democratic institutions for public policies. The question that arises is how the openness of a political system can be rendered operational.

In a simplifying comparative perspective, I conceive that the determination of the direct democratic openness of a political system depends on two dimensions, the substantive scope of popular rights (what can be voted on?) and the legal-formal requirements for their use (what is needed in order to vote?). My classification of compulsory referendums allows me to schematically determine the substantive scope of citizen involvement in political decisions. The more broadly compulsory referendums are implemented, the more a political system can be considered to be democratically open, since citizens are more frequently asked to participate directly in a broader range of decisions. In

other words, the openness index for compulsory referendums indicates how widespread and far-reaching the (automatic) direct citizen involvement reaches ¹⁸⁸.

With respect to formal requirements, I focus on signature thresholds and collection time limits for both optional referendums and popular initiatives. A simple indicator that measures the formal openness of political systems is the so-called 'Moserindex' (Treichsel and Serdült, 1999: 21) ¹⁸⁹. The higher this index, the more difficult it is, in terms of numbers of signatures and time limits, to launch a popular initiative or an optional referendum. Inversely, the lower the index, the easier it is to launch such a petition. For the sake of comprehensiveness, I also report requirements for both parameters individually. Because of the simplicity of the constructed indexes, a word of caution must be added with respect to their interpretation. Coefficients only illustrate an approximate measure of both the substantive scope and the formal requirements of the democratic openness of a political system to the citizens. However, since my aim is not so much the discussion of qualitative statements but rather the comparison of coefficients between and within groups of cities, my focus lies with the relative differences between coefficients and less with their absolute values.

¹⁸⁸ In building the index I have added up the number of compulsory referendums implemented in each city. Up to two points were awarded for compulsory referendums on legislative measures (0=not available, 1=only for city charter, 2=for city charter and other laws), on administrative measures (0=not available, 1=for few proposals, 2=for many proposals) and on recurring and non-recurring expense proposals (0=not available, 1=for few proposals, 2=for many proposals). One point was added for compulsory referendums on inter-communal matters, as well as one for those of extraordinary character (0 otherwise). The total number of points ranges from 0 (=no compulsory referendum implemented) to 8 (=extensive compulsory citizen involvement).

¹⁸⁹ The required signature threshold is expressed as a percentage of the electorate, multiplied by 100, and divided by the required collection time limit (in days).

Table 2. Democratic openness of political systems in the communal traditions (2000)

tradition		assembly		city-state		Latin-French
∅-coeff. (min-max)	N		N		N	
comp. referendum						
Openness index	34	3.26 (1-6)	51	5.88 (2-8)	31	1.06 (0-3)
opt. referendum						
Moserindex	11	.22 (0.1-0.67)	51	.15 (0.03-0.33)	31	.55 (0.11-1)
signatures (in %)	13	6.6 (3-20)	51	4.4 (0.9-10)	31	14.5 (3.4-20)
time limit (days)	13	28 (3-60)	51	34 (20-90)	31	31 (20-60)
initiative						
Moserindex	8	.084 (0.03-0.12)	36	.044 (0.01-0.11)	28	.182 (0.02-0.33)
signatures (in %)	18	8 (4.2-10)	51	5.9 (1-10)	29	14.6 (4.9-20)
ime limit (days)	8	94 (60-180)	36	188 (60-720)	28	104 (60-540)

As outlined in the previous section, I expect the democratic openness to be highest in city-states and lowest in the Latin-French tradition, with the assembly communes being somewhere in between. According to table 2, the openness indexes for compulsory referendums show the presumed coefficients for all three traditions. City-states have on average almost six (out of eight) forms of compulsory referendums implemented in their political decision-making systems. Strikingly, this proportion declines to only one form of compulsory referendum on average in Latin-French cities. Finally, cities with assembly regimes are situated in between the other traditions, with slightly more than three forms of compulsory referendums implemented on average.

A similar pattern can be observed for the coefficients measuring formal threshold requirements of popular initiatives and optional referendums. City-states clearly emerge as communes with the most open political systems. Signature thresholds are significantly lower in city-states (ranging from around one to ten percent of the electorate) than in assembly (three to 20) and Latin-French cities (four to 20). Conversely, collection time limits for petitions are generally higher in city-states (ranging from 20 to 720 days) than in assembly (3 to 180) and Latin-French (20-540) cities. It must be added, however, that in less

than half of all assembly communes are optional referendums and popular initiatives actually implemented.

To sum up, it appears that a wider substantive scope of compulsory voting mechanisms goes together with lower legal-formal requirements for the launch of political rights by the citizens. In cities with a lot of compulsory ballots, citizens do thus not only automatically vote on a wider array of measures at the polls, but they can also embrace optional referendums and popular initiatives more easily. Citizens of Latin-French cities, on the other hand, are only rarely consulted through compulsory mechanisms at the polls, and the scope of measures submitted to them is severely limited. Likewise, the requirements for launching a popular petition in the form of an initiative or an optional referendum are consistently higher in Latin-French cities than in the German part of the country. In cities with the assembly form of Government, finally, modern direct democratic rights are implemented with less frequency, and both their scope and formal requirements lie in between the two other traditions.

2. Reforms in Swiss cities in a comparative perspective

2.1. Organisational reforms

How were the biggest Swiss communes (>10 000 inhabitants, N=118) politically organised at the beginning of the new millennium? According to Bützer (2003: 112) and somewhat astonishingly, 35 communes of the German-speaking part knew the assembly system. This represents two fifths of all German-speaking cities, and a third of the cities of the sample. On average, 12 812 inhabitants lived in assembly communes, with Baar (ZG) being the most populous (19 027). The other 83 cities with Parliaments are distributed between the city-states category, representing the largest group with 53 cities, and the 30 cities of the Latin-French tradition. Cities with Parliaments differentiate themselves from assembly communes through significantly higher average numbers of inhabitants, with population sizes of 16 621 and 16 640

respectively. At first, this picture corroborates the relationship between population size and the form of democratic regimes (Dahl and Tufte, 1974). Bigger cities tend to abolish assembly systems in favour of parliaments. But at the same time, it also highlights the widespread and anchored scepticism of more rural German-speaking citizens to abandon traditional assembly structures.

What changes occurred in the organisational structure of Swiss cities during the 1990s? Out of 118 cities, only three changed their governmental regime. Two German-speaking cities went back from the parliamentary form of Government to the assembly system, and one other installed a new parliament. The picture of organisational continuity changes a little if unsuccessful regime change reforms are considered as well. In all 35 cities with assemblies, nine brought the issue of regime change to the polls during my observation period. And in cities with Parliaments, the question of going back to the assembly regime was raised in six cities at the polls. While these observations point to a latent need for the adaptation of communal political structures, they highlight the difficulties and resistance by the citizens to change them, independent of the form of Government.

A similar resistance to organisational changes can be observed for the size of communal Parliaments, where over eleven years, no changes have occurred. With respect to the size of city executives, however, reforms were undertaken and successfully carried out more often. During my observation period, 16 changes to the number of city executives were undertaken, with a reduction in fourteen cases and an increase in two. This tendency is partly explained by a higher professionalization of city executives and a corresponding reduction in their overall membership. More generally, the reduction of the number of executive seats translate higher output and efficiency demands to city Governments, a tendency already identified as the driving force behind most other reform activities. Organisational reforms in Swiss cities thus seem to indicate that the democratic expectations of the citizenry have evolved, by shifting the focus from broad and legitimate (bigger) representation to more efficient and smaller executives. Let me now turn to institutional reform developments.

2.2. Institutional trends and direct democratic reforms

2.2.1. *Compulsory referendums*

During the 1990's, the substantive scope of compulsory referendums with regard to law-making measures was restricted in a fair number of cities. In most cases where law-making powers were transferred to the legislature, such decisions were subsequently subjected to the optional referendum. It was widely argued that the transfer of law-making powers at the local level represented a necessary relief for the citizens, unburdening them of frequent opinion statements at the polls on largely uncontroversial proposals (Bolz, 1992: 37). A comparative statement on the evolution of compulsory referendums for administrative measures is less straightforward if not impossible. While some cities restricted their use on important issues, others introduced such referendums just for the most important administrative decisions.

Moreover, due to cumulative constitutional and legal obligations from several State levels, no clear trend can be discerned for compulsory referendums on issues of inter-communal cooperation. Few reforms occurred with respect to extraordinary compulsory referendums, which are surprisingly widespread in cities. Not only does the scope of such referendums often extend to almost all communal decisions, but few cities even hand their executive body the power to declare an extraordinary ballot. It should be mentioned, nevertheless, that such ballots are used with the great restraint by governmental authorities in Swiss political practice.

A compelling way to analyse the dynamic of the democratic dimension of compulsory referendums is to focus on financial thresholds requirements for ballot measures that trigger new expenses. The majority of cities that have implemented compulsory expense referendums for recurring or non-recurring charges did indeed increase expense thresholds during the nineties (see table 3). Only three cities have cut threshold limits, three others have repealed the institution, and three have recently introduced it. Note that 13 cities show financial thresholds as a percentage measure (mainly of total communal expenses), and others link them to an inflation index.

It is important to take this last remark into account when interpreting these reforms. The obvious interpretation of threshold increases is seen as an impediment to the democratic dimension of political systems, since the scope of financial measures subject to the compulsory referendum is reduced. As a matter of fact, increases in financial thresholds do not necessarily restrict the direct democratic openness of political systems. Absolute money amounts constantly lose value over time if they are not coupled to an inflation index. Hence, governmental authorities have often expressly refused to fully compensate for inflation adjustments when presenting a ballot proposal for threshold increases, not least for fear of having these unpopular measures defeated at the polls.

Table 3. Institutional changes to compulsory and optional referendums and popular initiatives in Swiss cities 1990-2000

	expense thresholds	signature threshold	collection time limit
compulsory referendum (N=77)			
increase	42	-	-
reduction	3	-	-
introduced	3	-	-
repealed	3	-	-
optional referendums (N=95)			
increase	-	13	8
reduction	-	5	1
introduced	-	2	2
repealed	-	2	2
popular initiatives (N=98)			
increase	-	16	0
reduction	-	4	5
introduced	-	2	9

2.2.2. Optional referendums

In all communal traditions the scope of optional referendums is either defined in relation to the powers of the legislature or by establishing an

exhaustive list of all measures subject to it. Either arrangement may be further complemented by a list of measures that are explicitly prohibited from being subject to a vote. Due to this diversity of options and regulations, a general comparative comment on institutional reforms appears impossible. It is nevertheless worth noting that in 21 cities with the assembly regime, optional referendums are not provided for in the political system. In cities with Parliaments, on the contrary, optional referendums are an integral part of direct citizen involvement mechanisms.

As can be observed in table 3, two cities have recently introduced optional referendums (during the nineties), while two others have repealed them. Besides, the dynamic picture is less clear-cut than with compulsory referendums. On the one hand, one in eight cities has increased signature threshold for launching a petition, while five have reduced them. On the other, eight cities have increased collection time limits for petitions, while one has reduced it. Both signature thresholds and petition collection time limits have thus rather been increased, affecting the direct democratic openness of political systems in opposite directions. The increase of signature requirements makes it more difficult for the citizens to engage politically, rendering the systems less open. But an increase in time spans provides petitioners with more time to collect the required signatures, leaving the system more open in this respect. It can be added that most of these reforms were dependent on cantonal regulation changes, which might be one of the reasons why the aggregate picture looks less clear-cut.

In less than half Swiss cities are signature requirements for optional referendums defined as a percentage of the electorate; in the majority of the cities they are defined as an absolute number of citizens. The range of these requirements goes from less than one percent to 20 percent of the electorate, which constitutes at the same time the mode of the distribution. As with the increase of expense thresholds for compulsory referendums, an increase in signature thresholds does not necessarily affect the democratic openness of political systems. An absolute number of citizens required for the launch of a referendum petition does not take into account population movements, and an increase in thresholds might actually only 'adjust' signature levels to prevailing circumstances.

2.2.3. Initiatives and counter-proposals

Because popular initiatives are procedurally the most challenging direct democratic institutions, they are directly regulated by cantonal provisions in most of the Latin-French and some of the German-speaking cities. Initiatives are implemented in 98 cities overall, and procedures vary quite substantially from one city to another. This diversity extends to both the substantive scope of potential initiative proposals as well as procedural requirements. With regard to the substantive scope, most cities link the initiative to optional and/or compulsory referendums.

The launch of popular initiatives can on average be initiated by nine percent of the electorate, but differences are again substantial, with this number ranging from one to 20 percent of the electorate (table 3). Time limits for collecting petitions are instituted in 72 of 96 cities, implying that in the remaining 24 cities collections of signatures for an initiative proposal are unlimited. Instituted time limits range from 60 days to two years, with a modal value of 90 days. During my observation period, initiatives have been introduced in two cities, and in seven others time limits had recently been instituted. 16 cities reformed popular initiatives by increasing signature requirements, and four by decreasing them. Finally, five cities reduced time spans for signature petition collections. With the introduction and reduction of collection time limits, the democratic openness of cities was in some cases negatively affected, with institutional hurdles, however, remaining at low levels overall. Note that in two cities initiatives had recently been instituted.

The right to submit a counter-proposal to an initiative is guaranteed by the Supreme Court and is therefore not always explicitly mentioned in the city legislation. In addition to the legislature, counter-proposals can sometimes be elaborated by other city organs, such as the executive or commissions. Voting procedures remain very diverse among cities (for a comprehensive overview at the sub-national state level see for instance Hangartner and Kley (2000: 854)), with most recent reforms, however, favouring the double-yes system with a subsidiary preference question. Interestingly, some cities have recently started to

allow a minority of citizens to submit a counter-proposal to some governmental decisions. This institution is called the constructive referendum.

2.2.4. *Alternative direct democratic institutions*

Both at the pre- and post-procedural stage of communal decision-making, important political decisions for proposals are taken that escape the control of direct democratic mechanisms (Schaffhauser, 1978: 183). At the beginning of a big infrastructure project, for instance, important planning decisions are made by authorities. Such decisions may sometimes establish constraints, for which a rational or coherent expression of preferences is no longer possible for the citizens in an later popular vote. For these reasons, alternative direct democratic institutions represent a particularly interesting development at the local level, where administrative proposal are in a majority.

Consultative ballots, or ballots on principle questions allow the authorities to find out the opinion of its citizens at the beginning of the political process. Similarly, with double or variant voting, the authorities can provide for a more differentiated expression of opinion for a certain project at the polls. And in order to take a controversial attitude in an otherwise consensual proposal out of the package, subsidiary questions can be proposed to the electorate. Alternative direct democratic institutions are increasingly popular in the cantons, and were often used in cities during the nineties. This illustrates the appropriateness of such institutions at the local level. However, cities are obliged to respect the legality principle, according to which a legal basis is necessary for all communal actions, when organising alternative ballots. A large number of cities has unfortunately disregarded this principle, putting pressure on the cantons to legislate in this field¹⁹⁰.

¹⁹⁰ The canton of Luzern offers an interesting solution to this issue. The canton briefly defines legal procedures for all alternative voting instruments in the law for communes, in order to entitle all communes to use them, without adopting their own communal provisions in city charters.

2.3. Institutional convergence or divergence of Swiss cities?

In a last step, the indicators for measuring the direct democratic openness of political systems will allow me to assess the evolution of the democratic dimension in each of the three institutional settings in more detail. Have political systems in Swiss cities become less open during the 1990s? Can a uniform picture of institutional reforms be discerned among communal tradition? My focal point of interest in these analyses will be to determine if the political systems of the three traditions increasingly converge on similar institutions (Ladner and Steiner, 2003: 247), or if they increasingly diverge with respect to institutional settings that regulate direct citizen involvement in political decision-making.

First of all, I consider the indexes for the scope of compulsory referendums in a city for the year 2000 with respect to 1990. If the index has increased - the scope of compulsory referendums has broadened - the political system has become more open to its citizens. If the difference between these indexes is negative, the citizens are less often called to decide on political proposals at the polls as a matter of course, and the political system in the year 2000 is less open with respect to 1990. For both Moserindexes the relations go in the other direction, with an increase in the indexes from 1990 to 2000 representing a move to a more closed political system, while a negative coefficient indicates a more open environment.

According to table 4, the convergence thesis regarding direct citizen engagement in politics can be corroborated for Swiss cities. While the average index of compulsory voting has decreased in city-states, both in the assembly and Latin-French cities more measures are being submitted to the polls on average. City-states with the widest substantive scope of direct democratic rights have thus restricted popular participation in decision-making overall, in focussing citizen engagement on important issues and abolishing compulsory ballots over largely consensual or unopposed issues. On the other hand, assembly and Latin-French cities have on average both increased the scope of citizen engagement and extended compulsory voting mechanisms. However, the convergence trend assertion is so far limited as significant level differences in compulsory voting procedures remain between communal traditions.

Table 4: Dynamic of openness of political systems in Swiss cities according to communal traditions (difference 2000 to 1990)

legal tradition	assembly	city-state	Latin-French
Δ -coefficient			
comp.ref. openness	+ 0.265	- 0.349	+ 0.162
opt.ref. Moserindex	+ 0.017	0	- 0.019
initiative Moserindex	- 0.024	+ 0.006	- 0.006

Convergent tendencies can also be identified with respect to legal-formal requirements for the launch of referendums and initiatives. Latin-French cities have made the launch of both institutions easier on average, while city-states have slightly increased requirements for initiatives. Assembly communes fall in between the other groups. Thresholds for optional referendums have indeed increased on average and those for initiatives have been lowered. To sum up, cities in the Latin-French tradition have in general reformed their political system to allow for a greater involvement of the citizens in more democratic decision-making processes. On the other hand, in city-states - with far-reaching direct citizen involvement in politics, reforms were primarily aimed at rendering political systems more efficient, impinging thereby on their democratic dimension. Reforms for assembly communes tend towards median values for all three institutions.

3. Conclusions

Recent organisational and institutional reforms in city Governments in Switzerland certainly do not fall into the revolutionary section of case studies presented in this book. Swiss cities rather tend to distinguish themselves from other European communes through a remarkable continuity. They may in fact well serve as typical examples of an institutional path dependency, with contemporary communal political systems still reflecting the original implementation of modern political institutions, dating back to the end of the 19th century. This assertion holds true even if the unique diversity of 26 cantonal regulations is considered, presented here in a simplified manner in three communal traditions.

More specifically with regard to reforms adopted during the 1990s, and by trying to place the Swiss microcosm in a broader perspective, a general trend to more efficient governmental structures prevailed. This implies that citizens are for example willing to reduce the size of executives and accept a return to the assembly form of Government. Motivations behind such moves lie to a certain extent in the belief that these structures reflect the citizens' will more accurately, and render political systems less expensive and more effective. However, organisational reforms are in any case difficult to implement. They are neither uniform and depend to a large degree on the political context.

With regard to direct citizen involvement in city politics, I pointed out that both the scope and the legal-formal requirements for their use depend first and foremost on the three communal traditions. Popular participation at the polls represents an important feature in city-state politics, while it is not understood as the pinnacle of the political process in Latin-French cities. In addition to town meetings, citizens of assembly communes can be quite frequently asked to express their opinion at the ballot, too. Moreover, I was able to highlight some converging tendencies with respect to direct democratic reforms between cities, but important differences remain between traditions. Overall, no common reform trend could be identified for all Swiss cities. Depending on the communal tradition, it appeared that organisational and institutional reforms may head in different directions. They do not necessarily, however, negatively affect one side of the efficiency or democracy spectrum only, but can actually lead to more complex consequences.

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Chapter 9. Inclusiveness Of New Forms Of Local And Regional Political Decision-Making In Terms Of Gender

Monique Leyenaar

Introduction

Regardless of the level of decision-making, political body or political position under consideration, many people these days challenge the legitimacy, fairness, democratic character, transparency and accountability of European politics. Politics and politicians have a bad image. There is a general lack of involvement of European citizens in politics. Electoral turnout is decreasing in all European countries and membership of political parties is also declining. Explanations offered for these phenomena include, among others, increasing individualism and a growing lack of collective orientation. In addition, it is also argued that the Europeanization of politics has not helped the image of politics, since decision-making has become more complex and opaque. For many European citizens, the processes and outcomes of political decision-making have come to seem remote and alienating. It is increasingly common for national politicians to defend the introduction of unpopular policies by referring to European agreements.

These trends and developments, in their turn, called for a reaction. Politicians, policymakers and also academic researchers have been coming up with alternatives for political institutions, procedures and methods of decision-making. The debate on institutional reform is clearly having a revival, stimulated not only by the crisis of politics but also by new technologies for improving communication between decision-makers and citizens. Governments and parliaments as well as the European Parliament have initiated changes, for example, in the electoral system, or by introducing the referendum as a way of deciding unpleasant political questions. Parties have in turn changed their selection criteria for candidates for political office, in order to increase the representativeness of their parliamentary party. Especially at the local level, experiments with new forms of decision-making, such as citizens' juries and interactive policymaking have been introduced.

Reform of political institutions offers a unique opportunity for the greater political participation of women and migrants, since at the heart of the crisis there is the perceived exclusiveness of political decision-making. Only a few participate in the decision-making process, and political selection mechanisms tend to be biased in favour of those who belong to the same networks as those who are already in power. The effect of this is that the institutions of representative democracy make it much easier for some citizens to participate in decision-making than others. One way to make political decision-making more inclusive is to adapt the relevant political institutions to enable equal power-sharing by men and women. The question is now whether the 'crisis of politics' of the 1990s and 2000s can be viewed as a window of opportunity for women. In this chapter I analyze ten cases of new forms of local political decision-making in the Netherlands with regard to their impact on the participation of women ¹⁹¹. But first I describe some recent developments concerning the interactions between local government, (local) civil society and citizens.

¹⁹¹ This study was carried out for the Department for the Co-ordination of Emancipation Policy of the Ministry of Social Affairs. The fieldwork was carried out in 2002. See also *Lokale Beleidsbeïnvloeding in 2003: een gender analyse van de participatie van burgers*. Ministerie van Sociale Zaken en Werkgelegenheid, Werkdocumenten no. 297, Voorburg, 2003.

1. Inclusive politics at the local level

The local elections of 1990 are viewed in the Netherlands as a turning point in the relationship between government and citizens. The dissatisfaction of citizens with the traditional political parties expressed itself by non-voting and by voting for a so-called local (independent) list. For the first time ever turnout in the major cities fell below 50 percent.

A decline in turnout makes politicians nervous since it is a clear demonstration of the lack of political interest and involvement of citizens. Although some politicians denounce this by arguing that abstention may be a statement of satisfaction with the activities and behaviour of politicians, research into motives for voting (or for not voting) demonstrates that the main reason for non-voting is a loss of interest in politics, followed by cynicism and distrust (Aarts, 2000: 57-76).

Not only are citizens less willing to vote, but those who do vote display a more erratic voting behaviour than 10-20 years ago. At the national level we saw electoral volatility increasing in the 1990s as did support for new political parties (Gallagher a.o., 2001: 263). At the local level we found an increasing attraction of local, independent, lists. Now that people are less ideologically oriented, the pragmatic approach of local lists, dealing with day-to-day matters such as the arrangement of neighbourhoods and the fight against criminality and drug abuse, seemed more attractive for many people to get involved (Castenmiller, 2002). These parties participate only in the election to one municipality and have no ties to a nationally organised party. There have always been local parties in the Netherlands, mostly in the southern provinces Limburg and North Brabant, where Catholicism was the dominant religion. Because almost everybody was Catholic and voted for the Catholic party in the parliamentary elections, there was a slot at the local level for parties organised on a basis other than a religious one. Parties emerged because they represented a certain geographical part of the municipality or around a certain local issue. We also saw parties established around a well-known local figure, the local pub owner for example (Derksen, 2001: 30-32). These days, however, we find local parties in the other provinces as well. In the local elections of 1990, local lists received 13 percent of the total valid

vote, in 1998 this was almost 23 percent and in the elections of 2002 they got 26 percent of the vote. One of the consequences of the popularity of local lists has been an increase in party fragmentation, which hindered coalition building. Another effect has been the stagnation of the number of women elected to the councils. Local lists tend to nominate fewer women to the councils than the nationally based local parties. In these parties there is no tradition of affirmative action for women, nor are there any instructions from national party leaders to balance the list according to gender and ethnicity. Local lists can decide themselves how to arrange the selection process and consequently appoint fewer women at eligible places on the list.

All this, added to the rather negative public image of politicians, led to a search for alternative ways of decision-making at the local level. Since then many examples can be provided of reforms: old forms of 'command and control' have been replaced by the so-called 'new politics' of inclusion and participation. An ever-increasing infrastructure of telecommunications has contributed to these 'new politics'. Let me discuss briefly two 'new' trends for strengthening democracy: the use of information and communications technology (ICT) and face-to-face consultation or decision-making in small groups.

The widespread use of mobile phones and of internet access has triggered several experiments in democratic decision-making. Public access to political decision-making is greatly enhanced by providing all relevant information such as political documents and data underpinning political decisions. Local governments daily post all relevant information on the Internet so that everyone is capable of familiarizing themselves with the issues. Apart from providing the necessary information, ICT also makes it possible for citizens to offer their views on political issues. For example, in the Netherlands, regular polling through computers has been in practice since the beginning of the 1990s. The city of Delft surveys a representative sample of 1000 citizens each month with all kinds of questions that are useful for decision-making and implementation. More recently, there are possibilities for citizens to communicate directly with (local) politicians through electronic interfaces set up for the public and for companies. Websites offer now electronic conferences where people can conduct a dialogue with other citizens or with political representatives. There

are examples in Sweden where local authorities have enabled citizens to follow the council debates live via computers and submit comments and proposals to the councillors by e-mail while the debate is ongoing (Iilshammer, 2000). The Internet seems to be a new forum for an informed dialogue with local people on decisions that have to be taken, such as the plans for a major new airport in the region or the restructuring of the marketplace ¹⁹². The next step in using ICT as a decision-making tool will be electronic voting from home at general elections via the Internet. Teams of experts are now trying to solve the problems of voter identification.

A second trend can be seen in the new types of policy making that involve consultation, negotiation and/or deliberation between representatives of government, civil society and citizens. The objection to the use of polling and surveys via computers and the internet is that they only register opinions without giving people the opportunity to think through the issues and form an opinion while 'deliberating' with other people. In contrast to traditional methods of public inquiry, such as voting or opinion polling, interactive policy-making involves the formation of public opinion (Akkerman, 2001: 73). Interactive policy-making is an informal and *ad-hoc* form of policymaking, including as many citizens as possible. However it is still mainly a top-down initiative. Common local practice is that the initiative for interactive projects comes from the town hall or district boards. In the Netherlands these practices became fashionable in the 1990s and since then there have been many projects in small and large municipalities all over the country (Edelenbos and Monnikhof, 1998: 198-217). An example is decision-making on the restructuring of a square in a small town of Leerdam in the Netherlands. The issue involved was the rearrangement of a large square located in the middle of a rather deprived neighbourhood. The upkeep of the square had been neglected, but

¹⁹² The Civil Aviation Administration in Sweden set up this forum in order to democratise planning and decision-making on a major new airport in the Stockholm region. The local government of the city of Delft in the Netherlands asked citizens by using scale models for the restructuring of the city center (the Marketplace) to cooperate in the developments of the plans.

several large food chains had shown interest in setting up new businesses. The council decided to set up a planning group whose main task was to present an integrated plan for the square that was agreeable to all players involved. This planning group consisted of citizens, representatives of companies and shops involved, and local civil servants and politicians. Before the whole process started, the mayor and aldermen had promised the group that in principal their plan would pass the local council, given a few natural preconditions. The whole process took five months and the outcome was very satisfying for all participants. The plan passed through the council unchanged (Akkerman, Leyenaar and Niemöller, 2001: 11).

Examples like this can be found in many European countries, with a majority of cases in the Scandinavian countries. This part of Europe is also a frontrunner when it concerns experiments in decision-making through so-called citizens' juries. Citizens who have been randomly selected are invited for a period of time (weekend or one whole day) to deliberate on a particular problem. They are given carefully balanced briefing material, have the chance to interact with competing sets of experts and are given extensive opportunities for discussion and debate, moderated by trained moderators. In Denmark, for example, deliberations have taken place on the future of county hospitals and on the introduction of the Euro. In Dublin, Ireland, a citizens' jury of 50 residents was first thoroughly informed by pro and con 'witnesses' and then deliberated in small groups before making a judgment on the building of a waste incinerator in the area.

Not only individual citizens are included in the 'new politics', but citizens involved in interest groups and associations as well. In addition to the introduction of mechanisms to enhance individual participation, managerial and normative pressures have encouraged enhanced consultation in the formulation of policy and the delivery of policy through partnerships amongst governments and non-governmental agencies or associations in the market and voluntary or community sectors. Strategic management considerations encourage both trends so as to reduce the risks of policy mistakes, to promote effectiveness in solving problems that governments, acting alone, cannot manage, and to reinforce the legitimacy of actions taken. In regions and localities where there is a significant EU impact, the idea that the 'social' and/or

'civic' partners should be involved in the whole policy cycle from conception to execution and monitoring and evaluation has existed since the late 1980s. But national governments, too, in retreat from the idea that the welfare state could do everything to meet the needs of citizens, have entered into a range of contacts with their voluntary sectors and specific agreements with them and parts of the business community to deliver particular results. Such arrangements focus on, for example, the regeneration of declining or deprived areas, health, education and life-long learning, tackling crime and public disorder, and sustainable development. These approaches are not only part of a search for more effective means of problem solving in the public realm but are also part of an attempt by governments to tackle the problems of declining turnouts and increasing distrust; and they are justified by governments in terms of their capacity to deliver a 'new politics' of participation and inclusion.

2. Inclusiveness in terms of gender

An important reason to initiate new forms of local decision-making is to involve as many citizens in the process as possible in order to increase the inclusiveness of political decision-making. Inclusiveness in political decision-making is twofold. The first intention is to increase *the number* of citizens who participate, whereas the second is to involve *new groups* of citizens; those who take part less often, such as women and migrants. Here we are interested in whether these new institutional arrangements and forms of citizen participation at the local level have an effect on the political participation and the representation of women. Has the reform of political decision making created opportunities for women as newcomers on the local political scene?

Research shows that in general women score lower on participation indicators than men (Leyenaar, 1989: 61-89). When we make a distinction among the different types of participation such as electoral participation, conventional participation (membership of a party, involved in campaigning, contacting a politician or civil servant or the media), protest participation (taking part in a demonstration or signing a petition) and ad-hoc participation (less formal and institutionalised), we find that women compared to men have lower levels of conven-

tional participation and protest participation, vote as often as men do and are equally (or more) involved in ad-hoc activities. Table 1 shows recent participation figures for men and women.

Table 1. Political participation of men and women (percentages, 2002)

Type of participation	% Women	% Men
Electoral		
Voted in the 2002 elections	97	97
Conventional		
Adherent of a political party	38	42
Party member	6	9
Displayed campaign poster	3	4
Convincing others to vote for a party	11	14
Donation to a party	2	4
Participated in an election meeting	1	3
Contacted		
Politician or civil servant	10	18
Political party or organization	5	12
Radio / TV	11	15
Protest - Ad hoc		
Participated in an ad-hoc political interest group	8	6
Took part in a demonstration	9	10
Source: National Election Survey 2002		

Another type of participation is the participation in (local) interest groups (table 2). Here too we find gender differences with women participating more often in Third World organizations, women's organizations and in housing associations. This difference according to type of organizations is even more apparent when we look at the voluntary sector (table 3).

Table 2. Membership of an interest group (percentages, 2002)

Interest group (NGO)	% Women who are members	% Men who are members
Third World	25	21
Trade Union	24	30
Professional Organization	11	16
Women's Organization	12	2
District Councils	21	21
Sport Associations	35	37
Environment	44	44
Housing Associations	21	19

Source: National Election Survey, 2002

Table 3. Voluntary work of women and men older than 18 years (percentages, 2003).

Type of voluntary work	Total % of people involved in voluntary work	Share of women %
All	42	51
Youth Organization	4	46
Schools	8	69
(Health)care	7	76
Sport Club	14	36
Hobby Club	5	41
Cultural Association	5	52
Religious Association	8	55
Labour Associations	2	29
Other	8	47

Source: SCP/CBS, 2004: 195

Just as many women as men are involved in some kind of voluntary activity. Women, however, are clearly in the majority when it concerns voluntary participation in schools, in churches and in healthcare organisations. Fewer women than men are active in labour associations, in hobby and sport clubs.

I mentioned previously that the rapid development of ICT has created new opportunities for political participation. Local governments bring in many different ICT tools in order to upgrade citizen participation. The question here is whether the use of ICT raises or reduces the opportunities for women to participate. Analysing existing data on the use of computers we find that women still lag behind men with regard to interest in and use of computers. Women, between the ages of 18 and 44, use, on average, the computer 10 hours a week and internet 3 hours a week. Men do this respectively for 19 and 5 hours. However, computers and the internet are no longer seen as novelties for a large majority of women and as such the use of ICT in local participation is not a real obstacle (SCP/CBS, 2002: 221-223).

From earlier research on gender and political participation, it is also known that women tend to participate more often in less institutional and more informal processes of decision-making than in institutionalized processes (Lovenduski, 1999: 18). More informal ways of decision-making are often more accessible for people with little organizational experience and who have few contacts as well. It is also true that many women view these more informal and less institutional ways of decision-making as being more effective. A third reason is that, since these initiatives happen at the local level, they more often concern concrete subject matters to which women feel more attracted (Lovenduski, 1986; Leyenaar, 1989; Nelson and Chowdhury, 1994).

Based on these research findings it could be expected that women would participate more frequently in new forms of local decision making than in the more traditional ways of representative democracy. This expectation is based on the following characteristics of interactive policymaking:

- Issues to be decided upon are concrete and identifiable;
- Participation is open and accessible;
- The use of ICT enhances accessibility;

- The initiative to participate comes from local government (top-down) and as such it takes less effort than bottom-up initiatives;
- Interaction is more informal;
- (Political) party interests are not to the fore;
- Participation is effective;
- The impact of participation is tangible, i.e. a decision by the local council.

It is possible to formulate several expectations with regard to the impact of new forms of local political decision making on the participation of women. For example it is to be expected that the participation of women is dependent on the concreteness of the issue, on the level of access of the decision-making process (inclusiveness, transparency of recruitment), on the efficacy of the participation and on the use of ICT.

However, these expectations are neither supported nor dismissed by reports evaluating experiments with interactive policy- or decision-making (Edelenbos, a.o, 2001: 67-83). If concrete references are made to type and extent of participation, it often gives a contradictory picture: no more citizens participate and surely no newcomers address the political scene. Wille (2001) concludes after having examined projects in five different local communities: "Women, youth, ethnic minorities and the lower educated are often strongly underrepresented in interactive policy-making"¹⁹³.

The main reason for initiating an in-depth study of ten cases of local policy making was the overall observation that there is indeed very little empirical data available on the actual participation of citizens and on the characteristics of those who participate.

3. Ten cases of local decision-making

In order to test the hypotheses on gender participation and interactive policy-making, several cases of new forms of decision-making have been analysed. They took place in ten different communities ranging

¹⁹³ Translation by the author.

from large cities to small villages. They also differed in the use of communication technology in the format (seminars, public debates, telepanels etc), as well as in the policy arena.

The following criteria for selection of the cases were used: it had to be an example of interactive policy-making with citizens; the process had to be complete, it had to be recent; half of the cases had to have used ICT and the cases had to differ with regard to the subject matter. The cases were selected by studying relevant literature, websites and by contacting local civil servants and politicians. All cases were re-researched by similar means.

First, a short case description was written, mentioning the initiators, the objective, the process and the number of citizens involved in each stage. Secondly, we calculated (by using the minutes of meetings available) or estimated (by questioning those involved) the number of women and men involved in the policy making process. The sources were written information and interviews with the project manager (often the civil servant in charge of the project) and two women participants.

3.1. Case descriptions

Amsterdam, *Stadsdeelraad Amsterdam Oud Zuid (December 2001-May 2002)*:

Stadionline: consulting citizens through internet on issues such as housing, rubbish on the streets, supply of shops, safety etc.

A maximum of 250 citizens were able to participate in this interactive citizens' panel. Participation consisted of online debates, consultations and voting on 22 different subjects all related to the living conditions in the neighborhood. The results were taken into account in the finalising of the district policy programme. 123 citizens received an eID-card enabling them to log in. The majority was highly educated, between 30 and 65 years old, highly experienced with the use of ICT and very much concerned with the neighbourhood. While the population is 52% women and 48% men, the proportion among the participants was 34% women and 65% men.

Delft: Interactive consulting with citizens through the local newspaper, the city's website and the use of the Delft Internet Panel. The issue was the restructuring of the city centre (Market Place) of Delft.

Since the market place belongs to everybody, local government decided to include both interest groups and citizens in the interactive policy making process. Alternative plans were presented through the local newspaper and people were asked to react by questionnaire. This was repeated through the city website and through direct e-mailing of the participants in the Delft Internet Panel (DIP). Because the Research Department of the Local Government followed the process closely, exact figures are known about the participation.

Table 4. Participation in the policy-making process

	No.	%
Local newspaper	1025	32
City website	1111	35
Delft Internet Panel	1079	34
Total	3215	100

Table 5. Participation of women and men (percentages)

	DIP	City's website	Local newspaper	Total
Men	58	64	50	57
Women	42	36	50	43
Total	100%	100%	100%	100%

The Hague: Regentessebuurt en Valkenbos (Reva): Consultancy and participation in decision-making through discussing sites on internet and by involving local residents in the maintenance of the area.

Already since 1997 local government in this neighborhood has been organizing activities in order to increase citizen participation. In 2001 and 2002 these activities consisted of regular consultations through a

website, joint visits by citizens and government officials to the neighborhood and activities directed at tidying up the neighborhood. Women were in the majority in the two latter activities, while more men are involved in the website debates.

***Nijmegen:** Decision-making process with (representatives of) the local residents about the restructuring and future use of an industrial area.*

In 1895 the detergent factory Dobbelman was established in a –now-residential area of Nijmegen. In 1999 the factory closed its doors and the city council bought the land and buildings with the intention of restructuring it. Through intensive consultation from 2000 until 2003, led by a planning group consisting of citizens, civil servants and representatives of a housing corporation, a decision has been taken about the future use of this area. Delegates in the planning group represented an active citizens' group and they regularly organized open meetings that were visited by more than 100 citizens. At all levels participation of women and men was about equal.

***Oss:** Participation of men and women in the newly established village- and district-councils.*

Local decision-making is decentralized in the city of Oss. Since several villages were reclassified, it was decided to establish two village-councils and six district councils separate from the city council. The members of the village councils are elected directly at the same time of the municipal elections. District council members are nominated by a district interest organisation.

Table 6. Participation of men and women in the decentralized formal decision-making structures (numbers, 2003).

Village- (VC) of district councils	Men	Women
Megen, Haren, Macharen (VC)	6	1
Berghem (VC)	6	1
Ravnstein	3	4
Herpen	5	2

Village- (VC) of district councils	Men	Women
Oss Noord West	6	1
Oss Zuid	5	2
Ruwaard	4	3
Schadewijk	4	3
Centrum	6	1

Stadskanaal: *Decision-making through surveys and participation at meetings. The issue was the closing of one of the three open air swimming pools due to lack of funds.*

Local government was facing the need for substantial investment in the three open-air swimming pools in the community. Funds were only sufficient for maintenance, but not for renovation. Renovation was possible, however, for two pools, meaning that one had to be closed down. The citizens of Stadskanaal were asked to discuss the issue and to decide upon closure. Through surveys among a representative sample of the population (response 33%) and among regular visitors of the swimming pools (response 53%) a first opinion was established. Hereafter citizens, interest groups and companies were asked to air their ideas. In each district where a swimming pool was located citizens got together and formed small groups to negotiate with the government. Public meetings were organized, and in total around 300 people participated in these meetings. No records of these public meetings are available, but women did participate in the citizen groups: in the first group there were 5 women out of 8 participants, in the second group there were 3 women out of 8 and in the third group only one woman participated (out of 10).

Texel: *Workshops with representatives of local interests (shops, recreation, farming etc.) and with citizens on the future structuring of Texel.*

Texel is an island in the North Sea. In 2000 local government started an interactive policy-making process on the future restructuring of the island, focusing on themes such as the economy, welfare, safety and

mobility. Workshops were organized mainly consisting of representatives of local interests and based on this input a first draft report was produced, which was then amended by local government. The amended report was then discussed at public meetings organized by village-committees. Considering women's participation, they were clearly in the minority in the workshops. The minutes of the public meetings only show the total number of participants and the sex of the speakers (table 7). I also added the figures about gender participation in the boards of the village-committees.

Table 7. Participation in the public meetings organized by the village councils

	Den Hoorn	Eierland	De Waal	Oudeschild	Oosterend	De Koog
Men board-members	5	6	5	3	3	-
Women board-members	3	1	1	4	4	-
Total present	45	40	40	60	40	40
Speakers men	8	10	7	6	6	11
Speakers women	1	0	2	2	5	5

***Tilburg:** Decision-making through panels consisting of representatives of social partners as well as the clients (long term unemployed and homeless people). The issue was here to define the terms of an agreement (policy) between the city and the clients about work, income and care.*

Through websites and direct mailing, as well as through calls in newspapers and through posters and advertisements, those involved were asked to react to the intentions of local government. Overall, the website received about 1000 visitors; 40 people reacted through e-mail. For the panel sessions 78 associations were approached and 53 of them delegated a participant. 93 delegates participated in 11 panels. Apart from this, 15 associations participated by providing written comments. The gender division among the members of the panels is shown in table 8.

Table 8. Participation of women and men in the panels (2000)

Panel	Women	Men	Total
1	4	8	12
2	5	3	8
3	1	3	4
4	3	2	5
5	6	8	14
6	3	1	4
7	n.a	n.a	14
8	4	6	10
9	2	1	3
10	n.a	n.a	9
11	7	3	10

n.a.: not available

Wieringen: Consulting citizens and local interest groups through meetings, a competition and dissemination of information through local newspapers. The issue was the future structuring of Wieringen.

Between 1996 and 2003 citizens and local associations were able to influence decision-making on the future of their town. The first activity was to organize a workshop with delegates from local interest groups. A consultancy used the input, and after consultation with the relevant players (in focus groups) drafted an initial program. In 1997 all citizens were informed through a leaflet and a public meeting. In 1998 local government organized a competition among citizens on the subject 'Wieringen in 2015'. More information was provided and in 2002 a second public meeting was held, followed by the final report.

Only very few women participated in the workshop and focus groups. At the first public meeting there were 22 participants amongst them 8 representatives of the focus groups. Of the 14 citizens present, 3 were women. 19 people took part in the competition and submitted a proposal. Of them 8 were women and 8 were men (the gender of the other three is not known).

Zwolle: Aalanden. Decision-making by local residents on issues of concern for their own local area through meetings where citizens have to agree on a concrete three year-plan, including the distribution of funds intended for the development of their area.

The local government of Zwolle wants to shift responsibility to the districts. One way of doing this is to involve citizens in the decision-making process on the development of the district and of the spending of funds. In order to design these 'District Development Plans' a public meeting was organized and people present were then asked to participate in a working group, which was going to draft a first plan. This group consisted of residents, civil servants and delegates from local interest groups. A first draft was then discussed with other citizens in public meetings. In Aalanden at all stages half of the participants were women.

An overview of the cases is shown in table 9. It describes each case in terms of the use of ICT, method of interactivity, whether (delegates from) organizations or individual citizens were targeted, the degree of abstractness of the issue involved, the type of consultancy (informing, consulting, advising, co-decision-making) and the percentage of men and women who participated in the process.

Table 9. Case-studies findings

City	ICT	Other methods	Organisations or individuals	Abstraction Subject matter	Type of interactivity	Participation % women - % men
Amsterdam	Internet debate		Individual Citizens	Concrete	Counselling	33 - 67
Delft	Interactive model building on internet	City newspaper	Individual Citizens	Concrete	Advising	DIP: 42 - 58 Portal: 36 - 64 Paper: 50 - 50
The Hague	Propositions on website	Street activities Meetings	Individual Citizens	Concrete	Advising	Website: 36 - 64 Street activities: unknown Meetings: 25 - 75
Nijmegen		Open Plan process	Individual Citizens	Concrete	Co decision making	Planning group: 40 - 60 Residents groups: 50 - 50 Public Meetings: 50 - 50
Oss		District- and Village councils	Individual Citizens	Abstract & Concrete	Advising	Councils: 28 - 72
Stadskanaal		Meetings	Individual Citizens	Concrete	Advising	Working groups: 34 - 66
Texel	Internet propositions	Workshops Debate at meetings Village councils	Individual Citizens & Organizations	Abstract	Informing & Counselling	Debates: 25 - 75 Committees: 33 - 67
Tilburg	Internet propositions	Panel Meetings	Organizations	Abstract	Advising	Panels: 50 - 50
Wieringen		Meetings Contest	Individual Citizens & Organizations	Abstract	Counselling	Meetings: 10 - 90 Contest: 50 - 50
Zwolle		District meetings	Individual Citizens & Organizations	Concrete & Abstract	Advising	Meetings: 50 - 50

4. Findings

All case reports and interviews with the project-managers confirm that the main reason for initiating new forms of local decision-making is to involve as many citizens in the process as possible in order to increase the legitimacy of the political decision-making. However, exact figures on the number and kind of participants are not easily available. There is no culture of monitoring systematically the involvement of citizens. With the exception of one case (Delft), participation figures were very difficult to obtain and often had to be calculated from attendance records or from the recollections of those present. So despite the intention of local governments of involving as many citizens as possible in these new forms of political decision making in order to increase their legitimacy, there has been hardly any monitoring of the qualitative and quantitative involvement of citizens.

The actual level of participation of citizens is relatively low. Although the plans were widely announced through the local government website, the dissemination of leaflets, announcements in local newspapers, levels of attendance at seminars and public gatherings were rather low. Whether a small number of participants is problematic, is of course dependant on the population one wants to reach. Often the process of decision-making is geared to a specific district or street. Legitimacy is not only determined by quantity, also by representativeness. When the population consists of different groups of citizens, the participants should reflect these groups. Again, background characteristics of participants have not been monitored. In nine of the ten cases no attention was paid to these aspects.

In five of the cases studied, ICT was used in one way or another. Participation in ICT-related activities is relatively small. Often the initiators (local government) put forward on the website of the city some statements concerning the decision at stake and ask citizens to react to these statements. Even in large cities (Amsterdam, The Hague) not more than 20 people took part in these exchanges on a regular basis. An exception is Delft where they used ICT to let citizens decide on the restructuring of the Marketplace (with scale models). Here around 1000 citizens made use of this opportunity. An additional problem is

the registration of participants using ICT. Often people use nicknames and this makes it impossible to trace their background characteristics – or even to know whether the same person is participating under different names.

In four of the ten cases, the main participants were members or delegates from interest groups. Local organizations, such as the shopkeepers' organization, the employers' organization and the farmers' organization, were explicitly invited by the local government to send delegates to participate in the decision-making process. Interestingly enough, in these four cases the subject was rather abstract: future structuring of the local community. The other six cases relate to a more concrete subject like the decision to close down swimming pools or the planning process around the restructuring of an industrial area.

With regard to gender representation, in all ten cases women (or men) were not specifically targeted. Everybody (individuals or delegates from interest groups) could put himself or herself forward and participate in the process. Fewer women tended to be present at meetings (workshops / focus groups) with experts and delegates from interest organizations. In the latter case, the presence of women was dependent on the professional group concerned: in Tilburg, where the decision-making process was about the relationship with the chronically unemployed, half of the participants were women, since many women work in welfare. So women participate more in decision-making processes when individual citizens are targeted and not interest groups.

Both in Wieringen and in Texel, relatively few women participated in the decision-making process on the future structuring of the community. Here again this involved mainly representatives of local interest organisations and these were typically men. Women tend to get involved more often when concrete issues are being discussed, especially issues related to improving the living space.

Public hearings often form part of the process of decision-making. At a first meeting citizens are informed about the initiative of the local government to involve as many citizens in the process of decision-making and they are asked to join the process. In a second and third meeting, further discussions are held until, in a final meeting, the citizens' preference is decided upon. Local councils make the formal decision of

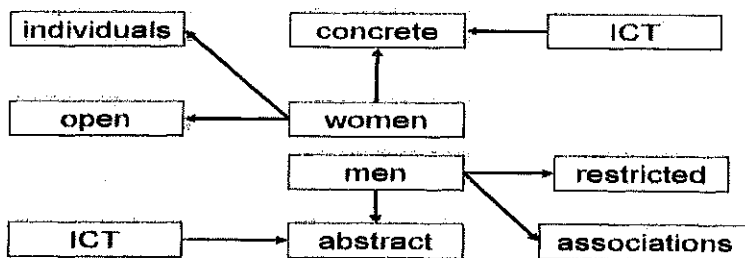
course, but in most cases they decide in favor of the outcome of the open process. Public meetings are well attended by women: in most cases half of the participants were women. When participation is decided upon through selection, then the number of women falls. Especially in the more institutionalized forms of citizens' participation, such as in the village councils in Texel and in Oss, less than 30 percent are women. It seems that more women participate when participation is public and accessible to everybody. Fewer women are present in the more institutionalized forms of decision-making, such as district or village councils.

What about gender representation in ICT-enabled activities? In three cases we find a participation of one-third women and two-thirds men. In Delft, 36 percent of participants in the Internet discussion on the restructuring of the Marketplace were women. In Amsterdam 34 percent of participants in Stadionline were women and in the Hague, the website of ReVa again about 33 percent of those who visited the site regularly to discuss the statements were women. It appears that women participate less than men in ICT-activities, regardless of the subject matter.

5. Gender model of citizen participation

This study of the impact of new forms of local policy making on the participation of women results in a gender model of citizens' participation (figure 1).

Figure 1. Gender model of citizen participation



Based on this model it can be concluded that a more balanced participation of men and women can be encouraged by:

Subject: the more concrete the subject matter and the more focused the process is on improvements in the living space the higher the participation of women.

Target group: in general more women will participate in **interactive** policy-making targeting non-associated, individual, citizens than in processes that target representative of local interests.

Degree of institutionalisation: the more open the invitation policy and the more accessible the participation, the more women participate.

ICT: in general the use of ICT results in fewer women participants. A gender balance should be reached by extra efforts to encourage women.

Important conditions are:

Importance attached to gender balance: part of the planning of an interactive process should be an inventory of those citizens affected by the policy under consideration. The quality (and thus legitimacy) of the decision will improve when the participants are to some degree a reflection of those involved.

Monitoring: knowledge about the actual participation rate in terms of numbers and in terms of differentiation between groups of citizens is essential for achieving the ultimate goal of organizing interactive policy making processes, increasing legitimacy for the decisions taken.

6. Concluding remarks

Local governments have been fairly active in initiating procedures to involve more citizens in decision-making. It is a positive development that local governments invest creativity, money, time and energy in the search for new ways to involve citizens in politics. However, this in-depth study shows that the main focus is on the *organization* of these procedures and not on the questions of how many and what kinds of people participate. Local governments should become more aware of the importance of representativeness for the legitimacy of decision-making and of the importance of the collection of data on the participation of citizens in these new forms of political decision-making. Monitoring will help improve the quality of these processes.

An important step is to recognize different types of citizen involvement. It makes a difference whether it is individual citizens or interest organizations that are targeted. In the latter case communication with the associated members is important. This is also true for citizens representing others on the district- and village councils. More attention should be given to the problem of representativeness at all of these levels.

The use of ICT in new forms of policy-making is not yet fully developed. In many cases, local governments announce the use of ICT, but in the end this appears to be more a case of window-dressing than actual ICT-activities. In the cases concerned, not many citizens participated, participation was without obligation and there was hardly any monitoring of the results. The success of the use of ICT in local decision-making is very dependent on the subject under consideration. The case of Delft can be used as a model of best practice. However, there is still the problem of the anonymity of ICT-users, which makes monitoring impossible.

Without specific attention to the representativeness of local political participation, in terms not only of gender but also of ethnicity and age, there is a danger that only 'traditional' types of participant use new forms of decision-making. Political dissatisfaction and alienation on the part of large groups of citizens will then remain a fact of life.

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Chapter 10. The Internet and Citizen Participation: Exploring the Barriers to Reform in the Context of UK Local Government

Rabia Karakaya

Introduction

There is a widespread concern about the lack of political participation and democratic deficit among observers of European politics (Pratchett and Lowndes, 2004), which is claimed to be even more evident in local politics (Diplock, 2002; Rallings et al, 1994; Audit Commission, 1999). In many democracies, electoral turnout has fallen sharply in the last decade. In England and Wales, for example, local elections attract around 30% of the voters although the most recent local elections in 2004 show a slight increase to 38.5% (Electoral Commission, 2004). Moreover many studies have shown that citizens are unaware of the

structures, changes and services of their local council ¹⁹⁴ (Rallings et al, 1994). While many citizens believe that their participation would not make any difference anyway (Lowndes et al, 2001a), local authorities claim that people are not interested as long as their bins are emptied (Lowndes et al, 2001b).

In response to the decline in participation, there have been suggestions about the possibilities for top-down facilitation of participation by providing necessary channels and opportunities (Lowndes and Wilson, 2001; Maloney et al, 2000). In the UK, especially since 1997 there has been extensive emphasis on public involvement in local government indicating a belief in top-down facilitation of participation (DETR 1998a and 1998b; DTLR 2001). In parallel, there has been an increasing interest in using the Internet for enhancing democracy in general and political participation in particular (Cabinet Office, 2001). Policy makers have already started to consider the significance of the Internet both as a means of providing better public services and as a way of enhancing political participation.

Despite the positive role attributed to the Internet as a vehicle in reforming public participation, the degree to which the Internet can enhance political participation depends on the availability of a political structure that is amenable to the use of the Internet for this purpose. Therefore, it is essential to understand the attitudes and strategies of local authorities in using the Internet for political participation purposes. The design and the implementation of the Internet are highly dependent on the constraints and opportunities of the institutional settings within which they are used. This article is based on research that examined the following questions:

¹⁹⁴ The terms 'local authority' and 'local council' are used interchangeably throughout this chapter. Local authority refers to a semi-independent, politically decentralised, multi-functional body, created by and exercising responsibilities conferred by Parliament. The council is the legal embodiment of the local authority: the body of elected councillors (or members), who have collectively determined and been ultimately responsible for the policy and actions of the authority. The officers, on the other hand, are paid employees and other staff of the authority (Wilson, D. and Game, C. 2002, *Local Government in the United Kingdom*, London: Macmillan, 3rd edition, Chapter 6).

- How do local authorities perceive the Internet and how do they approach political participation and democracy?
- What are the specific factors that contribute to the development of electronic participation strategies?
- How are national policy aspirations in relation to electronic participation reflected locally?
- What are the specific barriers to electronic participation at the local level?

The chapter draws on evidence collected from three local authorities in the United Kingdom, which were chosen according to two main criteria. First, it was decided that the three localities should have similar social and economic characteristics in order to ensure that differences in electronic participation policies do not stem from different levels of Internet access, civiness (e.g. attitudes towards political participation and associational activity in general) and demographic factors. Secondly, it was decided that the localities should have a certain level of Internet access and civiness to ensure that the local authority reluctance, if any, does not stem from low levels of Internet access or a lack of demand from citizens for participation. Three methods of data collection were used: interviews, website analysis and documentary analysis. Forty-two semi-structured interviews were conducted between October 2002 and May 2003 to understand the attitudes of local government actors towards participation in general and electronic participation in particular. The interviewees were selected in relation to their formal role. Officers involved in citizen participation and in the development of e-democracy strategies were interviewed. On the elected member side, leaders of the council and member e-champions were interviewed. Secondly, an analysis of local council websites was carried out in order to reveal the extent to which local authorities' attitudes towards the Internet were put into practice. Finally, the main documents produced by local authorities in relation to electronic government (Implementing Electronic Government – IEG Statement) were analysed.

In the first section of the chapter, recent policy developments in relation to electronic participation reforms are discussed. This section aims to reveal some of the tensions that run through these developments. In the second section, the concept of electronic participation is defined

and a conceptual framework for understanding the development of electronic participation strategies is developed. It is argued that such strategies develop as a result of three factors. In the third section, drawing together the empirical evidence and the conceptual framework developed in the previous section, four sets of barriers to using the Internet for participatory reform are identified. In the final section, a number of conclusions are drawn about the potential of the Internet for citizens' participation reform.

1. Recent developments In relation to public participation

In the UK, policy developments concerning political participation need to be evaluated as part of a modernisation agenda. This agenda is characterised by a dual emphasis on democratic renewal and providing better quality public services. This dual emphasis is relevant for the use of the Internet too. There is a clear political commitment to the use of the Internet both for providing public services online and encouraging people to participate in the democratic process. Following the 1998 White Paper that states, "the government wishes to see consultation and participation embedded into the culture of all councils", another White Paper (DTLR, 2001) recommended the use of technology to realise this. In this context, at both national and local levels, there have been experiments with online voting and other forms of electronic participation. More information about such developments can be found in certain policy documents (Cabinet Office, 2001; DTLR, 2002; ODPM, 2002) and have also been extensively debated among the scholars of local politics (Pratchett and Leach, 2003 and 2004).

In 2001, the Department of Transportation and Local Regions (DTLR) ¹⁹⁵ announced details of the Local Government Online initiative, which required all English authorities to submit an IEG statement to DTLR. These statements are corporate plans, which set out how

¹⁹⁵ The Department of Transportation and Local Regions formerly Department of Environment, Transportation and Regions (DETR) and currently Office of the Deputy Prime Minister is the government department responsible for local government.

local councils are planning and implementing electronic service delivery. The purpose has been to engage councils in promoting a corporate approach to implementing e-government. At the national level, the IEG process also provides a source of information from which the government can identify progress in implementing electronic local government. The DTLR also invited councils wishing to be a pathfinder to express their interest. The Office of the Deputy Prime Minister (ODPM) funded 25 Pathfinder projects, with the aim of exploring and developing new ways of implementing e-government. Pathfinders have developed generic solutions for a variety of technical, policy and management issues surrounding the implementation of e-government. The ODPM also required the “appointment of e-champions (both elected councillor and officer) responsible for meeting the target and ensuring that performance against these targets is subject to effective scrutiny by both citizens and elected members”¹⁹⁶. In order to measure performance towards e-government targets, a new Best Value¹⁹⁷ performance indicator (BVPI 157) was created.

Regarding the use of the Internet specifically for democratic purposes, pilot projects on e-voting were initiated for local elections following the three experiments held in the local elections 2000. The aim was to make the voting process simpler, accessible and more efficient for the electorate with innovative methods and to open up the possibility of an e-enabled general election after 2006. Independent research was initiated to identify the barriers for implementing e-voting and to recommend ways to overcome those barriers (Pratchett et al, 2002). However, e-democracy is not only about e-voting. The concept of e-democracy is associated with efforts to broaden political participation and explore inclusive ways of involving citizens in the decision-making processes. The government also encourages the development of innovative non-electoral ways of consulting people through using the Internet. In 2003, the Cabinet Office published ‘In the Service of Democracy’, a wide-ranging public consultation that aims to take advantage of the new technologies’ potential to encourage people to partic-

¹⁹⁶ ODPM Implementing Electronic Government (IEG) Statement Guidance, 2001.
¹⁹⁷ Best Value regime requires local authorities to consult citizens on individual services. There is also a specific indicator (BVPI 157) that requires local authorities to demonstrate how much of their services are available electronically.

ipate in the democratic process by facilitating, broadening and deepening participation. In 2004, the government launched the National Project on Local e-Democracy with a budget of £4 million to develop a set of tools and guidance to assist local authorities in exploring the case for e-democracy in their own councils and to provide a package to help them to develop a locally appropriate strategy. A number of local authorities have been selected to participate in the project in order to experiment with some of the e-democracy tools.

There are some major themes and tensions that run through this policy context. In identifying these tensions, it is possible to take a step away from merely describing the policy developments and towards identifying major issues, which are likely to have a significant role in the development of electronic participation strategies at the local level.

1.1. Top-down and bottom-up elements

The local e-government strategy builds upon a range of national targets, standards and frameworks to develop a scheme for local government that is both centrally co-ordinated and locally sensitive. There are clear and sharp objectives that have been set for e-government for which all the local authorities are required to target. If they are not met, there are certain sanctions such as further inspections. Despite being driven mainly by central government funding and target setting, there are significant patterns of diversity and selectivity (Pratchett and Leach, 2003: 261). A good example of the bottom-up development is that the IEG statements and the progress in the pathfinder projects collectively informed the national strategy for local e-government. The national strategy aims "to create a common framework within which local strategies can be planned with confidence; describe what needs to be put in place nationally to help this happen". Hence, there is a sense of implicit diversity within a common framework that emphasises certain core expectations. Bottom-up approaches have also been encouraged through various initiatives in the form of experimentation in selected local authorities as exemplified in the Pathfinder and National e-democracy projects. The government has funded a range of democratic experiments in different localities to encourage local authorities to bid for resources for the projects that they develop. Be-

cause e-government is a relatively new phenomenon, there is a lot of room for experimentation. This contributes to diversity in strategy and implementation within different localities. Reflecting what Pratchett and Leach (2004) define as “choice within constraint”, local authorities have substantial freedom in the implementation of the government policy.

1.2. Electronic service delivery and e-democracy purposes

In order to implement electronic service delivery across all public services, the government made explicit commitments by setting a target of 100 per cent availability of services electronically by 2005. Although there are such relatively well-defined targets for achieving electronic service delivery (ESD) goals, there are no such specific targets for using the Internet for participatory purposes. It is possible to argue that excessive ESD targets distract attention from considerations of e-democracy. This is not surprising considering that ESD rests upon tangible goals, such as better quality services, which are easier to justify in terms of public spending. E-democracy purposes, by contrast, are more abstract and cannot always be defended so easily. It is likely that this tendency in favour of ESD goals at the national level will be reflected within the local level too.

1.3. Social exclusion and the digital divide

The issue of the digital divide has been discussed extensively both in academic and policy terms (Bonfadelli, 2002; van Dijk, 2000; OECD, 2001). Many studies warn that consultation based on certain technologies is likely to benefit certain groups who have access to those technologies (e.g. Pratchett et al, 2002). Evidence shows that among people who have not used the Internet before, 20% pointed at lack of access (Hudson, 2002). Inequalities in physical access constitute an important policy issue for governments. There are certain policy initiatives for narrowing the digital gap and making ICTs locally accessible in disadvantaged communities. This is partly achieved by providing public access points in libraries, schools and community centres. However, statistics show that among users only 7% access the Internet

through public libraries (National Statistics, 2001). Besides, providing access is not sufficient because using those technologies require a certain level of familiarity and skills.

Reflecting the government's concern about the digital divide, the Office of the e-Envoy ¹⁹⁸ led a cross-government programme aimed at ensuring that everyone who wants to can have Internet access by 2005. In September 2000, the Prime Minister set a target of 6000 UK Online centres by the end of 2002. Through the achievement of this target, free or low cost Internet access has been provided and support for first-time users has been offered. Other activities include initiatives such as Wired up Communities, and Learndirect as well as the establishment of the Policy Action Team on the digital divide. Collectively, all these initiatives aim to contribute to making ICTs locally accessible in disadvantaged communities, which often have low employment, a high percentage of people with low basic skills and a high level of poverty. Although there are suggestions that the Internet can actually militate against social exclusion, especially for people with disabilities or those living in rural areas, this is true only if they can afford to access the Internet in the first place. There is a danger that the issue of the digital divide may undermine the vision for e-democracy at both national and local levels.

One of the purposes of the research, which constitutes the basis of this chapter, has been to analyse the ways in which the above-identified tensions influence local authorities' electronic participation strategies. The next section offers a conceptual framework for such analysis.

2. Developing a framework for analysis

In analysing the electronic participation reforms, it is first necessary to clarify how we define e-participation and what kind of practices it involves. After that, the section offers a framework through which local authorities' electronic participation strategies develop.

¹⁹⁸ Office of the e-Envoy was set up in late 1998 in order to drive the government's e-strategy, monitor the developments towards e-government and ensure universal access to the Internet. The Office does not exist anymore.

2.1. What is electronic participation?

Many studies examine the extent to which the Internet can be used to modernise the voting process and boost electoral turnout (Norris, 2001 and 2003). There are also studies exploring the extent to which the use of the Internet may boost *non-electoral* participation, not only by making such processes more convenient and accessible, but also by introducing new modes of participation (White, 1997; Lenk, 1999). There is scope for attracting people who have not participated before, especially the young (Norris, 2003; Coleman and Hall, 2001) and for providing existing participants with more convenient methods of participation.

According to a government consultation document, 'In the Service of Democracy' (2003), electronic participation has three dimensions:

- Facilitating participation in the democratic process by making it easier for people to collect public information, follow the political process, discuss and form groups on political issues, scrutinise government and vote in elections.
- Broadening participation by opening up a range of new channels for democratic communication.
- Deepening participation by creating a closer link between citizens and their representatives.

This chapter is concerned with the following ways in which the Internet could be used to enhance citizens' participation at the local level:

- Supporting the relationship between elected members and citizens
- Consulting the people through electronic methods
- Supporting existing modes of consultation and participation
- Informing citizens about council services, priorities, strategies

The most recent policy initiative in relation to e-democracy in the UK, the National Project on Local e-Democracy, also identifies a variety of innovative methods for consultation and participation purposes. This includes websites for elected councillors, web logging, micro-democracy, webcasting, online discussion forums and so on. Some of these mechanisms, such as the councillor websites and online surgery hours,

potentially enhance institutions of representative democracy. Others, such as online polls and discussion forums, aim to inject more participatory elements into the working of representative democracy.

2.2. How does the electronic participation strategy develop?

The chapter argues that there are three specific factors that influence the development of strategies on electronic participation. These are conceptions of participation and democracy, the role and function of local government and the understanding of the Internet.

2.2.1. *Conceptions of participation and democracy*

The chapter argues that the way the electronic participation strategies develop is strongly influenced by existing norms and ideas around democracy. Different conceptualisations of democracy lead to different understandings and practices of e-democracy. Here, I am particularly interested in exploring the normative and practical concerns about participation as well as the perceived role of citizen participation in a representative democracy.

Despite the significance of participation, there are normative and practical concerns about participation. It is important to understand such concerns because attitudes of local authorities towards electronic participation are likely to reflect their attitudes towards participation *per se*. There is widespread belief among local government practitioners that the general public has little interest in local government (DETR 1998a, Lowndes et al, 2001b). Local government actors also highlight the fact that participation initiatives tend to be used by the same people (Lowndes et al, 2001). This is in line with the major studies on political participation which confirm that most of the existing participation comes from a small but active segment of society (Parry et al, 1992; Pattie and Johnston, 1998). These inequalities are likely to be even more relevant for e-participation because of the inequalities in the distribution of skills, confidence and inclination to use the Internet. There are also practical concerns about participation. Many local authorities complain that consultation is too costly and that it is difficult to evaluate the results of consultation (ODPM, 2002). This chapter

aims to analyse whether these normative and practical concerns are relevant for electronic participation too or whether at least some of them may be rectified by use of the Internet.

Regarding the role of citizen participation in a representative democracy, there are concerns that excessive public participation could pose a threat to the role of local elected representatives. Needham (2002) demonstrates that local representatives are concerned that participatory projects can strengthen the bureaucrats who may claim to have their own channel of communication with people. The balance between participation and representation is at the heart of democratic theory. Increased participation potentially reduces the role of elected representatives by opening new channels of direct participation. These arguments have existed for centuries (Plato, 1974; Schumpeter, 1976) and they are likely to persist in the context of e-participation too.

It is also important to investigate whether local authorities believe that they may be able to influence levels and styles of participation. Without this belief, it is less likely that they would be trying to facilitate citizen participation by using the Internet. In academic literature, there have been suggestions about the possibilities for top-down facilitation of participation by providing necessary channels and opportunities (Lowndes and Wilson, 2001; Maloney et al, 2000). However, it is important to ascertain whether local authorities themselves see such a scope. Research shows that local authorities perceive citizens as being uninterested in local politics (DETR, 1998a; ODPM, 2002). It is likely that this perception may affect their e-participation strategy.

2.2.2. The role and function of local government

The history of local government in the UK is full of discussions about what should be its role and function (Widdicombe, 1986; Commission for Local Democracy, 1993). In recent decades, several *functions* of local government have shifted to non-elected local bodies. Hence, there have been some changes in terms of the services provided by elected local government. Regarding the *role* of local government, a distinction is often made between its service delivery and democratic role (Widdicombe, 1986). According to Leach and Wilson (2002),

local government's role has changed in three stages. From 1965 to 1981, it was based on the belief that the primary role of local authorities was *operational*, focusing on service provision in a political culture dominated by the representative democracy principle. The period from 1981 to 1997, can best be characterised as a *transitional* stage in which the dominant service delivery paradigm was challenged from a number of different perspectives such as partnerships, governance, and the New Public Management without any of them becoming the dominant paradigm. During that period, the first signs of a challenge to the dominant representative democracy paradigm from new interest in participatory democracy emerged. The third stage, from 1997 onwards can best be characterised as *collaborative* in which a further move away from direct service provision and a new emphasis on inter-agency working or partnerships is evident (Goss, 2001). During this stage, there has been a significant shift in emphasis from representative democracy to participatory democracy.

Although, this three-stage model is very helpful in highlighting the changes in the recent history of local government, in reality, local government still fulfils a number of different roles. These roles have co-existed in different combinations and their significance has changed over time. In addition, since the speed of change has not been the same in all the local authorities, there may be disparities between various local authorities in terms of the role *they attribute to themselves*. Although Leach and Wilson (2002) argue that these major changes in local government in terms of both role and function of local government have been largely "orchestrated by the centre", it is also important to understand what role these authorities see for themselves. This chapter argues that the self-perception of local authorities plays an important role in determining the ways in which their attitudes towards e-democracy develop. A local authority which perceives itself mainly as a service delivery body is more likely to use the Internet for ESD purposes, while a local authority which attributes itself a democratic role is more likely to focus on exploiting the democratic potential of the Internet. In analysing the ICT strategies of local authorities, Pratchett (1999) concludes that there are certain biases towards service delivery role and that the democratic role of local government does not perhaps benefit from these technologies as much as it could.

2.2.3. Understanding of and attitude towards technology

Research on electronic participation tends to assume that the Internet will have some influence on levels and styles of political participation. However, despite its given properties, the Internet is a socially shaped phenomenon (Mackenzie and Wajcman, 1999). If technologies were taken as 'given', every local authority would be using the Internet in the same way. Yet, this is not the situation. Drawing upon the concept of "interpretative flexibility" (Pinch and Bijker, 1984), the Internet should be seen as a social artefact whose meaning is continuously being constructed in different settings. As a result of this construction and shaping process, local authorities attribute different roles and functions to the Internet. The Internet may be perceived as an information provision and service delivery tool or a medium for citizen participation. In addition, because of the varying social processes in each local authority, different assumptions, concerns, and feelings about the Internet are likely to develop.

3. Identifying the barriers

The previous section offered a framework to understand the development of local government strategies in relation to electronic participation. Drawing together this conceptual framework and the empirical evidence collected from the three local authorities in the UK, four sets of barriers to the use of the Internet for participation purposes are identified:

- Normative concerns about citizen participation
- The digital divide and the concern about social exclusion
- Perception of the Internet as an information provision and service delivery tool
- Social and economic justification of electronic local participation

3.1. Normative concerns about citizen participation: still there?

The research demonstrated that the attitudes of policy actors towards e-participation build on the attitudes towards participation *per se*. Hence, although the Internet can potentially provide a solution to

some of the practical problems of participation, the normative concerns about participation are still there. The research showed that local authorities abstain from using the Internet for political participation purposes largely because of the perception that people are not interested anyway, and it is always the same people who take advantage of these participation initiatives. It was almost a slogan among elected councillors and officers that “people are not interested as long as their bins are emptied”. Lack of participation was seen as something related to the fact that there are no big issues to attract people. Comments about the limited interest from citizens were usually raised as *complaints* about citizens. It was felt that there was only limited scope for changing citizens’ attitudes towards participating. Because of this perceived lack of interest, there was a sense that the use of the Internet would not make much difference. For example, an e-champion in one of the cases said:

The voting in local elections is something like 30%. So the idea that everybody is sitting on the edges of their seats waiting for the council to tell them something or they can’t wait to get all these wonderful information is entirely a false picture (Elected councillor, E-champion, January 2003).

There was a sentiment that there is no scope for local authorities to engender participation because of structural problems such as the negative image of politics and locality specific reasons such as the affluence of the local people or the non-existence of big issues. These factors were raised to different degrees in three locations. In one case, which was a very affluent locality, there was a belief that people do not participate mainly because they are happy with council services or they do not need council services anyway because of the affluence in the district. An elected member stated that because the council provides good service, until it is bad people do not care (Member e-champion, January 2003). An officer also commented, “providing the bins are collected and the streets are swept, generally the vast majority of the people don’t have a lot to do with the council” (January 2003).

In another case, it was believed that there were no big issues that would motivate people to participate actively. In this council, there was also a strong sense of criticism against the working of politics in general and the central government in particular. The Director of Resources

claimed “politics itself has to bear the blame for the decline in participation” (January 2003). Similarly, another officer was concerned about the influence of national politics on the lack of interest at the local level. He said: “I think a lot of local participation will take its trend from what is happening at the national government and that particularly generates genuine disenchantment and lack of interest” (January 2003).

Since the research did not focus on analysing citizens’ attitudes towards participation and e-participation, it is hard to judge whether local authorities’ perceptions of citizens are valid or not. However, in a sense this does not matter. Whether these perceptions are real or not, they have a real impact in shaping local authorities’ strategies for using the Internet for political participation. It seems that there is a gap between local authorities and citizens that is confirmed by previous studies which contrast the perceptions of local government and citizens of political participation (DETR, 1998). This suggests the need for a wider reform programme to bridge the gap between people and local government and other policy makers in general.

In terms of the role of citizen participation within a representative democracy, the research revealed that the principle of representation provided a framework within which actors decided what was desirable and feasible with the use of the Internet. Some elected members believed that once they were elected it was their job to represent people and there was no need for extensive participation. A member put his ideas as:

As councillors, you represent the people that voted for you or could have voted for you. You are supposed to know what they want. Therefore, why try to get behind my back and ask what they think? I have been elected to represent them (Member, e-champion, January 2003).

Although his style was extreme, his ideas were shared by other members too. In another case, the Leader of the Council also commented that: “as elected members, many of us think that we are supposed to be the elected representatives, what do we have a community forum for” (April 2003). Because participation was associated with elections

and voting (as opposed, let us say, to a grassroots mode of participation such as protest), actors' understanding of electronic participation was almost limited to e-voting. The fact that participation was perceived within the parameters of representative democracy was a barrier to its use for more participatory models of democracy. For example, although the Internet offers online referendum possibilities, this application was not mentioned once, either by officers or by councillors. Unsurprisingly, the use of the Internet for electronic voting was raised many times by both officers and councillors as a way of using the new technologies in enhancing citizen participation. This was related to the fact that referendums are not part of the established context in the UK. Nevertheless, there were some developments, for instance, the online discussion forums in one of the cases, which was a very large rural area.

In short, the ability of local authorities to affect levels and styles of participation by using the Internet is limited by their perceptions of citizens, who are often considered as uninterested. There were also references to macro conditions, such as the negative image of politics in general which was believed to put people off politics. However, despite the general lack of belief in scope for enhancing participation from above by using the Internet, there was some optimism about the use of the Internet for future generations.

3.2. Digital divide and the concern about social exclusion

During the research, by far the most important concern about participation was the potential for giving voice to the same people and excluding others. There was a high awareness that consultation efforts do not reach everyone. In this respect, the limitations of participation were mostly considered in conjunction with 'equality'. There was an acknowledgement that increased participation may be a threat to democracy when it is not distributed equally among different sections of society. Frequently, interviewees pointed out the lack of participation in their consultation events and attendance by the same people. In some cases, this very fact was a barrier for the design and implementation of electronic participation initiatives. Unsurprisingly, officers within the community development departments were especially

likely to highlight the problem of social exclusion as a possible barrier to the use of the Internet.

We can put Internet access points all over the place, we can give people a chance to vote online; we can do all of that. That is great and I think we should. But actually if people don't have access or the self-confidence to use the equipment, it doesn't reach to people that I need to reach (Head of Community and Cultural Development, November 2002).

There was also awareness that people who need the council are more likely to be excluded because they may lack access, skills or the confidence to use the Internet. Interviewees especially pointed to elderly, homeless people and council tenants as groups that could potentially be excluded. Ironically, these groups have more to do with the council.

Also a lot of the people that use council services are elderly and you know they are the last people to use it. So, I don't think it will have a miraculous impact on anything (Elected councillor, E-champion, January 2003).

Most of the people who receive our services, like housing, by definition are the poor, deprived, elderly. They don't have a chance. They can't set a video (Director of Resources, January 2003).

You will never be at a stage where everything can be accessed by the Internet because you will always exclude someone...It is definitely a growing trend; I think it is a growing trend for middle classes (Community Development Manager, November 2002).

However, social exclusion can sometimes be the motivation to use the Internet rather than a consequence of it. In one of the cases, which was a huge rural area, the Internet was seen as a means of addressing social exclusion resulting from the rural nature of the district. When the possibility of social exclusion was mentioned, a member who had to commute to his work everyday and did not have the opportunity to go to the council during working hours said: "But they don't see it from my

perspective which is that when there is no service available electronically I am being excluded" (January 2003). Nevertheless, even in that particular council, there was a belief that electronic participation should be an addition to rather than a replacement of existing methods of citizen participation.

In short, an important barrier against electronic participation relates to social exclusion. Actors were constrained by a 'logic of appropriateness' (March and Olsen, 1984) that enforced patterns of thought such as: "we have to include everyone; however, electronic participation may lead to the exclusion of certain groups; hence, it may not be appropriate". However, participation was also considered a value for democracy. Some actors believed that it was 'part and parcel' of their job. It had a strong normative appeal. Therefore, in a sense, there was a clash between two values embedded in their understanding of democracy.

3.3. Perception of the Internet as an information provision and service delivery tool

The empirical study revealed that the central aspects of the Internet for local authorities were the information provision and online service delivery aspects. The Internet was much less likely to be considered as a tool for stimulating citizen participation. There was awareness among interviewees of the possibilities for electronic voting but much less awareness about its potential to be used for broader participation. A good indication of this was the fact that interviewees perceived the local authority websites as 24/7 offices through which people can obtain information or conclude online service transactions. A head of department was interested in developing a 'benefits calculator' to be put on the website while a webmaster thought the website should be a second office "where residents can get information that they could by coming here or phoning us. It is an office there 24 hours; an office they can mould to suit their needs". Analysing the websites also confirmed the finding that participation was not seen as the priority purpose for local authorities. An analysis of IEG statements also revealed that local authorities' strategies put a large emphasis on "maximum amount of information provision" and the "ability to complete transactions on-

line without the need for staff interactions". There were also occasional references to online consultation, but the website analysis showed that there were very few such consultations. Moreover, interviewees considered that even when electronic consultations were conducted, they would only receive a few replies from citizens.

The fact that the Internet was not perceived primarily as a participation medium can be explained by five factors. *First*, there was a perception among the interviewees that there was no demand from citizens for the use of the Internet except for conducting online transactions. On a number of occasions, interviewees complained that they did not receive any response to their online consultation initiatives. In one of the cases, an online consultation on the council budget received only one reply, while another consultation about car park charges in another case received only six. It was also believed that putting services online could attract people who would not otherwise be interested. An officer in one case mentioned that online services 'tactically' help in attracting people. He noted:

***Tactically** also it helps getting people on board. If they think they can make planning applications online then that initially has more value than contributing to a debate on car parking. It is something useful (emphasis added, Scrutiny Research Officer, October 2002).*

Secondly, local authorities tended to see their role primarily as a service delivery organisation rather than a democratic body. Therefore, there was a preference to spend public money on 'tangible' benefits, particularly in the form of electronic services. This will be discussed in relation to a fourth set of barriers below. *Thirdly*, there were some suspicions about the value of the Internet as the right medium to generate participation. This was both related to the fear of social exclusion and the belief that participation should be about human interaction and meeting face to face. *Fourthly*, there were some signs that e-democracy could be seen as the next stage after achieving ESD goals. Therefore, local authorities had been concentrating on improving their technology infrastructure and providing basic services before they could start planning to use the Internet for democratic purposes. The *fifth* factor related to the national agenda in the UK. As discussed earlier, local authorities had to meet targets set by the government in re-

lation to the provision of all their services electronically by the end of 2005. Therefore, there was a rush to meet the targets, which prevented local authorities from finding their own way in experimenting with the Internet for citizen participation purposes.

3.4. Electronic local participation: socially and economically justifiable?

The research revealed that electronic participation initiatives were not always seen as socially and economically justified. The best example of this was the quite widely expressed concern about the social exclusion of certain groups owing to the use of electronic participation. However, the problem of justification went beyond concerns about social exclusion, which has already been discussed above. Local authorities perceive electronic participation as unjustified on three grounds. First, it is seen as a threat to face-to-face communication. Secondly, electronic participation does not always make sense in smaller local authorities. Thirdly, the fact that local authorities have to run parallel mechanisms of consultation - both online and offline as a measure to combat social exclusion - increases significantly the cost of consultation.

The research showed that e-participation opened a normative debate about the value and desirability of mechanisms that replace face-to-face communication. In all cases, respondents stressed that they did not want to replace any of the traditional methods of communication (especially face-to-face) and that all they were trying to do was add a new channel. This echoes a similar debate among political scientists and communication scholars on the value of virtual and face-to-face contact (Putnam 2000; Falk, 1998).

*I think it is sad to lose the **personal touch**. In due course, we will lose it and become sort of a **faceless organisation**. I don't like it and direct contact is important. People like to see a person, like to be reassured. I don't think e-government gives you reassurance; it states facts (Community Development Manager, January 2003).*

However, when one considers that only a few of the existing consultation initiatives are in fact based on face-to-face communication, it is difficult to understand why the local authorities are so concerned

about maintaining those relations. A possible explanation is that the value of face-to-face consultation surfaces only when actors start comparing it with electronic participation. Face-to-face communication is especially valuable at the local government level, which is often justified on the basis of being close to people. The research showed that there was almost a sense of pride among local authorities in this respect, particularly in smaller authorities. The prospect of losing this special relationship due to an increase in the use of the Internet for communication purposes was considered with caution, and even suspicion. In this sense, the research identified a conflict between the values of 'efficiency' and 'care'. Local authorities display a willingness to benefit from the Internet in terms of efficiency, but there is also a concern that they may lose their identity as being close to people.

*We believe it is necessary to discuss the right balance between efficiency and customer care. One of our biggest advantage is we are seen as providing local, personal, friendly service and **we don't want to be a remote call centre**. That is not what people want and that is not what we are (Chief Executive, July 2002).*

***For the sort of service we offer** it is important for people to have **direct, face to face contact** as well as opening these other channels of communication (Emphasis added, Head of Revenues, Services and Benefits, November 2002).*

Although respondents believed that the Internet is an efficient medium for dealing with the public, when it comes to participation, respondents are less convinced that it is the right medium. For example, an officer said that the use of the Internet could even decrease participation. He said:

*I actually think electronic communication diminishes not increases it (participation). Because **community participation is furthered by group working and personal interaction with people**. Dragging people from peripheries and getting groups working. I think trying to foster a non-existent community spirit or sense of community via electronic means is impossible (emphasis added, Director of Resources, January 2003).*

The research also raised an important policy question concerning the degree to which e-participation is necessary and meaningful at the *local* level especially in small authorities. It is possible to argue that there is a paradoxical relation between the concept of local and the properties of the Internet. The Internet has the capacity to connect people from anywhere *regardless of distance*. Hence, the research restates the question: if the Internet is a medium for connecting people from anywhere regardless of distance, and if distance is not a problem, particularly in smaller localities, what is the point in electronic local participation? This paradox was apparent especially in one of the cases where respondents believed that their biggest asset was the close relationship with local citizens, which was facilitated chiefly by the geographic nature of the locality. The district covered only 9 square miles and was very small compared with another case, which covered 260 square miles. Whilst in the large authority, the Internet was seen as a means of addressing many of the rural problems, in the small authority it was seen simply as unnecessary.

The third concern related to the resources that the councils had available to put into electronic participation. Especially in smaller authorities, there is a belief that the council should not be expected to follow the same route as the bigger authorities. This feeling echoes Pratchett and Leach's (2003) point that the national e-government strategy penalises smaller local authorities because these authorities need the same technological base as larger authorities. Because smaller authorities have smaller budgets, they tend to use their resources on more tangible needs especially in relation to service delivery. This tendency is exacerbated by the fact that only a small segment of society benefits from online consultation initiatives. Councils have to run parallel systems in order to provide an alternative for people who cannot or do not want to use a computer for communicating with the council.

These concerns about electronic local participation highlight the fact that there may be variations between localities in terms of the need and desire for electronic participation mechanisms. Electronic democracy at the local level requires a large financial investment, which can be questioned in terms of its economic justifiability. Although there is a strong commitment at the national level to using the Internet as part

of a democratic renewal programme, not all local authorities are willing to go down this road at the same pace.

4. Conclusions

Although the Internet may potentially be used to enhance political participation at the local level, this potential is limited by various constraints. Four sets of barriers have been identified.

First, there are certain normative concerns about participation, which are valid for electronic participation too. When evaluating the potential of the Internet for enhancing political participation, there is a need to benefit from established knowledge on political participation. Such scholarship on political participation suggests that there are certain practical and normative concerns about political participation. Some of these concerns, particularly the practical ones such as the problem of size and time, can be ameliorated with the use of the Internet. However, the normative concerns about participation, such as the autonomy of elected representatives, are likely to remain. The chapter argues that such concerns can be potential barriers to the use of the Internet for enhancing political participation. In other words, if limited political participation is advocated on normative grounds, then the policy actors would be unwilling to use the Internet for enhancing political participation anyway.

Secondly, local political actors abstain from using the Internet for political participation fearing that this would lead to the exclusion of certain groups. Ironically, people who are likely to lack access, skills or the confidence to use the Internet, such as the elderly, homeless people, council tenants and the unemployed are precisely the groups that tend to make the most use of council services. Local authority actors are aware that electronic participation can constitute a threat to democracy when it is not distributed equally among the different sections of society. The relation between the Internet and democracy can only be realised when the Internet can be used to enhance the volume and distribution of participation. In terms of enhancing equality of participation, the research evidence showed that the use of the Internet could be a solution for some kinds of inequalities in participation, by

reaching out to rural areas or people with disabilities. However, the use of the Internet introduces other kinds of inequalities because of access, lack of skills and confidence to use it.

Thirdly, the Internet is mostly perceived as an information provision and service delivery tool rather than a medium for political participation. Here, rather than focusing on the given properties of the Internet such as its interactive nature, the chapter argued that we need to analyse how these objective properties are socially shaped and constructed by local authorities. In this way, it is possible to avoid technological determinism and to explore the specific ways in which local authorities make sense of the Internet.

Fourthly, electronic local participation is not always socially and economically justifiable especially for smaller authorities. The Internet is perceived as an efficient medium to conduct certain transactions, especially in relation to service delivery, but when it comes to participation, there are some doubts as to whether the Internet is the right medium, particularly because of the prospect for replacing the personal communication channels. Moreover, smaller local authorities question the *need* for electronic participation mechanisms, on the grounds that distance is less of a problem than it is at the national level or in the bigger (particularly rural) authorities. This has important policy implications. First, electronic democracy at the local level requires an important financial investment, which can be questioned in terms of its economic justifiability. Secondly, not all local authorities are willing to follow the national agenda in the UK at the same pace owing to problems with social and economic justification. Therefore, there is a tension between the top-down and bottom-up aspirations for e-democracy.

This chapter has focused on exploring the barriers stemming from local government. There may also be barriers stemming from the citizens. People may abstain from taking advantage of using electronic participation opportunities if they do not believe that their participation will make a difference. It will be interesting for future research on the role of the Internet for enhancing political participation to investigate physical or non-physical barriers stemming from citizens. However, the top-down focus of this chapter in terms of concentrating on the local government-based barriers is not coincidental. The degree

that the Internet can enhance political participation depends on the availability of a political structure that is amenable to the use of the Internet for this purpose. If there are no channels for participation or if there is a lack of willingness to use the technology for this purpose, the availability of the Internet *per se* cannot contribute to participation. Therefore, it is essential to understand the attitudes and strategies of local authorities in using the Internet for political participation purposes.

These sets of barriers will have different levels of relevance in different local contexts. For example, in some cases normative concerns about participation may be the main barrier, while in other cases the fact that the Internet is perceived mainly as a service delivery tool may be the main barrier to its use for political participation purposes. These barriers may not necessarily apply to contexts outside of the UK. Moreover, analysing such contexts may reveal other sets of barriers. The main contribution of this chapter lies not only in identifying specific barriers in the UK context but also in highlighting the significance of top-down design in using the Internet. In pointing at the socially shaped and constructed nature of the Internet, this chapter argued that the potential of the Internet for bringing a revolutionary change in citizen participation is limited.

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Chapter 11. European Local Government Reforms and Cultures of Political Representation. Notes for a Comparative Analysis

Annick Magnier

Sound comparisons are now available on local government reforms and their content; fewer on their actual impact on local democracy. This volume hopefully opens a season of regular broad argumentative seminars on the current health of this renewed (and now “central”?) segment of the European political system. Aspiring similarly to a return to large comparisons, two years ago scholars interested in local elites and local polity from seventeen European countries convened to contribute to filling the lack of basic information directly available for a cross-national (or supra-national) analysis of the impact of these reforms. As a first step, through a survey among mayors in their respective countries, the network “Political leaders in European Cities” created a large comparative set of data on these political leaders and their behavioural and attitudinal features. This is a partial, though suggestive, prospect for an assessment of the transformation of European local democracies, seen by those who held precisely the role subjected to the most notorious revisions, that of mayor, as may be inferred from

the changes in their recruitment, career, behaviour, expectations and culture¹⁹⁹. An initial systematic reading of the data gathered has been reserved for the forthcoming international report. These notes intend only to introduce to a configuration of the problems and to put some order into the conceptual references which can be mobilised in order to treat them empirically, offering an illustration of a research path and of the dominant tendencies which have been checked. The opportunity offered by this volume has been taken to make a thoughtful pause in the research process about one crucial dimension of supposed

¹⁹⁹ The research design is based on one instrument of direct enquiry: a standardised written questionnaire, co-operatively defined at three international meetings, and common to all the countries. Data reading is grounded on a systematic secondary analysis summed up in synthetic national tables. The written questionnaire was delivered generally between the end of 2003 and the beginning of 2004, to all the mayors of local authorities with more than 10 000 residents, by letter, e-mail, fax, or by a researcher, depending on the national teams choice. It aimed to gather data concerning:

- a) recruitment: gender, age, local roots, school and job paths, previous career (in political parties, associations, elected positions) and other current positions; personal perceived career resources, interpretation of one's own career trajectory
- b) behaviour: networks; agenda building; projects;
- c) attitudes: interpretation of the role (in the relationship with political players, bureaucrats, local community); interpretation of personal political capacity, perceived responsibility, obstacles to action;
- d) opinions: about local government reforms, about public administration reforms.

The study was covered to 17 European countries, with at least one research team in each country. Valuable resources in the definition of the network and of the research strategy were the previous experiences of collaborative research in the Euroloc Network (and particularly in Udite Leadership Study) or in Plus Project. In Political Leaders in European Cities the following teams were represented: Centro Interuniversitario di Sociologia Politica, Polo Jean Monnet dell'Università di Firenze, as international coordinator (Annick Magnier, Pippo Russo, Clemente Navarro, Nicola Mallogi, Irene Borselli); Università di Innsbruck (Franz Fallend); Università di Ghent (Herwig Reynaert, Kristof Steyvers); Accademia delle Scienze, Praga (Michal Illner, Zdenka Vajdova); Syddansk Universitet, Odense (Ulrik Kjaer, Rikke Berg); Institut d'Etudes Politiques de Bordeaux Talence (Eric Kerrouche), Technische Universität Darmstadt (Hubert Heinelt, Michael Haus, Bjorn Egner); University of the West of England, Bristol (David Sweeting), Università di Atene (Nikos Hlepas); Panteion University (Panagiotis Getimis); Tocqueville Research Center, Budapest (Gabor Soos, Gyorgy Ignitis); U.C.D Dublin (Paula Russell); Twente Universiteit (Bas Denters); Erasmus Universiteit Rotterdam (Harry Daemen); Università di Varsavia (Pawel Swianiewicz); Università do Minho, Braga (Manuel da Silva e Costa, José Neves); Universidad Autonoma de Madrid (Carlos Alba, Carmen Navarro); Università di Göteborg (Henry Bäck); Zurich Universität (Daniel Kübler); Institut d'etudes Politiques et Internationales de Lausanne (Pascal Michel).

change, among the many placed under observation by the different teams in the network: the idea of political representation which underpins local officials' daily activity.

1. The puzzle of representation in current European political culture(s)

Different motives for action and different forms of rhetoric inspired the general movement towards local government reforms which involved the whole European territory in recent decades. This was a movement which found in the figure of the mayor not a unique but even so a decisive entity, whose figure was much more visible, if no more competent (Larsen, 2002; Kersting and Vetter, 2003, Caciagli and Di Virgilio, 2005). A variety of institutional innovations faced a common problem: a perceived crisis of representation, which was intended to be dealt with at the local level, as at this level it was more appreciable or perhaps easier to compare. The crisis emerged, depending on the context and the range of awareness as a decline in electoral participation, difficulty in finding candidates, instability in local government, the impossibility of defining standards in local assemblies, and the increasing number of ways of participating other than voting, lobbying and protest (Parry, 1992; Pateman, 1970).

The various local government reforms are an attempt to adapt the representative structure to the new logic of governing. Political representation at the local level in fact constitutes a fundamental locus of change in western democracies. Privatisation and contracting out, the rebuilding of party systems and in many cases the movement towards administrative and political decentralisation, has brought about a thorough transformation of local representative roles all around Europe. In most countries large institutional reforms registered these trends, and introduced structural re-definitions of competencies, which generally emphasized the mayors' visibility, while attempting to control the effects of the instability of majorities, and striving to consolidate bureaucratic effectiveness. In the meanwhile the appearance of newcomers in the political class, attracted by the new dimensions of the role or called upon to substitute a political-administrative class decimated by corruption trials, often conferred upon local assemblies and executive

bodies a temporary aura which was favourable to new vocations. As a consequence, to be a mayor or a member of local executive or assembly does not have the same meaning today, in terms of position in a political career, social status, personal risks and expectations, institutional resources and political responsibilities.

Those changes suggest a return to the “puzzle of representation” (Eulau and Walke, 1978) as a key area in European empirical sociology: In the design of “Political leaders in European Cities”, the current nature of representation is assumed to be a transversal question. The research aims at a synthetic valuation of those behavioural and attitudinal features which constitute the interpretation of their representative role by those who hold it (and consequently their interpretation of political professionalism). Also taking account of the metamorphosis of the European polity, with the expanding borders, especially toward the East, its changing organisation on the basis of the subsidiarity principle, and its cultural transformations, particularly those summarized in the graceless neologism “glocalism”, the research aims to gather data for an analysis of the effective contribution of local authorities to the renewal of political professionalism and political life. Focusing on praxis and theory of representation among mayors does offer an unexplored perspective on the European political system, in its cultural – not merely normative- dimensions.

The notion of culture we refer to, and the problems we raise looking at “political representation culture” among mayors, does not correspond to the notion used in most recent international contributions on local elite cultures (Hoffmann-Martinot and Clark, 1998), or more generally on elite cultures (Hofstede, 1994). In the term “culture” we see an adaptive model to generalised problems of adaptation (as in Kardiner, 1965). Behaviour and values are observed as inter-related references and instruments in the day-to-day construction of an adaptive model needed to confront (normative or structural) change. Emphasized in the analysis of the political culture of representatives are stress and conflict, as well as rivalry and competition in preserving position and prestige, including the perceived subjection to rules and other players in the drama. By “culture”, furthermore, we do not see only shared values but a focus for uncertainty and concern (the “points of concern”

of Metzger (1977)²⁰⁰; see also Laitin (1988) in the debate with Wildavsky 1987): “culture instils not values to be upheld but rather points of concern to be debated”). We consequently assume that dissents may characterise a culture at least to the same degree as consensus, and that a comparison must consider them together with a good deal of care.

Classical concepts of representation, in an empirical perspective, as shown at the most fruitful period for sociological enquiries on the behavioural and attitudinal dimensions of representation may be set aside as the results of the various emphases placed by elected officials on the single dimensions of responsiveness that may be required of them, depending on whether one considers responsiveness as congruence or as convergence between some form of input from the population – in one extreme hypothesis mere aspirations – and output formed by the results of elected officials’ activity (Pitkin, 1972; Eulau and Walke, 1978). In characterising such definitions of the required self-responsiveness, that is to say the various representative models which categorise elected officials, three crucial dimensions mainly emerge: they refer to the focus, to the locus, and to the delimitation of the mandate.

A classical analytical proposal of the seventies indicated four distinctive elements in the *focus* of representation (Eulau and Karp in Eulau and Walke, 1978), dealing with the different degree of importance allocated by an elected official: policy responsiveness (understood as the congruence between the official’s action and the position of the population he represents on important political issues and themes); service responsiveness (understood as congruency between the official’s action and the specific expectations of concrete benefits from individuals and groups comprising his constituency); allocation responsiveness (his ability to respond to expectations from the whole community in obtaining more resources and benefits from the outside world); symbolic responsiveness (his capacity to meet the need for public gestures and narrative from the constituency). Taking this model into account in the current context, one should undoubtedly consider

²⁰⁰ “We can understand the Neo Confucians, by understanding what they worried about, what their shared points of uncertainty and concern are” (Metzger 1977, 14).

the hypotheses of recent profound alteration in party function, and introduce a fifth dimension allowing a distinction to be made between pure policy responsiveness and party responsiveness.

Concerning the *locus* of representation, the possible geographical aggregates operating as references in the representation activity of a local elected official are local community, local authority as organisation and the remaining “external” world. Role interpretation, under the profile of its locus – including the definition of the main functions it refers to, that is to say its focus - is the product of a specific combination of these different traits.

However, a look at the factors restricting the powers of office, the times and the methods appropriate for checking them, suggests that individual interpretations appear to consist of exclusive choices from among diverging priorities: the elected official may see himself as the trusted and all-powerful representative of his constituency for a full term of office, or may see his freedom of action as strictly conditioned by the respect for his electoral pact or programme, or by subsequent relevancy checks by popular consultation mechanisms, which may align with direct democracy modalities to varying degrees.

2. Notions of political representation among “post-reform” mayors: towards an empirical delimitation

Hypotheses relating to some of these key elements in defining political representation are common ground in the current image of political leaders (Harvey, 1999). It is generally supposed that this increase in the number of players called on to participate in the decision process (in any case required by contracting out practices or by the unavoidable scarcity of public financial resources at the local level), which may be labelled as implementation of the subsidiarity principle or as the epochal passage from government to governance, is nowadays seriously eroding the old logic of representation. This is because it alters the content of two processes which determine motives for and modes of representing: legitimacy and participation (Haus and Sweeting, 2004). The new logic of governing, and the reforms of local authori-

ties, according to the most recent international literature, tend to act specifically on the locus of representation, emphasizing at the same time allocation responsiveness as the main duty of the local executive.

According to a recurrent prejudicial assumption, this new logic would lead to a growing homogeneity between local political systems, especially in the content and within the social meaning of this segment of political representation precisely in the charge of mayors. The reduced influence of the assemblies, the declining influence of political parties in the “representation triangle” (Rao, 2000), the concentration of visible capacities within the executive bodies and particularly in the mayor, are the leading factors indicated for a supposedly “new” concept of their role.

Mayors tend to attribute a more and more intense pro-active character to representation, a tendency rooted in fund raising (inside and outside the local community) to attain medium or long term objectives. The growing influence of this attitude corresponds, in other words, to a shift in the focus of representation towards allocation responsiveness. In such an activity they tend to be more and more interested in including a wide range of players in the decision process, particularly private players; they tend to be increasingly obliged to extend their activities to the whole community, getting out of city hall to support ideas, projects, abilities expressed by the local society and to follow their implementation through close contact with the higher levels of government, in their political and administrative spheres. The centre of representation is consequently definitely tending to move outside the municipal organisation, and initially outside the local assembly and its party rules and games.

Other authors suggest that these trends constitute problematic aspects in the reconstruction of a political culture of local leadership (on this point see some of the essays collected by Borraz and John, 2004). They describe mayors exposed to the contradictory stress of a request for strategic capacity (definition of “visions” and long term objectives for the local community and especially for local development) and for day-to-day solutions, via the municipal organisation, to a constituency and to stakeholders whose expectations of the “first citizens” are deeply changed (Bagnasco and Le Galès, 2002).

The international report from "Political Leaders in European Cities" will offer fresh insights on these open questions, which have yet to be defined co-operatively but will probably be so in directions that we may characterise as follows.

3. The mayoral voice: revolution more than renovation, but a plural revolution

Looking at the competence resources of the mayors, as the product of a vertical and horizontal distribution of influence defining the national political system, the secondary analysis shows a complex configuration of different structures of opportunities, in contrast with the hypothesis of a strong normative osmosis. This is a complex configuration, very different from what could be imagined even ten years ago (Magnier, 1993)²⁰¹.

While analysing the change in the relative influence of the key actors in local government in the last decade, mayors also offer a picture of intense and multidirectional change. The landscape of local influence in all countries, according to them, offered at this time but few stable elements. The proportion of mayors who considered the situation stable in the last decade (mainly concerning the relationship between business and the public sector, and between the municipality and their internal decentralised bodies) seldom reaches more than one third (at least as far as the general influence of the different players is concerned).

²⁰¹ The research uses a specific typology of structures of opportunities combining vertical and horizontal factors which define the role of mayor. It correspond only partially to the most recent typology of local government systems proposed in Mouritzen and Svava (2002): ignoring the case of the United States led to what formed an important division for this study, that between council-mayor and council-manager assets being ignored; taking account, however, of the different position of municipalities in the multi-level political system, leads to the introduction of decisive distinctions between those who Mouritzen and Svava considered "strong mayors". Mayors form a professional group, sharing a job which leads under many aspects to common behavioural features, but the structure of opportunities offered to them for developing their activity, from the documents summarised and the data gathered appear yet as highly differentiated. Lines of differentiation no longer closely follow the traditional typologies of local government, but rather the vertical distribution of political capacity, along a North-South direction as stressed in Hesse and Sharpe, maintains a clear impact.

Table 1. A revolution in influence structures

Question: "Could you characterize briefly the changes in influence that have occurred in the last decade among the various actors in local affairs. Indicate which, in the following couples, acquired relatively more influence drawing on your experience in your work as a mayor"

% of answers "identical"

% "identical"	Subnational/ National	Local/ Regional	Neighbourhood/ Local	Local executive board/ Local assembly	Mayor/ Local executive board	Mayor/ Local assembly	Elected officials/ Administrative officers	Public services/ Private firms
ITALY	9,0	15,9	27,9	9,6	9,6	8,0	17,3	30,3
GERMANY	28,4	20,4	66,9	57,6	30,8	29,3	53,3	38,4
BELGIUM	27,2	15,0	25,0	41,2	38,4	36,0	28,3	41,0
TCZECH	10,2	11,5		24,2	45,2	48,3	24,2	34,4
GREECE	5,0	7,0		41,7	31,1	35,5	31,7	30,0
POLAND	9,8	8,3	31,8			2,3	40,3	41,3
SWEDEN	2,8	27,0	56,3	27,0	42,5	43,8	30,1	36,0
HUNGARY	15,7	14,0				24,0	22,0	28,6
ENGLAND	13,4	19,8	33,3	8,8	19,2	17,2	34,4	43,4
NETHERLANDS	15,4	25,5	39,6	18,4	43,1	45,7	39,0	46,3
FRANCE	19,8	23,8	19,7	34,1	28,8	26,0	28,4	46,7

% "identical"	Subnational/ National	Local/ Regional	Neighbourhood/ Local	Local executive board/ Local assembly	Mayor/ Local executive board	Mayor/ Local assembly	Elected officials/ Administrative officers	Public services/ Private firms
DENMARK	10,4	38,3		46,8	45,8	51,1	44,7	51,1
PORTUGAL	29,2	38,1	28,1	67,2	35,4	50,0	64,6	60,0
SPAIN	7,4	7,4	27,1	24,0	19,0	15,4	23,9	21,0
AUSTRIA	14,8	23,1	85,0	45,8	34,6	47,8	83,3	40,7
IRELAND	0	6,7	25,0	6,3	13,3	20,0	21,4	21,4
Total*	16,3	18,2	37,8	32,4	27,7	24,9	35,5	38,0

* the total is weighted to deal with the proportion of European mayors elected in each country

Table 2. Divergent trends in influence re-distribution

Question: "Could you characterize briefly the changes in influence that have occurred in the last decade among the various actors in local affairs. Indicate which, in the following couples, acquired relatively more influence drawing on your experience in your work as a mayor"

Scale 1= much more (first item), 2= more (first item), 3= a little more (first item), 4= identical, 5= a little more (second item), 6= more (second item), 7= much more (second item)

Mean on scale 1-7 (identical = 4) <i>Larger standard deviations</i>	Subnational/ National	Local/Regional	Neighbourhood/ Local	Local executive board/ Local assembly	Mayor/ Local executive board	Mayor/ Local assembly	Elected officials/ Administrative officers	Public services/ Private firms
ITALY	2,46	3,18	5,08	2,35	1,88	1,92	4,39	3,50
GERMANY	4,17	4,96	4,29	3,84	2,86	3,08	3,42	4,31
BELGIUM	3,44	4,12	3,57	3,17	3,25	3,25	3,96	3,96
TCZECH	2,86	2,82		3,16	3,58	3,56	3,22	3,91
GREECE	2,38	2,99		3,67	3,15	3,62	3,45	3,88
POLAND	2,64	2,19	4,15			1,65	3,47	4,30
SWEDEN	5,53	4,20	4,50	3,22	3,66	3,54	3,90	4,23
HUNGARY	3,21	2,20				3,28	3,16	3,94
ENGLAND	5,04	4,25	3,87	1,93	2,62	2,53	3,27	4,09
NETHERLANDS	4,54	3,97	3,56	3,57	3,82	3,92	3,86	4,20

Mean on scale 1-7 (identical = 4) <i>Larger standard deviations</i>	Subnational/ National	Local/Regional	Neighbourhood/ Local	Local executive board/ Local assembly	Mayor/ Local executive board	Mayor/ Local assembly	Elected officials/ Administrative officers	Public services/ Private firms
FRANCE	3,17	4,19	3,78	3,21	2,96	2,90	3,32	3,97
DENMARK	5,08	3,38		3,61	3,48	3,59	4,12	4,27
PORTUGAL	3,35	3,55	3,35	3,60	3,15	3,53	3,53	4,02
SPAIN	2,01	2,55	4,97	3,07	2,59	2,68	2,74	3,17
AUSTRIA	4,03	4,61	3,97	3,46	3,26	3,14	4,22	4,69
IRELAND	4,43	2,87	3,00	2,44	2,93	2,93	4,14	3,43
Total	3,45	3,72	4,22	3,16	2,85	2,82	3,58	3,98

The view of the directions of change offered by the mayors' descriptions varies considerably: correlated principally with the country in which they are active it seems clearly to show the different national normative reform trends, even if under the light of local traditions and debates, from personal experience. As shown in table 2, southern countries more often suggest different interpretations for a considerable re-distribution of influence among the different tiers of government.

In almost all European countries, a very large majority of mayors declare that they have acquired more influence than the assembly, and much more than the executive board. But, looking at all the other relations between the actors involved in local public action, few development definitely are in one direction at the supra-national aggregated unit of analysis. This is particularly the case for the relationship between municipalities and regions and for the relationship between national and other levels of government, that is to say for the re-construction of the multi-level system of government.

When trying to evaluate the resulting position of municipalities in European multi-level government, the figures thus appear hence highly paradoxical; briefly, rather than offering an illustration of the supposed reinforcement of municipalities, mayors tend to suggest that the formal appeal to vertical subsidiarity should not be seen as a current structural trend. Italy is among those countries where on average mayors perceive a slight general enlargement in the influence of municipalities in the political system as a whole (with frequent deviations, as we observed); but this impression is clearer among Spanish, Greek, Polish and Hungarian mayors.

5. A normative revolution completed?

Such a metamorphosis of the structure of influence might be expected to raise deep adaptive problems for those political leaders holding the apex role in local authorities. Mayors nevertheless often do not have sufficient seniority to have experienced very different structures of opportunity. Many of them have been socialised in the last phase of the large process of change they are bringing about. It is therefore not sur-

prising to see they are not strongly criticising many of the possible difficulties arising from such huge transformations. Their picture of the obstacles they find in their job as a mayor draws two main observations.

Firstly, here too, the picture is not shaped by a feeling of the strengthening of the municipalities, but of their reduced (or at least insufficient) capacities. The interpretation of problems mayors meet in their daily work is in fact much more homogeneous than their interpretation of the driving forces impacting on local democracy. And, without over dramatizing, they clearly indicate the lack of financial resources as their main adaptive problem.

Secondly, the overall picture may correspond to an incremental process of change, which often began before the "last decade" used as a reference, but is not generally perceived by the players as a partially implemented scheme of reform. Only in a few countries do mayors appear to acknowledge problems deriving from an unachieved redefinition of their role (Greece, Hungary, Poland and Ireland) and even there, not very strongly. Confusion in administrative reform is more likely to be criticised. The "revolution", in fact, very seldom appears to them as unachieved, unless it has appeared in the guise of administrative "modernisation". And here too a main obstacle is given as the lack of resources.

No other item implies a generally shared unease, especially an unease linked to the relationship with the other important players in the municipality. Only in few countries do a large majority of mayors implicitly declare that they have not sufficiently adapted to the current dimensions of the role. The state of the organisation appears to be the second adaptive question raised in their interpretation of the situation regarding local political systems.

Table 3. Obstacles to the job as a mayor or to public administration productivity

Questions: "Indicate the extent to which your ability to perform your job as mayor has been affected negatively by the following factors during recent years" and "Below is a list of features considered as common barriers to the improvement of productivity in local authorities. To what extent do they impact in your municipality?"

Mean on scale 4 (to a very great extent) - 0 (not at all)	Financial problems in the municipality	Unclear definition of the mayor competence	Lack of support from the city council	Inefficient of the request canalization of political	Intrusion of political parties national organs	Lack of support from my political party/movement	Conflicts between the various departments and/ or department heads	Uneasy relations with the media	Unclear division of labor between elected officials and the administration	Lack of clear objectives in administrative reform	Lack of resources to initiate administrative innovations
ITALY	2,61	,84	,74	1,19	,45	,67	1,65	1,12	1,24	2,09	2,58
GERMANY	3,06	,81	1,26	1,02	1,00	,72	1,07	,81	,41	1,65	2,26
BELGIUM	2,39	,99	,50	,85	,74	,61	1,40	,70	1,05	2,02	2,51
SWITZERLAND	2,34	,95	1,48	1,25	1,09	,94	1,34	1,00	,66		
TCZECH	2,29	1,21	1,08	1,03	,62	,59	,86	1,27	1,03	2,35	2,07
GREECE	3,07	1,65	,98	1,85	1,13	1,01	1,31	1,14	1,45	2,34	2,52
POLAND	3,27	1,72	1,45	1,18	,48	,51	,86	1,20	1,39	2,01	2,86
SWEDEN	2,35	,76	,64	1,07	,83	,46	1,18	,51	1,13	1,71	1,64
HUNGARY	3,10	1,60	1,34	1,54	,83	,38	,89	,56	1,10	1,91	3,10

Mean on scale 4 (to a very great extent) - 0 (not at all)	Financial problems in the municipality	Unclear definition of the mayor competence	Lack of support from the city council	Inefficient political canalization of the request	Intrusion of political parties national organs	Lack of support from my political party/movement	Conflicts between the various departments and/ or department heads	Uneasy relations with the media	Unclear division of labor between elected officials and the administration	Lack of clear objectives in administrative reform	Lack of resources to initiate administrative innovations
ENGLAND	2,86	,79	,60	,72	,62	,53	1,05	1,44	,98	1,48	2,55
NETHERLANDS	,81	,88	,34	1,00	,42	,21	,49	,35	,64	1,70	1,70
FRANCE	2,22	1,07	,23	,78	,26	,29	1,08	,91	1,42	2,15	2,31
DENMARK	2,04	,60	,82	,94	,41	,40	,81	,69	,79		
PORTUGAL	2,73	1,07	,46	1,20	1,02	,37	1,07	,88	,98	2,51	2,44
SPAIN	2,78	,98	,74	1,42	,68	,30	1,43	1,04	1,24	2,02	2,36
AUSTRIA	2,65	,85	,60	,68	1,40	,56	,67	,87	,49	1,65	1,55
IRELAND	2,60	1,50	,68		,58	,50	1,30	1,00	1,37	2,15	2,35
Total	2,63	1,03	,85	1,08	,66	,53	1,13	,94	1,01	1,93	2,38

3. Reconstruction of the representative role of mayor and “cultural” models

The ways in which mayors deal with the gap between independence and obedience (the factor which restricts their powers) nevertheless contains a definite point of concern. It highlights national cultures, and raises further questions regarding adaptation.

In other words, more than four mayors among ten claim a wide interpretation of their mandate, stating that “political representatives should make what they think are the right decisions, regardless of the current views of local people”. But more than half of the mayors consider that residents “should participate actively and directly in making important local decisions” and three quarters of them that citizens should “have the opportunity to make their views known before important local decisions are made by elected representatives”. The two assumptions nevertheless show important differences, especially within national groups, and to varying degrees (always quite large, even so) mayors support the position that “political parties are the best arena for citizen participation”.

A large majority of European mayors are strongly in favour of trying out different forms of citizens’ consultation, sometimes in contrast with their defence of their position of trustee of the constituency. The stability of neighbourhood democracy stood as a reaction to a perceived deficit of legitimacy (Burns 2000) to be interpreted in the light of the supposed distancing from political parties in many countries, in some of which there was a marked disillusion regarding the capacity of the assemblies to communicate a political request. In all events, a review of the powers of office would seem to be a matter of concern for the more than 60% of mayors who did not approve of the statement “political representatives should make what they think are the right decisions, independent of the current views of local people”.

In fact the picture of the main tasks of a mayor shows a strong homogeneity between countries and within each country. Looking at the focus and locus of representation and not at the limits ideally placed on the powers of office, the similarities of interpretation among the mayors become evident. The initial common characteristics are a

foundational core of tasks considered crucial by a very large majority of the mayors. The second common characteristics as seen by those holding the initial characteristic, are a large number multiple "duties", less central but nevertheless a matter of importance. Only in respect of a few of the tasks listed is there a significant groups of mayors who consider them "not very important" or "not the duty of a mayor".

Table 4. The main duties of a mayor

Question: "Many different tasks are associated with the mayor's position. How important do you think the following tasks are?"

COUNTRY average on scale 4 (to a great extent) to 0 - (not a duty of a mayor)	larger standard deviations	To represent the city to the outside world	To implement the programme of his/her political party/movement	To ensure the good quality of local services	To foster the co-operation with the neighbouring municipalities	To encourage new projects in the community	To generate cohesion in the political majority	To set goals for transforming the administrative structure	To manage the implementation of his/her personal policy choices	To attract resources from external sources (European/national/regional government, foundations, private investors and business)	To ensure the correctness of the political-administrative process	To defend and promote the influence of local authorities in the political system	To create a vision for his/her city	To publicize Municipals activities	To help citizens resolve complaints with the municipal government	To contribute through local experience to the general consolidation of his/her party action	To guide the staff in the day to day activity
ITALY		2,75	2,97	3,45	2,79	2,93	2,60	2,64	2,12	3,27	2,97	2,31	3,40	2,48	2,57	1,53	1,44
GERMANY		3,18	1,41	3,50	2,65	3,24	2,10	2,90	2,62	2,87	3,04	2,86	2,79	2,82	3,11	1,43	2,18
BELGIUM		2,63	2,65	3,44	2,46	3,09	2,99	2,34	2,18	2,79	2,88	2,32	3,47	2,47	3,01	2,03	1,78
SWITZERLAND		3,23	1,29	3,35	2,95	3,37		2,86	1,86	2,18	3,10	2,62	2,81	2,61	2,87	1,52	2,80
TCZECH		3,13	2,39	2,68	2,59	2,83	2,77	2,22	2,46	3,44	2,38	2,32	3,62	2,89	2,30	1,91	1,53
GREECE		2,81	3,00	3,56	2,86	3,30	2,72	2,92	2,54	3,68	3,27	2,57	3,78	2,17	3,03	1,64	2,42
POLAND		2,91	2,24	3,22	2,38	3,13	2,41	2,73	2,81	3,79	2,60	2,27	3,39	2,79	2,48	1,17	2,40
SWEDEN		3,48	3,13	3,40	3,20	2,92	3,27	3,22	2,35	2,68	2,53	3,12	3,46	2,57	2,58	2,87	1,20
HUNGARY		3,59	2,41	3,57	3,01	3,16	2,58	2,46	2,65	3,70	3,43	3,13	3,50	3,62	3,44	2,27	2,63

COUNTRY average on scale 4 (to a great extent) to 0 - (not a duty of a mayor) <i>larger standard deviations</i>	To represent the city to the outside world	To implement the programme of his/her political party/movement	To ensure the good quality of local services	To foster the co-operation with the neighbouring municipalities	To encourage new projects in the community	To generate cohesion in the political majority	To set goals for transforming the administrative structure	To manage the implementation of his/her personal policy choices	To attract resources from external sources (European/national/regional government, foundations, private investors and business)	To ensure the correctness of the political-administrative process	To defend and promote the influence of local authorities in the political system	To create a vision for his/her city	To publicize Municipals activities	To help citizens resolve complaints with the municipal government	To contribute through local experience to the general consolidation of his/her party action	To guide the staff in the day to day activity
ENGLAND	2,92	2,71	3,79	2,59	2,69	2,84	2,30	1,91	2,78	3,11	2,71	3,45	2,32	2,54	2,03	1,23
NETHERLANDS	3,22	,33	3,13	2,76	2,43	2,10	2,22	1,47	2,46	3,66	2,48	3,10	2,71	2,73	1,24	,57
FRANCE	2,78	1,49	3,52	2,89	3,33	3,07	2,55	1,85	3,17	2,56	2,24	3,65	2,91	3,02	1,44	2,03
DENMARK	3,08	3,06	3,29	2,74	3,43	3,29	2,65	2,99	2,37	3,09	2,96	3,45	3,29	2,67	1,83	1,24
PORTUGAL	2,85	2,72	3,54	2,79	3,21	2,18	2,63	1,89	3,51	2,90	2,16	3,85	2,33	3,03	1,34	1,42
SPAIN	2,99	3,14	3,76	2,68	3,27	2,97	2,92	2,69	3,49	3,23	2,21	3,05	2,55	3,18	2,38	2,44
AUSTRIA	3,11	2,44	3,68	2,69	3,31	2,83	2,89	2,86	2,81	3,18	2,81	2,73	2,89	3,38	2,11	2,22
IRELAND	3,05	1,89	3,47	2,63	3,21	1,89	2,33	2,37	2,68	2,26	3,37	3,32	2,89	2,89	2,05	1,53
Total	2,99	2,12	3,46	2,71	3,10	2,59	2,68	2,32	3,11	2,96	2,52	3,27	2,70	2,87	1,64	1,88
	,78	1,28	,65	,68	,69	,96	,83	1,03	,86	,87	,92	,78	,79	,83	1,03	1,21

Ensuring good services and creating a vision for the city are the two duties considered essential by a large majority of the mayors. They form, in other words, the true core in all European countries of the notion of representation when linked to the role of mayor. To attract external resources, to sustain new projects in the local community, but also to represent the city to the external world are the functions which complete the basic image of the mayor's role. Measuring this interpretation using the representation dimensions classically appearing in the literature, shows European mayors as appearing to emphasize service responsiveness and allocation responsiveness, while cultivating their aptitudes in respect of symbolic responsiveness. Among the tasks defining the role, modernising the organisation and safeguarding their democratic functioning assume a certain centrality for some of the mayors. These are nevertheless national issues, points of concern and of debate inside individual countries or differences between national cultures, rather than convergence points.

The true differences between countries and between groups of mayors appear, nevertheless, when looking at policy responsiveness, and mainly at party responsiveness. These are the only two dimensions on which strong cultural differences between and within countries may be highlighted. Belgian, Czech, Swedish, English, French, Portuguese and Italian mayors do not share a unique "national" interpretation of the importance of the daily exercise of administrative leadership. Whether the mayor must depend more or less on party programmes in his activity is discussed in Portugal, while in Greece and England, mayors may develop very different interpretations of their capacity to make important political choices.

Concentrating on the locus of representation offers a less clear picture. Deviations in the importance allocated to functional relationships with the administrative machine (administrative management and leadership, especially for those activities not linked to project building) are important; also detectable, even if minor, are the differences in the relationships with the higher levels of government. In some cases, these are clearly differences between countries (in Sweden, Hungary and Denmark mayors aim at close relationships with regional or central governments), but the urban status of the local authority and the

personal political resources of the mayors probably have more impact than laws and national cultures.

Referring to those problematic aspects of the role, highlighted in the most recent literature, the general emphasis placed on long term projects and upon resources raising may be underlined. This particular attention combines nevertheless with different privileged loci of activity, leading mayors to focus their attention outside the organisation to different degrees.

5. Renovating local representation

This tentative picture of the culture of representation among European mayors, to be completed with the co-operative interpretation of data in "Political Leaders in European Cities", is adequate to reveal an effective emphasis on some kinds of entrepreneurship; in the first instance the kind of entrepreneurship required by a context of action seen as causing changing to a considerable degree and offering reduced opportunities: mayors must adapt their interpretation of the role to falling financial resources. Their attention is consequently drawn to allocation responsiveness; the role nevertheless maintain its multi-faceted appearance, rooted in service provision and largely dependent on policy responsiveness. The few figures presented suggest in particular two representational problems which lead mayors to turn inside the local organisation: making the administration more effective, and checking the mandate from the constituency.

But they show mainly that there are three main debating points (or perhaps just matters of concern) on which European polity is being built today, as far as mayors and their role are concerned (these are debating points regarding which political research may yet contribute significantly to a collective definition of the situation). These are questions about how much the political party must stand as a reference in the production of symbols and ideas; about how much day-to-day organisation management may contribute to promoting the defence and development of the local community; and about how citizens must be included in the decision process (i.e. how power and government may be inspired by the principles of the ideal type of social or interactive governance – Kooiman, 1993).

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Chapter 12. Local Political Elites in Flanders after the Second World War

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Introduction

This contribution focuses on the local political elite in one region in Belgium, namely Flanders, after the Second World War ²⁰³. More in particular the socio-professional background of that elite is scrutinised. It was above all after the First World War that theories appeared on the genesis, growth and functioning of political elites. They emerged in reaction to the growing “democratisation” of political life and were propagated by circles and people that were opposed to such a development. In other words, such theories were intended to justify conservative opinions on the exercising of political power (François, 1985: 567).

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²⁰³ Flanders is the Northern region of Belgium.

It is important to note, when consulting works on elites, and political elites in particular, that the authors focus in most cases on national (political) elites. It is obvious that national and local elites operate at different levels. Local elites form the initial phase of the selection process, while national elites are to be found at the end of this process ²⁰⁴. It therefore goes without saying that one must be prudent when using the conclusions developed in the framework of a study of national elites. Some of those conclusions are probably relative and may not even be applicable in the case of local elites.

When studying local political elites in Flanders after the Second World War, it is therefore necessary to define what we mean by political elites and, first of all, clarify the concept of elite. There is no agreed definition of elites and the debate is likely to be never-ending. Everyone “knows” what we understand by elites, but there is no real consensus on a precise description of the concept (Reynaert, 1997: 325). Elites are “crucial groups of people in all but the very simplest societies” (Moyser and Wagstaffe, 1987: s.p.).

In the broadest accepted definition, elites are understood to be people who are “qualitatively superior in a human activity”. In other words, there are elites in every area of social life. However, they do not all play an important role in political life ²⁰⁵. It is therefore possible to talk of political elites and non-political elites (Parry, 1969: 68). It is fundamentally important to understand that elites, in fact, simply defend a certain number of interests or try to implement certain values. This refers to the related domain of “power”. By exercising power political movements and/or politicians try and give substance to certain values. Starting there, it is only a small step in the process of acquiring power. When that process is adapted to the micro-political level, we are immediately in the domain of local political elites.

²⁰⁴ “[...] national elites are even less likely than local leaders to constitute a demographic or psychological cross-section of the public” (Sullivan, Walsh, Shamir, Barnum, Gibson, 1993: 56).

²⁰⁵ “[...] the term “elite” can apply to those who “lead” in any social category of activity [...]” (Scott, 1994: 6). “Pareto had some such plurality of elites in mind when he suggested that the name elite should be given to the “class of people” who show the highest degree of capacity in any “branch of human activity” (Nadel, 1956: 413-424. In Scott, 1994: 5).

W. Dewachter considers that, in the concept of elites, the essential characteristic is “[that they] have in the decision-making process and the structure of society a greater, more decisive part than any other social group. It doesn’t need to have a monopoly on it as such” (Dewachter, 1992: 315). The author adds: “the elite is the social figure of the dominant persons in the various sectors which shape society and which, as a social figure ²⁰⁶, have a determining part, both in the political and non-political social configuration”. For Lasswell and Kaplan “the elite are those with most power in a group; the mid-elite those with less power; the mass, least power” (Lasswell and Kaplan, 1950: 201). Given that local politicians have a determining role in political decision-making at the local level and that they stand out sharply from citizens regarding power, we can talk of a local political elite. Considering with Guttman that: “...the political elite with which I shall be concerned are the occupants of political offices, governments, legislators and representatives, all those who owe their power to election or to appointment by elected authority, but not those who belong to the permanent staff of the executive and who have advanced by seniority or examination, e. g. civil service, army” (Scott, 1994: 88).

In this study, our subject will be – because councillors are elected directly and the council chooses from among its members the aldermen and the mayor is designated from among the councillors ²⁰⁷ – councillors, aldermen and mayors. We will, therefore, define the local political elite as the elite of locally elected representatives. One aspect, however, will not be addressed: we will not analyse the candidates that have not been elected ²⁰⁸. Having defined the concept of local political elites as we understand it – the elite constituted by locally elected representatives – the question is to know how to focus in concrete terms the study. As for many other theoretical concepts, such a question is not simple. Starting from our sources, we have analysed locally elected representatives on the basis of gender, profession, age,

²⁰⁶ “They are a social figure because they differ from “non-elites”, by virtue of the fact that they occupy the dominant positions in society” (Dewachter, 1992: 316).

²⁰⁷ Exceptionally, the mayor can be appointed from outside the council.

²⁰⁸ In the regard we would refer to the article “Politieke elites op lokaal vlak in Vlaanderen 1946-1982” (Reynaert, 1994: 429-463) in which the author observes that there are essential differences between elected representatives and non-elected candidates.

political party, function (councillor, alderman, mayor), the size of their municipality, province and the year of their election. Our work includes a certain number of limits, and we are aware of such. We will draw attention to only one of them. In the framework of the study, we will examine the socio-economic background of those who have exercised a mandate, leaving aside those who, while having the same socio-economic profile, have not sought such a mandate. It is clear that, in such an approach, e.g. the psychological dimension and that of socialisation, among other things, should be studied. Moreover, Rush notes pertinently that numerous studies deal with the first aspect and that we have a large volume of information on this subject, while the second dimension is taken less into consideration. (Rush, 1992: 148).

Our aim, as we pointed out, is to describe locally elected representatives in Flanders between 1946 and 2000, on the basis of three variables: gender, age and socio-professional background. Moreover, we wish to verify to what extent the profile of locally elected representatives has changed during the period under review. A great deal of specialist literature takes the view that the study of elites provides considerable information on the nature of society²⁰⁹. Over and above the general profile of locally elected representatives in Flanders during the period in question, we will treat briefly the differences between political parties, differences due to the nature of the mandate of the locally elected representatives and various specific characteristics depending on the province and the size of the municipalities.

1. Research data and methodology

To construct our sample we have used a clustered quota method. This was primarily based on a regional criterion, namely the province in which the municipality was to be situated. We have noted that out of the current 308 Flemish communes, 70 are in the province of Antwerp, 65 in Flemish Brabant, 44 in Limburg, 65 in East Flanders and 64

²⁰⁹ Notably Parry: "The study of elite background on the whole tells more about the society in which the elite exists than the policies or politics which the elite will pursue" (Parry, 1969: 101-102).

in West Flanders. It appears therefore that out of 100 municipalities, only 14 are in Limburg. Given that we wanted to include that province in our study, we have considered that the minimum number of Flemish municipalities that we needed to analyse was 100. Accordingly, the basis of our sample is as follows: of the 100 municipalities considered, 23 are in the province of Antwerp, 21 in Flemish Brabant ²¹⁰, 14 in Limburg, 21 in East Flanders and 21 in West Flanders.

We then verified the breakdown of the municipalities in Flanders and in the various Flemish provinces according to size. We did so on the basis of the number of councillors (an indirect indication of the size of the municipalities). We then took a random sample, which takes into account the breakdown by percentage of provinces. Finally, we introduced a series of corrections when there were differences of size in the municipalities. By that we mean that we have sometimes replaced one municipality by another to make the breakdown by size of the municipality more exact. As our study includes the period which preceded the mergers of municipalities, we have also taken for those 100 current Flemish municipalities all those which are now municipal sections, but which were separate entities before the mergers ²¹¹. That produced in total more than 300 Flemish municipalities for the period from 1946 to 2000.

To answer the questions asked, 28 299 elected representatives (20 347 councillors, 6001 aldermen and 1951 mayors) were identified in Flanders between 1946 and 2000 ²¹². Our sources provided information concerning the gender, profession, age, the party to which the elected representatives belonged, the function (councillor, alderman

²¹⁰ Although we can only refer to Flemish Brabant and/or Walloon Brabant since 1 January 1995.

²¹¹ For a good overview of changes in the number of Belgian municipalities by province since 1830, see Ackaert, Dekien, 1989: 16.

²¹² The fact that we have only included in our sample elected representatives does not mean that we under-estimate the importance of studying non-elected candidates. In this regard we would refer to an earlier study carried out in the framework of the International Colloquium of History in Spa (September 1992) showing that the trends observed in Flanders among locally elected representatives are also apparent among non-elected candidates (Reynaert, 1994: 429-463). However, to guarantee the historical framework of the research we have chosen to limit ourselves here to locally elected politicians.

and mayor) the size of their municipality ²¹³, the province and year of their election (1946, 1952, 1958, 1964, 1970, 1976, 1982, 1988, 1994 and 2000). In our survey we have used the situation of the elected representatives at the time of the inaugural meeting following each communal election. Thus our study covers only that crucial moment in the local political process, namely the communal elections themselves, but therefore provides only a partial picture of the dynamics of politics at the local level. The data collected by Reynaert, have to a large extent been extracted from provincial archives.

2. Which population groups comprise the local political elite in Flanders since the Second World War?

2.1. Introduction

It is at the local level that the 'gap' between citizens and the authorities is often considered to be the smallest. This opinion has prevailed for many years in studies devoted to political administration. However, it is not quite so certain that it is supported by the facts (Castenmiller, 1994: 1). Without addressing specifically that question, we will examine to what extent the socio-professional background of locally elected representatives in Flanders during the 1946-2000 period can be compared to that of the Flemish population as a whole, and whether any changes can be detected. In other words, we will try to find an answer to the following question: from which population groups are locally elected representatives drawn and is it possible to detect any changes in this area?

In a democratic political system, citizens are supposed to have access, by proportional representation, to the political will, present their convictions and interests and play a role in the decision-making process.

²¹³ The number of councillors in a municipality varies according to its population figure. This number is set by the new communal law. At the current time, municipalities with fewer than 1 000 inhabitants have 7 councillors whereas those with more than 300 000 inhabitants have 55 councillors.

In other words, the idea of political representation is at the heart of democratic political systems, even if the practical implementation of that representation remains open to discussion: "...The traditional theory of elites supposes that there is an invariable relationship between the elite and the masses. The ruling class monopolises all the power and fills all the political functions while the passive masses are governed and controlled. The current generation of political commentators has distanced itself from that static view. The intensive study of the polyarchy has demonstrated that the relationship between the elite and the masses is not static, but dynamic. Progressively the 'gap' between the elite and the masses has apparently even declined, that it to say the elite is apparently subject to democratisation" (Das, 1987: 208-209).

We will try to ascertain in this regard whether this process has already started at the local level. If it can be ascertained that local politicians are drawn from particular segments of the population, we will be able at least to call into question a certain number of aspects of the pluralist model. In fact, the pluralist vision predicts a diversity of social backgrounds in the political stratum. If we observe, on the other hand, that local politicians are representative of the population that will undermine considerably the elitist vision whereby a large part of the population does not have access to positions of power. If that is not the case, if local decision-makers form a heterogeneous group, the pluralist vision which claims that a large range of interest groups is represented in the decision-making process will be reinforced (Mintz, 1975: 131-148). There seems to be a quasi-consensus in existing literature that politicians are never representative of the people they "represent" ²¹⁴.

²¹⁴ "The first big fact about elite American politicians as a whole is that they have never been representative of a cross-section of the American people" (Mills, 1963: 196-207. In Scott, 1990: 123.). "[...] office-holders generally tend to be drawn from similar groups in terms of socio-economic characteristics, from higher rather than lower status groups, from the better-educated and more skilled occupations, and from men rather than women" (Rush, 1992: 145). "The survey that we have carried out among councillors reveals [...] a strong over-representation of the highest educated categories of the population [...]" (Blondiaux, 1999, p.386).

We will examine this key question ²¹⁵ with the help of three factors, namely the gender, profession and age of the elected representatives at the time of their “inauguration” meeting. At the same time, we will focus on a number of changes concerning locally elected representatives, in particular changes in the male/female ratio, in the presence of women in the different age categories, in locally elected representatives according to professional categories and the same development among their female counterparts, in the average age of locally elected representatives, in the average age by gender, in the age structure of male and female locally elected representatives and in the average age of locally elected representatives according to professional categories.

2.2. Under-representation of women at the local level

Half of the Flemish population, represented among others by the local political authority, is made up of women. It would therefore be logical for women to have in Flanders, in their municipalities, their place at the political level. However, the gender imbalance in terms of representation is an old wound of most political bodies. The development of access for women to politics is influenced by elements in both the selection and recruitment phases and the election process. According to Petra Meier, social and socio-cultural factors come into play, as well as aspects of the electoral system, the party system, its internal organisation and its ideology. In her view, increasing efforts have been made in recent years to find a gender balance in politics by taking into account these factors (Meier, 1998: 3).

A large number of people consider that “equality requires parity in representation [...]”. In other words, they establish a link between the importance of the feminine segment of the Flemish population and its

²¹⁵ The extent to which the elite is a microcosm of the social composition is a question that is frequently addressed in studies of the background of elites. On this subject, Parry refers to Jean Blondel: “Jean Blondel has made this a central theme of his Voters, Parties and Leaders. He inquires into the extent to which political parties, interest groups and civil servants in Britain are “representative” of the social composition of the country at large. [...] The interest in social composition of elite groups stems from the widely held assumption, as Blondel understands it, that such groups should approximate in social background, experience - and, hence, views - to those whom they serve” (Parry, 1969: 102).

proportional representation on the political scene. "An individual represents others – says Degauquier – by virtue of the fact the he or she is like them or sufficiently like them [...] This special status of elected representatives therefore has implications for the profile of the elected assemblies, which should be a microcosm of the different parts making up society, by reflecting as equitably and accurately as possible the proportions" (Degauquier, 1994: 120). However, the following quotation of W. Dewachter shows that the reality differs from the above vision: "...Women still occupy very few dominant positions. The obstacles are being eliminated, but with great difficulty. Belgium is not really an exception regarding the 'symbolic' presence of women in the top professions, in other words among the elite. An illustration of this is the very small number of women in successive governments. While they are supposed to represent emancipation, they are characteristic of the shortcomings of emancipation" (Dewachter, 1992: 337).

Dewachter is categorical: women are under-represented in the elite. It is clear that until now politics has been a male-dominated activity. The question which we will try to answer is the following: to what extent are women present among locally elected representatives and to what extent the situation has changed over the period under review. Women have been entitled to vote at communal elections since 1920. The law of 15 April 1920, stipulated that "all" women having reached the age of 21 and having been a resident for six months in their municipality had the right to go to the polls for the council (Keymolen, Castermans and Smet, 1981: 57). The local elections of 24 April 1921 were, therefore, the first elections in which women participated. In addition, they were given, by the law of 27 August 1921, the right to hold office as mayor, alderman, municipal secretary and registrar (o.c.: 60). In fact, the view was that women should pass through a learning phase, namely local politics, which would prepare them adequately to participate in national politics. What was considered initially as a form of apprenticeship was then perceived as a restriction: if women really wanted to be involved in politics, then the municipality was the most suitable territory. Others even considered that they were better placed than men to play a part in local politics, arguing that they had a better understanding of local needs because, unlike men, they "live" more in the local community. On the basis of those observations, one would expect a fairly strong female representation at the council level and in

colleges of mayor and aldermen (De Mulder, Ollivier and Verbeke, 1988: 39). However, as will be seen below, the figures reveal a very different picture.

Other than the historic reasons referred to above, the limited role played by women in professional and associative life can also be seen as a factor of their reduced political participation (Cleymans, 1985: 130-139). As can be seen from table 1, the consequences of an out-moded distribution of household roles - the political role is generally attributed to men - has not yet disappeared (Ackaert, 1994: 84). It is also clear from the table that, during the period 1946-2000, women were very under-represented at the local level. However, there has been a slow but clear change in the scale of that under-representation. From 1946 to 1964 the percentage of women varied between 2.6% and 3.1%. In 1970 there was a positive reversal (De Weerd, 1997: 211). In 1970, 7.2% of locally elected representatives were women. That higher score was due, at least in part, to the important involvement of women's organisations in preparing those elections, inter alia within the political parties. That positive trend continued in successive elections (1976: 11.9%, 1982: 12.9%, 1988: 15.3%). In 1994, there were still only 20.9% of locally elected women representatives, but nevertheless an important increase in relation to 1988.

Table 1. Breakdown between men and women among locally elected representatives in Flanders (1946-2000) (%)

Year	Men	Women	Total
1946	3079 97.4	83 2.6	3162
1952	3131 97.1	95 2.9	3226
1958	3133 97.1	93 2.9	3226
1964	3129 96.9	101 3.1	3230
1970	3041 92.8	237 7.2	3278

Year	Men	Women	Total
1976 ²¹⁶	2266 88.1	307 11.9	2573
1982	2077 87.1	307 12.9	2384
1988	2021 84.7	365 15.3	2386
1994	1903 79.1	503 20.9	2406
2000	1709 70.4	719 29.6	2428

With view to enhancing female representation and achieving a better balance between men and women on electoral lists, a law was promulgated in 1994, viz. the Smet-Tobback law, named after the law's conceivers. Under this law, electoral lists can only comprise 2/3 of members of the same sex. Lists that infringe requirement must be revised. If at least a third of the places is not occupied by the under-represented sex, those places must be left vacant. The law entered into force in 1996 ²¹⁷. However, although the law establishes the proportion of candidates by gender, it does not stipulate how they should be placed on the list. In this regard, it is to be noted that a "good place" is often determining (Meier, 1998: 4). Despite the effort of this law, it seems obvious that the measure is insufficient on its own to reduce the under-representation of women. Of all female and male candidates, 15.3% and 29% respectively were elected. At the local elections of 8

²¹⁶ For an overview of the composition of the colleges of mayor and aldermen (lists by parties and for the Dutch-speaking territory of female mayors, aldermen and councillors in 1976 and 1982), see Scheerlinck, 1984: 12-14.

²¹⁷ In Flanders, women occupied 36.7 % of the places on candidate lists; in other words, the level was easily achieved (Ackaert, 1995: 385). It is to be noted that for the municipal and provincial elections of 9 October 1994, the number of candidates of the same sex had to be at the most not 2/3 but 3/4 of the total number of candidates.

October 2000, when the Smet-Tobback law applied fully, the female score increased to almost 30% ²¹⁸.

When studying changes in the presence of women in the different age categories, two periods can be distinguished, as can be seen from table 2. From 1946 to 1964, the percentage of women councillors in the different age categories was always between 0.6% and 4.9%, which means that their presence was nearly negligible. From 1970, however, there was a clear positive change. At successive elections, there was a continuous increase in the presence of women in almost all the age categories. It is to be noted, however, that the percentage of women is the highest in the category of young people. One explanation may be that, in that age category, women are not yet stuck in the socio-politically isolated position of housewife. Moreover, it is to be noted that the percentage of women councillors falls in the higher age categories. However, the fact that the presence of women is the highest in the youngest age category does not mean that the majority of women councillors is drawn from young people. In fact, the forty year olds, among both men and women, represent the most important group of elected representatives.

Table 2. Female representation among locally elected representatives in Flanders by age categories

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
-21	-	-	-	-	-	-	-	-	25.0	70.0
21-24	-	-	-	-	17.7	35.3	14.6	28.9	49.0	46.7
25-29	2.1	3.6	2.7	3.2	8.7	18.6	14.2	19.8	30.7	44.4
30-34	1.2	4.4	2.9	3.0	7.8	16.1	12.0	19.2	29.2	41.6
35-39	3.3	1.0	2.1	3.3	9.8	10.3	13.1	16.4	26.8	34.9
40-44	3.0	3.8	2.9	2.4	8.2	10.0	13.6	16.3	21.8	33.5
45-49	4.5	2.4	4.2	1.9	7.5	12.4	13.8	15.6	19.7	27.6

²¹⁸ Reynaert and Valcke also assert: "It seems however obvious that the succes rate of female candidates is still notably lower than that of their male colleagues. That is obviously related to the current electoral system (problem of the list as opposed to preference votes) and the voting habits of electors. It is the proof that legal limits are insufficient to eliminate the under-representation of woman in politics and that other factors play a role". (Reynaert and Valcke, 1998: 112).

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
50-54	3.0	4.9	2.4	4.5	6.0	10.0	13.3	13.9	16.4	23.5
55-59	2.1	2.8	3.8	3.9	4.9	12.0	10.9	13.9	14.5	24.1
60-64	1.1	1.5	3.5	3.9	5.9	8.4	12.5	7.6	15.6	11.5
65-69	0.6	2.8	0.9	3.0	2.0	9.3	14.1	12.2	9.5	17.8
70+	2.4	1.1	1.7	0.6	-	5.7	-	9.1	5.7	12.5

2.3. Locally elected representatives and the different socio-professional categories

What is the profile of locally elected representatives in Flanders ²¹⁹ ? As we have seen, first of all, women are far less present. We will now examine from which socio-professional categories political representatives are drawn and whether there is a special relationship between certain professions and the exercising of a political mandate at the local level. Ackaert also uses the profession as an indicator of the professionalisation of local mandates and deduces that the more the function requires a degree of professional training the higher the level of the profession of the locally elected representative (Ackaert, 1994: 85). Existing literature considers that there is no doubt that a disproportionate number of political elites are drawn from the higher socio-economic strata ²²⁰. Research into the different forms of participation also shows that the more the function is demanding in terms of time and energy, the greater the likelihood that the elected representatives will include a disproportionate number of people with a higher social and

²¹⁹ Rush notes that the usual reply to the “who is selected for particular positions in society”, is: “examining the socio-economic backgrounds of those who hold or secure positions regarded as designating membership of the elite ...” (Rush, 1992: 65).

²²⁰ Here are several representative quotations: “no matter how class is measured, studies consistently show that higher-class persons are more likely to participate in politics than lower-class persons” (Milbrath, Goel, 1977: 92). “[...] since it is a common finding that, regardless of how they are defined or constituted, elites are unrepresentative in socio-economics terms of the populations from which they are drawn. With few exceptions they tend to be drawn from the upper echelons of society in terms of education, occupation, income and socio-economic status” (Rush, 1992: 65-66). “[...] it would seem, according to research carried out in the Netherlands and elsewhere, that a disproportionate percentage of the elites is drawn from persons from a higher economic and social level as well as having an above average level of education. (Dekker, Ester, 1988: 405).

economic status (Berry, Portney and Thomson, 1993: 81). They also refer to these professions which are usually conceived as 'brokerage and talking'. These do not only place their occupants in a favourable status position but also provide them with some advantages which foster the entrance in political office and the development of a subsequent career. Among others, they allow flexible time arrangements, provide financial and social security, are often compatible with politics regarding their dominating 'public' nature or allow developing social networks and contacts useful in politics (Norris and Lovenduski, 1993).

Before analysing local elected representatives in Flanders according to socio-professional categories, we will outline changes in the active population in Flanders since the Second World War. We will use six categories (blue-collar workers, white-collar workers, self employed people and employers, farmers, people from the liberal professions of intellectuals, and teachers) with a view to comparing locally elected representatives. Table 3 shows clearly that the share of the primary and secondary sectors has fallen over time in favour of the service sector ²²¹.

Table 3. Active population in Flanders 1947-1991 (%)

	1947	1970	1981	1991
Blue-collar workers	57.1	52.9	44.6	38.2
White-collar workers	11.8	23.8	29.3	31.2
Self employed people and employers	15.3	8.3	6.7	10.9
Farmers	7.8	4.7	3.1	1.6
The liberal professions and intellectuals	1.7	5.3	9.3	8.7
Teachers	2.4	4.9	6.4	5.4

In order to answer the questions raised concerning locally elected representatives, the professions have been divided into six categories, namely blue-collar worker, white-collar workers, self employed people and employers, farmers, people from the liberal professions or intellectuals (lawyers, doctors, notaries, veterinary surgeons, physio-

²²¹ The figures are based on the population censuses of 1947, 1970, 1981 and 1991. It was not possible to divide the 1961 figures in the same way into six categories.

therapists, chemists, architects, etc.), pensioners, people of independent means and landowners, teachers, housewives or housemen, students, unemployed people or others ²²². We are aware that this breakdown is debatable. In addition, it was impossible to determine an obvious classification for certain political representatives. Our analysis according to the different professional categories reveals considerable changes by electoral year (table 4).

Table 4. Locally elected representatives in Flanders by professional categories (1946-2000) (%)

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
Blue-collar workers	16.6	16.6	17.2	15.3	13.7	9.0	8.2	7.6	7.3	6.2
White-collar workers	15.2	18.6	21.8	26.2	31.4	36.0	34.6	33.1	31.8	34.5
Self employed/ employers	21.2	19.5	18.1	16.5	16.1	14.1	12.8	10.3	10.8	10.4
Farmers	31.1	26.9	22.6	17.8	11.7	6.8	5.7	4.7	3.5	2.7
Liberal professions and intellectuals	6.0	6.7	7.0	8.4	9.9	12.8	14.0	16.0	17.1	17.1
Pensioners	4.9	6.5	8.0	9.2	6.0	4.2	5.2	6.8	10.0	9.2
Persons of private means	1.9	2.1	1.6	1.1	0.4	0.1	–	0.1	–	0.1
Housewives / Housemen	1.8	1.7	2.0	1.7	4.0	6.5	6.0	4.7	4.2	3.8
Students	–	–	–	–	1.1	0.2	0.3	0.7	0.8	1.6
Unemployed people	–	–	–	–	–	–	–	0.2	0.5	1.4
Teachers	0.7	0.7	1.1	2.7	5.0	9.1	11.8	13.2	10.9	9.6
Others	0.5	0.8	0.7	1.0	0.7	1.1	1.4	2.6	2.0	3.4

Blue-collar workers have lost ground in every election, most noticeably in 1976. The trend is, however, very different, for white-collar workers. Their proportion has increased continually since 1946 and reached its peak in 1976. Since then, their share has declined slightly to recover in 2000. The share of farmers has declined constantly since 1946. The same is true as regards selfemployed people and employers.

²²² Some of these categories are not usually found in the traditional socio-professional typologies. Nevertheless, we have listed them to provide a more complete picture of the socio-professional backgrounds of locally elected representatives.

However, the downward trend seems to have been stabilised from 1994 onwards. On the other hand, it can be observed that people from the liberal professions or intellectuals and teachers who were almost absent at the beginning, continue to gain in importance. The increase in the proportion of teachers seem to have stalled in 1994, when their share fell by 2.3 % in relation to 1988. Moreover, as can be observed, the proportion of pensioners increased from 1946 to 1964 inclusive, and then fell in 1970 and 1976, before increasing again progressively and reaching 10 % in 1994. People of independent means seem to have disappeared from the political scene, whereas before 1970, 1 to 2 % of them exercised a political mandate. Up until 1964 approximately 2 % of locally elected representatives were housewives/housemen. From 1970 their share increased, but has fallen again since 1982. It is also to be noted that, up to 1970, students were not involved in local politics. It would seem that they were encouraged to stand for election that year, because since then they have more or less disappeared again.

Our data show that the proportion of people from the liberal professions or intellectuals and the proportion of teachers has increased strongly; that trend has undoubtedly been accelerated by the merger of municipalities. On the contrary, the proportion of blue-collar workers, selfemployed people/employers and farmers has fallen sharply. The other categories have evolved in a more mixed way. To explain these relationships and changes, it is worthwhile referring to the twofold hypothesis of Ackaert ²²³: "... The complexity of local government and administration is increasing. That implies the need for politicians who have received some professional training. It is an important element, but that does not explain everything. In this hypothesis, the number of company managers elected as councillors should be higher, but as we see that is not the case. A second important element is the question of time. Councillors not only have to attend council meetings, but they must also visit communal institutions, study dossiers and maintain contacts with their electors. That takes time. Therefore the categories that have gained in importance are those that have the necessary avail-

²²³ It is to be noted that Ackaert speaks of only a few councils (1976-1988) and mayors (1970-1988).

ability (pensioners), or working hours that are sufficiently flexible to allow them to organise their diary in a partially autonomous way (people from the liberal professions and teachers) ²²⁴. To conclude, we must not lose sight of the fact that given the ageing of the population and therefore the increasing importance of older people in the electoral body, the parties, at the time of the local elections, put pensioners at the forefront at the forefront and will continue to do so" (Ackaert, 1994: 86-87).

Taken overall, our figures tend to support Ackaert's view. However, it is also interesting to compare the above changes with those of the active population in Flanders since the Second World War. Despite the fact that during the post war period the active population in Flanders comprised 38 tot 58 % of blue-collar workers, it appears very clearly that they represented only a small part of locally elected representatives. As regards white-collar workers, selfemployed people and managers (up to and including 1982), farmers, people from the professions and intellectuals and teachers (from 1970), their proportion among locally elected representatives was higher than in the active population. What is noticeable, particularly in 1994, is, in comparison to the active population, the small presence of blue-collar workers and the strong presence of people from the professions and intellectuals as well as teachers. We would also draw attention to changes in the breakdown of female communal councillors by professional categories ²²⁵, where there have been a series of noteworthy changes.

²²⁴ We have noted the same thing for national political elites. "[...] parliamentary careers are facilitated by jobs which combine flexibility over time, generous vacations, allowance for interrupted career-paths, professional independence, financial security, public networks, social status, policy experience and technical skills useful in political life. [...] The brokerage explanation helps illuminate not just the class disparity, but also why women [...] are under-represented in Parliament" (Norris and Lovenduski, 1993: 385-386).

²²⁵ It would be pointless to treat male councillors separately since their number is to a large extent equivalent to the total number of locally elected representatives as a whole.

Table 5. Female councillors in Flanders by professional categories (1946-2000) (%)

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
Blue-collar workers	1.2	2.1	1.1	3.0	0.4	1.0	2.0	2.5	4.0	2.9
White-collar workers	13.3	15.8	14.0	15.8	25.3	21.5	21.2	32.1	35.8	39.9
Self employed/ employers	4.8	11.6	4.3	9.9	4.6	2.9	5.2	4.1	3.6	5.9
Farmers	4.8	3.2	1.1	1.0	1.3	0.3	1.0	1.1	1.8	1.7
Liberal professions and intellectuals	1.2	3.2	2.2	3.0	3.0	6.2	6.2	8.5	14.1	13.8
Pensioners	1.2	3.2	3.2	3.0	1.7	1.6	3.6	2.7	5.0	3.6
Persons of independent means	2.4	2.1	2.2	2.0	0.4	–	–	–	–	0.1
Housewives	67.5	56.8	69.9	55.4	55.3	54.1	46.6	31.0	19.9	12.6
Students	–	–	–	–	1.7	0.7	0.3	0.5	1.4	2.7
Unemployed	–	–	–	–	–	–	–	–	0.2	1.8
Teachers	3.6	1.1	1.1	5.9	6.3	10.7	12.7	15.9	10.9	11.7
Others	–	1.1	1.1	1.0	–	1.0	1.3	1.6	2.2	3.2

The first observation is that the proportion of housewives has fallen dramatically. In 2000 “only” 13 % of female councillors declared that they were housewives. Up until 1976 inclusive, more than half were housewives. On the other hand, the proportion of white-collar workers, women from the liberal professions or intellectuals and teachers has increased strongly. Whereas in 1946, 18.1 % of women councillors were drawn from those professional categories, they represented approximately 65 % in 2000. During the 1946-1964 period, between 13.3 % and 15.8 % of women councillors were white-collar workers, while that figure was between 25.3 % and 39.9 % (2000) in 1970-2000. Regarding women from the professions of intellectuals and teachers, the main increase has been since 1976. The above confirms part of Ackaert’s hypothesis.

It is often supposed that the ‘gender gap’ between men and women is the widest among people with a lower social status and the narrowest among the upper classes (Milbrath and Goel, 1977: 117). That affirmation is also verified in our study. In this regard it is also worthwhile referring to the work of Milbrath and Goel: “...Women from families

engaged in primary economic activity (agriculture, forestry, fishing) are much less likely to participate in politics. Women in a primary economy tend to stay close to home and often are involved in production. This not only leaves little time for politics, but also limits social interaction to family members (...). An additional factor is that primary economies tend to be more tradition-oriented, and it is a strong tradition to think of politics as 'men's work'. As a greater proportion of the economic activity in a locality becomes secondary and tertiary, the differences in participation between men and women are reduced" (Milbrath and Goel, 1977: 114).

2.4. Locally elected representatives by age

Numerous studies show that political participation increases constantly with age, reaching its peak at middle-age and declining as people grow older. (Milbrath and Goel, 1977: 14). That is equally valid, as we shall see, for locally elected representatives in Flanders. We have also looked at the changes in average age per electoral year, as well as according to gender and professional category. Table 6 provides a clear picture of changes in the average age of locally elected representatives between 1946 and 1994.

Table 6. Average age of male and female communal councillors in Flanders (1946-2000)

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
Men	48.4	50.3	50.4	49.8	46.8	46.6	46.2	46.5	47.2	47.3
Women	46.9	48.5	49.6	49.7	42.6	44.0	45.6	43.7	42.7	42.1
Overall	48.4	50.2	50.3	49.8	46.5	46.3	46.1	46.0	46.2	45.7

First, we observe that the average age of female councillors is lower, every electoral year, than that of male communal councillors. The second observation is that there was a radical fall in the average age in 1970. That was, of course, due in part to the reduction in the voting age from 21 to 18 and the age of eligibility from 25 to 21. Those laws opened the door to young people, but it goes without saying that they did not guarantee them an effective place in local government, which still depends to a large extent on the attitude of the political parties

when drawing up their lists of candidates (Craenen, 1972: 206). Table 6 also shows changes in the average age of both male and female councillors. In both groups, 1970 was the most remarkable electoral year, in particular for women, where the average age fell spectacularly.

To explain the fall in the average age of locally elected representatives in general, and male and female elected representatives in particular, it is necessary to analyse the age structure. The table below shows fairly succinctly that with effect from 1970, the 30-34 age range has increased to the detriment of the over 60s. It also shows that at every electoral year, political participation increases with age, reaching its peak in middle age, then falling constantly with the older age groups.

Table 7. Locally elected representatives by age categories in Flanders (1946-2000) (%)

	1946	1952	1958	1964	1970	1976 ²²⁶	1982	1988 ²²⁷	1994	2000
-21	-	-	-	-	-	-	-	-	0.3	0.4
21-24	-	-	-	-	2.9	1.3	1.7	1.6	2.0	3.1
25-29	4.7	3.5	2.3	3.0	4.5	5.4	5.3	5.5	4.2	5.8
30-34	8.1	7.1	7.6	6.1	8.6	9.9	9.4	9.4	9.0	8.6
35-39	11.7	9.1	12.0	13.2	12.2	11.3	13.5	14.3	13.0	11.6
40-44	14.2	13.2	10.8	15.8	17.0	14.3	13.9	15.2	17.0	16.0
45-49	16.0	14.4	14.9	11.7	17.1	17.5	15.5	14.5	15.8	16.4
50-54	13.9	16.1	14.0	15.3	11.7	17.5	16.4	14.8	13.7	14.5
55-59	12.6	13.4	14.6	12.0	11.2	11.6	13.0	12.4	11.5	11.0
60-64	9.0	10.7	10.9	10.4	7.3	6.9	7.7	8.3	8.0	7.5
65-69	5.8	6.8	7.3	7.3	4.6	2.9	2.7	3.1	4.0	3.7
70+	4.0	5.7	5.6	5.3	2.8	1.4	0.8	0.9	1.5	1.3

²²⁶ Everaet has produced the following break-down of Flemish communal councillors by age in 1976: - aged 40 (27.7%), aged 40-49 (33.2%), aged 50-59 (27.6%), and aged 60 and over (11.5%) (Everaet, 1991: 39).

²²⁷ Everaet has produced the following break-down of Flemish communal councillors by age in 1988: - aged 40 (29.1%), aged 40-49 (31.1%), aged 50-59 (27.9%), and aged 60 and over (11.9%) (Everaet, 1991: 39).

The fall in the average age of female councillors in 1970, which was spectacular compared with 1964, was due, as table 8 will show, to an increase in the under 50s and a fall in the over 50s. The fall in the average age of male councillors is due to the increasing contribution of the under 35s and to the declining presence of the over 60s. Moreover, since then, there have been no major shifts in the age structure of male councillors.

Table 8. Female and male councillors in Flanders by age categories (1946-2000) (%)²²⁷

	1946	1952	1958	1964	1970	1976	1982	1988	1994	2000
-21	-	-	-	-	-	-	-	-	0.4	0.2
	-	-	-	-	-	-	-	-	0.3	1.0
21-24	-	-	-	-	7.2	3.9	2.0	3.0	4.8	2.3
	-	-	-	-	2.6	1.0	1.7	1.3	1.3	4.9
25-29	3.7	4.3	2.2	3.0	5.5	8.5	5.9	7.1	6.2	4.6
	4.8	3.5	2.3	3.0	4.5	5.0	5.2	5.2	3.7	8.8
30-34	3.7	10.6	7.5	6.0	9.3	13.4	8.8	11.8	12.5	7.1
	8.2	7.0	7.6	6.1	8.6	9.4	9.5	9.0	8.1	12.1
35-39	14.8	3.2	8.6	14.0	16.5	9.8	13.7	15.3	16.7	10.7
	11.6	9.3	12.1	13.2	11.9	11.5	13.4	14.2	12.1	13.6
40-44	16.0	17.0	10.8	12.0	19.4	12.1	14.7	16.2	17.7	15.1
	14.2	13.1	10.8	15.9	16.8	14.7	13.8	15.0	16.8	18.1
45-49	27.2	11.7	21.5	7.0	17.7	18.2	16.6	14.8	14.9	16.9
	15.7	14.5	14.7	11.8	17.0	17.4	15.3	14.5	16.1	15.3
50-54	16.0	26.6	11.8	22.0	9.7	14.7	16.9	13.4	10.7	15.8
	13.8	15.8	14.1	15.0	11.8	17.8	16.3	15.0	14.5	11.5
55-59	9.9	12.8	19.4	15.0	7.6	11.7	11.1	11.2	8.0	11.8
	12.7	13.4	14.5	11.9	11.4	11.6	13.3	12.6	12.4	8.9
60-64	3.7	5.3	12.9	13.0	5.9	4.9	7.5	4.1	6.0	9.4
	9.2	10.9	10.8	10.3	7.4	7.2	7.8	9.1	8.5	2.9
65-69	1.2	6.4	2.2	7.0	1.3	2.3	2.9	2.5	1.8	4.3
	5.9	6.8	7.4	7.4	4.9	3.0	2.6	3.2	4.5	2.2
70+	3.7	2.1	3.2	1.0	-	0.7	-	0.5	0.4	1.7
	4.0	5.8	5.6	5.4	3.0	1.5	1.0	1.0	1.7	0.7

²²⁷ In this table, the top figure indicates female councillors and the bottom figure indicates male councillors.

We observe that, for teachers, people from the liberal professions or intellectuals, white-collar workers and blue-collar workers, the average age by electoral year within the different professional categories is below the overall average age for each electoral year, whereas the opposite is true for self-employed people/employers and farmers. As noted above, the average age of local political elites fell dramatically in 1970; that applied to all professional categories except for pensioners where there was a very slight increase.

3. Locally elected representatives by political party

The CVP ²²⁸ and local parties dominated the 1946-2000 period. The other parties were represented by only a small number of elected representatives. However, an important change occurred during the period under review. Whereas in 1946-1970, the impact of local parties increased and the local power of the CVP declined, it is to be noted that since 1976, the CVP has become the most important party. It is obvious that the mergers of municipalities in 1976 worked to the detriment of local parties and that it was above all the CVP which benefited, in all provinces except for Antwerp. The importance of the CVP is also apparent in all categories of municipalities, except in the smallest. Moreover, there are clear links between the size of municipalities and the impact of the different political parties: a link first of all between the size of municipalities and the share of elected representatives on the local lists, a positive relationship, then, leaving aside a certain number of exceptions for the socialist party, the liberal party and the Volksunie ²²⁹, between the size of municipalities and the proportion of elected representatives who obtained a seat on municipal councils *via* those parties.

Our analysis of the socio-professional profile of locally elected representatives in Flanders by political parties leads us to conclude that there is in the various political parties a threshold which women, the lower social classes and certain age categories have not succeeded in crossing and that those three categories exercise fewer local political

²²⁸ Christian-democratic party.

²²⁹ Flemish nationalist party

mandates. Even if the proportion of women, in all parties, has increased since 1970, 70% of all local mandates are still exercised by men. In addition, it appears clearly that the situation regarding the access of women to the executive levels of local power is evolving far more slowly. We have also noted that the professionalisation of locally elected representatives is growing constantly in all parties. The increasing complexity of local government is leading to a growing need for politicians who are not only available but also have a certain level of professional training. Finally, despite the radical fall in the average age of locally elected representatives in 1970, young people are still under-represented. Locally elected representatives have, in the various parties, a specific socio-professional profile.

The CVP, compared with the other parties seems slightly more favourable to women. It has above all fewer blue-collar workers, but also fewer teachers, whereas people from the liberal professions and intellectuals, as well as housewives are better represented. Moreover, farmers and pensioners are better represented in 1970 and 1976. The trend is the opposite regarding white-collar workers and self employed people/employers. Between 1946 and 1964, their number increased, but has fallen since 1976. Finally, the average age of CVP elected representatives was, during successive electoral years, almost similar to that of locally elected representatives in Flanders. In the socialist party, women were better represented from 1946 to 1964, but less well represented from 1970 to 1988. Moreover, the party is characterised by a greater proportion of blue-collar workers, white-collar workers and teachers, with a smaller number of self employed people/employers, farmers and people from the liberal professions and intellectuals. Finally, the average age for the party's elected representatives is, except in 1964 and 1976, always slightly below the average age of locally elected representatives as a whole in Flanders. The liberal elected representatives are certainly not characterised by stronger female representation. The party includes fewer blue-collar workers and farmers and a larger percentage of selfemployed people/managers and people from the professions or intellectuals. Finally, except in 1964 and 1988-1994, liberals are slightly above the average age of locally elected representatives in Flanders. The elected representatives of local parties stand out very clearly from the locally elected representatives of the other political parties. There is still a lower feminine

presence, except in 1994. There are more farmers, selfemployed people/employers and people of independent means, and fewer white-collar workers, housewives and teachers. Finally, the average age of the elected representatives of the local parties is always slightly higher than the average age of locally elected representatives in Flanders, except in 1976.

Locally elected representatives of the political parties not represented over the whole period 1946-2000 (Volksunie, Agalev ²³⁰, and Vlaams Blok ²³¹) also have their distinctive profile. For the Volksunie, except for 1964 and 1994, the female presence was higher, but there were fewer blue-collar workers, farmers and pensioners. The percentage of people from the liberal professions and intellectuals is more important and the average age, except in 1988-1994, is lower than the average age of locally elected representatives in Flanders. The elected representatives of Agalev are younger, with a far stronger female representation, and include more white-collar workers, people from the liberal professions and intellectuals, teachers and students than locally elected representatives in the whole of Flanders. Among the elected representatives of the Vlaams Blok, there are fewer women and the party's elected representatives are slightly younger and comprise, above all, blue-collar workers and pensioners obtain a high score. On the other hand, the Vlaams Blok has few elected representatives drawn from the liberal professions and intellectuals and teachers.

4. Locally elected representatives by mandate

We have noted the existence in Flanders of a socio-professional differentiation of locally elected representatives according to the mandate exercised (councillor, alderman or mayor). The threshold is higher for a certain number of social groups the higher one goes up the local power hierarchy. That is the case for women, a certain number of socio-professional categories (blue-collar workers, white-collar workers and students) and a certain number of age categories (21-24, 25-29). It is above all since 1970 that the percentage of female elected

²³⁰ Ecologist party.

²³¹ Extreme right party.

representatives has increased. However, it is clear that access to the higher levels of local power is opening far less rapidly. The number of women at the highest local level is still fairly small.

There has been a fairly clear move towards professionalisation. This phenomenon has been particularly noticeable since 1976, that is to say since the merger of a large number of municipalities was implemented. In fact, the change of scale has made local government and administration more complex and, accordingly, has resulted in a need for a certain level of professional training among politicians. The fact that the percentage of teachers and people from the liberal professions or intellectuals, grew steadily between 1946 and 1988, especially since 1976, is characteristic of that context. Finally, we can conclude that the average age increases the higher up one goes in the hierarchy of local power. In this regard, 1970 was an important year, which saw a considerable fall in the average age of both councillors and aldermen. It is noteworthy that the proportion of those aged 60 and over has fallen sharply, while that of the less than 35 group has increased significantly. On the other hand, 1976 was the most important year as regards the average age of mayors. In that year there was a fall in their average age. Can that be interpreted as a result of the mergers of municipalities and the disappearance from the political scene of older mayors, on account of the new context? However, unlike the average age of councillors and aldermen, which has remained constant since 1970, that of the mayor has increased since 1982. One possible explanation could be that there have been fewer renewals of mandates, in other words, mayors have remained in office for a longer period, which naturally increases the average age. An examination of the length of their mandates could provide a definitive response.

5. Locally elected representatives by province and size of the municipalities

Two factors, which are structural in nature, have been examined with regard to their relationship to the characteristics studied (gender, profession and age): the provinces, first of all, which provide an indication of spatial (and perhaps also cultural) differences which could go hand in hand with differences in other areas, and, secondly, the five catego-

ries of municipalities, broken down on the basis of the number of municipal councillors. Given that this number is in line with the number of inhabitants, it provides an indirect indication of the degree of urbanisation. Our research shows that there is a socio-professional difference among locally elected representatives according to the province and size of the municipality. In addition, it is necessary to emphasise the fact that parallel changes can be observed in all the provinces and categories of municipalities. Our analysis shows that, in all the provinces and categories of municipalities, there are thresholds that women, the lower social classes and certain age categories in the warding of political mandates cannot cross.

Despite the fact that, in all the provinces and all categories of municipalities, the proportion of women has increased since 1970, more than 80% of mandates are still exercised by men. However, we have observed that, overall; there is a positive link between the size of municipalities and the presence of women. Finally, it seems evident that everywhere access for women to the higher levels of local power is evolving far less quickly. The proportion of women at executive level among locally elected representatives is still very limited everywhere. The professionalisation of locally elected representatives has increased in all the provinces and all categories of municipalities. The main “victims” of that trend are blue-collar workers whose proportion has fallen constantly. The increasing complexity of local government and administration has produced everywhere a growing demand for politicians who have received an adequate level of education. A good illustration of that phenomenon is the radical increase, even in the smallest municipalities, in the proportion of people from the liberal professions and intellectuals and teachers.

Our research also shows that in the different electoral years, there is a clear link between the size of the municipalities and the professional profile of the locally elected representatives. Since 1946, locally elected representatives have included more people from the liberal professions and intellectuals and more teachers as the size of the municipality increases. In other words, it is true; for every electoral year, that the need for politicians with a certain level of professional training increases with the complexity of local government. Finally, it is to be noted that the average age of locally elected representatives does not

differ overall from one province to another or from one category of municipalities to another. There was a drastic fall everywhere in average ages in 1970. For the provinces, it is noteworthy that the average age of the locally elected representatives increases in the case of the higher levels of power.

6. Conclusion

With the help of several variables (gender, profession, age, function, province, size of the municipality and year of election), we have tried to answer the question “which groups have comprised the political elite in Flanders since the Second World War?”. Several common themes can be distinguished.

Local politics is undisputedly still dominated by men. Despite the positive changes initiated in 1970, the percentage of female councillors is still very small. Moreover, the situation regarding access for women to the higher levels of local powers is evolving even less quickly. At the very highest levels, the presence of women is still very limited. The Smet-Tobback law (1994) intended to promote a better balance between men and women on the lists of electoral candidates has indeed had some effect. It has, however, demonstrated to us once again that such a measure is insufficient in itself to reduce the discrepancy. The political will to offer women more opportunities, among other things by allocating more useful electoral places to them, must be developed. All the political parties must make an effort to that end and find a place for women at the higher executive local levels.

The professionalisation of locally elected representatives has increased constantly. The proportion of people from the liberal professions and teachers has increased systematically, to the detriment of the main “victims”, blue-collar workers, whose number has fallen continuously among locally elected representatives. The increasing complexity of local management and administration has meant that there is an increasing need for politicians with suitable training and having the necessary time to devote to their functions. The proportion of farmers has also fallen drastically, which is connected to the fact that since the Second World War farming has ceased to have a primordial importance.

Participation in local politics increases with age, reaches its peak at middle age and declines systematically with old age. Regarding changes in the average age, 1970 was also a pivotal date. It was the year when there was a drastic fall in the average age of elected representatives as a whole. The reduction of the voting age from 21 to 18 and the minimum age of eligibility from 25 to 21 were undoubtedly important factors at the origin of that change. These legal measures were however mainly the consequence of a change in society and the demand for greater political participation by both young people and women. Nevertheless, despite the various attempts to give political parties a younger character, the proportion of young people in local politics is still small.

We can conclude that the profile of the local political elite since the Second World War in Flanders has continued to evolve in favour of those who belong to the middle and upper social classes. It is evident that the privileged few from the point of view of economic and social prestige criteria are also the most favoured at the level of local politics. There are certain thresholds which women, the lower social classes and certain age categories which prevent them from being elected locally in significant numbers.

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Chapter 13. The Local Political Elite in the Brussels Region: a Changing Environment and New Elites?

Pascal Delwit

Introduction

The study of local political elites in Belgium is a relatively new scientific approach, but one which has advanced considerably, thanks to the works of Reynaert (2000) and Steyvers (2004) in particular. A contemporary study of this subject is all the more significant since the work of the honourable local councillors involves a managerial process and creation of a more encompassing scope of networks (Huron, 1999; Malikova, 2000) within the context of evolution of local institutional reform (Vetter and Kersting, 2003). Tarrow (1974: 8) mentioned the advent of *communes-providence* whilst, referring to a new mayoral election system in England, Hambleton and Sweeting (2004: 474) spoke of a "new political management of local government".

Examination of the socio-demographic and socio-political profile of local councillors is even more interesting in a Belgian context since the municipality (*commune*) is a place of authority and opposition

forces that is extremely important in the Belgian institutional system. It is also a venue with distinct community-based identity for numerous citizens. From this perspective, the precondition suggested by Capo Giol (1992: 4) – “Studying councillors and mayors, the elected local leaders, means starting from a previous assumption: the importance of the local sphere in the understanding of the political system” – has been clearly met. Moreover, considering the system of political plurality in Belgium (Eraly, 2002), there is often a close link between functions carried out at national, regional and European levels and local mandates, especially at local executive levels.

The Brussels Region offered two key aspects for a study of local personnel. First of all, it is the only officially bilingual territorial and institutional region in Belgium. Consequently, political life in the municipalities is marked by the coexistence of French-speaking and Flemish councillors. Secondly, like many urban centres, it is subject to a significant level of mobility.

To begin with, there is spatial mobility. For a number of population groups, especially the self-employed and middle classes, living in the Brussels Region is normally a temporary situation before a move to the greener and more affluent French-speaking or Flemish periphery.

Then comes national or ethnical mobility. In the past, the Brussels Region witnessed the arrival of foreigners for mainly work-related reasons: Italians, Spanish, Portuguese and more recently North Africans, Congolese and Turks. Now, a large section of the Brussels population is a second or third generation migrant. That is why it was interesting to study to what extent this socio-demographic state of affairs was translated at the level of municipal councils and local executive responsibilities. As Garbaye (2000: 2) pointed out, this issue is crucial because it refers back to the integration processes undertaken by a state, especially within the political system: “Local representation, or its absence or weakness as is the case here, is an indicator of incorporation, or lack of incorporation, in the wider political system, and indeed often precedes representation at the national level. In turn, political incorporation is both an indicator and a factor of social incorporation in the host society. Hence, the problem of the relatively low North African representation in French cities is a key element to the understanding of the political processes that underpin immigrant

incorporation in France". In the Brussels Region, an initial evolution occurred during the October 1994 municipal elections (Lambert 1999: 87). On that occasion, fourteen municipal councillors of migrant origin were elected (Rea, 1995). According to calculations by Pierre-Yves Lambert – based chiefly on names – the 2000 ballot was marked by the election of 86 representatives of North African and Turkish origin. However, not all accepted to sit and several had resigned at the time of our survey (Lambert, 2001).

In this contribution, we proceed in four phases. First we give a brief presentation of the politico-institutional context of the Brussels municipalities (*communes*). Secondly, we examine the socio-demographic profile of local Belgian elites, notably by testing the scenario of penetration into the municipal political arena by Belgians of foreign origin. Then we provide a breakdown of the socio-political positioning of local elected representatives. Finally, we analyse the positions of municipal councillors vis-à-vis reform proposals on local electoral law or local institutions.

To have a relevant approach to the last two items, we conducted a questionnaire survey with all local elected representatives in the Brussels Region, in order to assess both their profiles and their positions.

The survey was carried out via post or by e-mail. Representatives receiving the form in the post (70%) also received an attached "postage prepaid return envelop". We received two hundred sixty-eight replies, a 42.81% response rate. This seemed quite a lot to us, given that a certain number of people moved, resignations were submitted or those elected who held onto their elective office gave up their seat.

1. The political and institutional context of municipalities and local elected representatives in the Brussels Region

As we already pointed out, the Brussels Region is the only bilingual (French-Flemish) region in Belgium. There are nineteen municipalities (*communes*) with varying demographic weight. The largest municipalities, Brussels and Schaerbeek, have over one hundred thousand

residents (135 875 and 107 488 respectively), whilst the smallest have fewer than twenty-five thousand: Koekelberg (16 551), Berchem-Sainte-Agathe (19 226), Ganshoren (20 065), Saint-Josse-Ten-Noode (22 284) and Watermael-Boitsfort (24 587) (*Moniteur belge*, 2002: 23016).

The number of municipal councillors in the Region is six hundred twenty-six and is proportionate to the size of the municipality. The executive power of the *communes* belongs to the Municipal Executive (mayor and aldermen), under the leadership of the mayor. Traditionally the mayors and aldermen are also municipal councillors, even if that is not formally required. As far as we know, there is only one alderman in the Brussels Region who is not also a municipal councillor.

The municipal elections are held every six years by proportional ballot, with highest divisor for the distribution of seats. The lists put before the voters are semi-open. It is important to point out these features of the ballot system because the rules of municipal voting clearly offer a framework of opportunities for candidates, independently of the choice of their party as to their spot on the list. Indeed, considering the preferential vote prospect, candidates have the possibility of being elected on the fringe or next to party choices.

Belgian voters did actually have two official voting procedures. They could opt for the list in its order of presentation – block list vote. They could also cast a vote for one or several candidates on the same list – preferential ballot.

The division of seats inside the list was then made on the basis of an eligibility coefficient to be achieved, starting from the leader on the list to the last name. If, with his/her preferential votes, a candidate does not attain the eligibility coefficient, he/she “takes” votes from the “top of the list”, at least if there were any or if any remained. Indeed, increasingly fewer Belgians voted for the lists as such, preferring to vote for one or several individuals (Wauters, Weekers and Pilet, 2004). During the municipal elections, the eligibility coefficient is calculated differently than it is for the national or regional elections. For those elections, the coefficient is broken down as the ratio of the number of votes on the list to the number of seats to which it is entitled plus one

$(V_a/(S_a+1))$. At local level on the other hand, it is the number of votes on the list multiplied by the number of seats to which it is entitled compared to the number of seats to which it is entitled plus one $V_a \times S_a/(S_a+1)$. In other words, all things being otherwise equal, the coefficient is proportionately higher in the local elections, which means that the common pot is emptied a lot faster, even if the latter is itself multiplied by the number of seats of the list. Consequently, the preferential vote plays a larger part in the election of local political personnel than it does in the election of regional or national personnel.

The incidence is destined to take on even greater magnitude in the October 2000 municipal elections, since lawmakers had halved the effect of list redistribution (see *infra*) (Cadranet and Delcor, 2001). In other words, the “block list voting” was reduced by half before the distribution of seats inside the list was carried out.

So many factors that were bound to increase even more the uncertainty with regard to the importance of the place on the list, *a fortiori* with greater magnitude in large municipalities. For our topic, it concerned a key element in the observation of local political personnel. In particular, these forms of institutional constraint were potentially favourable or readily available for at least two categories of candidates: (a) candidates implicitly or explicitly claiming affiliation with a community and/or (b) candidates with a line of approach regarding the strategic use of forms of institutional constraint. From this perspective, the issue of candidates of foreign origin was wide open, possibly being able to benefit from a community approach (North African and Turk in particular), which was sometimes mentioned as gauge of a potential *ethnic vote*.

The results of the October 2000 municipal elections confirm predictions concerning the relativity of positions on electoral lists for the election of municipal councillors. A number of them were elected thanks to “their” preferential votes, even though they were not necessarily eligible, considering their place on the list. This system also seemed to have corroborated a number of *community voting* processes, even if it is basically hard to prove. This is how a number of candidates of North African, Turkish (see *supra*) or even Italian or Congolese origin were elected.

In the realm of purely strategic action, we should highlight the emblematic situation of the Liberal list in the Brussels *commune* of Uccle. Following the announcement by the outgoing mayor, André Deridder, that he was no longer running for the office of mayor, two figures announced their availability to replace him as Liberal mayor: Eric André, then Secretary of State at the Brussels Region, favoured by a majority of the local section and the entire party apparatus, and Stéphane de Lobkowitz, outgoing alderman and one of the municipality's most popular personalities. Without really settling the question, the Liberal party placed them at the two top places on the list. Each conducted an intense campaign in order to win a maximum number of preferential votes, but de Lobkowitz went farther by offering voters a "block" list of candidates, inside the Liberal list, who were likely to support his mayoral candidacy. This campaign completely upset the deal. In the evening of 10 October 2000, the Liberal list scored a great victory but two additional aspects caught people's imagination straight away: (a) de Lobkowitz won more preferential votes than Eric André and (b) the candidacies backed by de Lobkowitz won a large number of preferential votes and were elected. So the Liberal group in the municipal council as a majority was favourable to the mayoral candidacy of de Lobkowitz, whilst the party was backing Eric André. That created a never-ending politico-legal saga that led to the mayor's office going to Claude Desmedt (FDF), the big loser of the elections (!). This also led to the exclusion of de Lobkowitz from Liberal ranks and to his attachment to the Christian Democratic party, the *Centre démocrate humaniste* (Humanist Democratic Centre).

1.1. Local political life under the thumb of national parties

In some countries, local political life escapes to a lesser or greater extent from the actors of national or regional political life. This is not really the case in Belgium and even less so in the Brussels Region. Indeed, the party influence on nominations is always higher in the city than in a semi-urban or rural zone (Soos and Kaalman, 2002: 72-73). One does certainly see lists of alliances, electoral coalitions or "general", "municipal" or "mayoral" interest lists... but when one closely examined exactly what was covered by the totality of lists that were presented to voters on 8 October 2000, one could see the obvious influence of national parties.

In the French-speaking spectrum, there were mainly five parties at work: the *Mouvement réformateur* (MR, Liberals), the *Parti socialiste* (PS, Social-Democrats), Ecolo (Greens), the *Centre démocrate humaniste* (CDH, Christian Democrats) and the *Front national* (FN, extreme right wing). Scrutinised on the basis of party labels, the results in the nineteen *communes* were broken down as follows.

Table 1. Results of French-speaking parties in the nineteen municipalities of the Brussels Region

	MR	PS	Ecolo	CDH	FN
Anderlecht	30.02	17.79	13.85	4.29	3.31
Auderghem	62.54	7.94	14.79	5.49	
Berchem-Saint-Agathe	29.65	10.07	12.58	10.64	
Brussels	25.94	23.39	17.12	6.87	2.96
Etterbeek	44.71	12.55	16.49	14.50	
Evere	25.00	34.45	10.04	3.89	
Forest	36.08	21.26	19.12	4.48	
Ganshoren	33.23	7.82	10.07	11.00	
Ixelles	40.24	15.67	26.95	6.91	1.78
Jette	22.51	5.08	12.13	24.87	2.85
Koekelberg	41.11	16.19	14.03	3.18	3.80
Molenbeek	29.08	31.85	13.25	2.12	6.11
Saint-Gilles	17.35	46.63	20.29	6.84	2.87
Saint-Josse	26.63	29.08	16.10	15.17	
Schaerbeek	30.35	11.75	16.92	7.46	
Uccle	61.14	10.25	17.80	6.67	1.39
Watermael Boitsfort	36.27	10.64	21.99	10.16	
Woluwe Saint-Lambert	49.03	8.58	16.08	14.89	
Woluwe Saint-Pierre	57.08	6.24	14.50	17.45	
Brussels Region	36.62	16.94	16.46	8.60	1.63

Not unexpectedly, the *Mouvement réformateur* won by a comfortable margin and confirmed its position inside its strongholds – the municipalities in the south and east of Brussels – Uccle, Woluwé-Saint-Pierre, Woluwé-Saint-Lambert and Auderghem. Nonetheless, they did suffer

two symbolic defeats: in Ixelles where its loss led to the appointment of a non-liberal mayor for the first time since Belgian independence, and in Brussels, where there too, they ended up in the opposition.

In the wake of its remarkable results in the 1999 regional and national elections, Ecolo obtained appreciable results well beyond those of 1994. As for the Socialists, the party had results that were unexpected for them, following the catastrophic regional and national elections in the Brussels Region a year earlier. The PS showed gains compared both with 1994 and with those elections. For its part, the Christian Democratic Party (CDH) confirmed its difficulty in maintaining a presence in the Region (Delwit, 2002). However, it did hold on to a number of interesting posts in municipalities in the south (Woluwé-Saint-Pierre and Woluwé-Saint-Lambert) and north-west (Jette, Berchem-Saint-Agathe and Ganshoren). Finally, the Front national, after having been the surprise guest in the 1994 local elections, suffered huge losses and at the local level was left with only feeble influence in the former working-class municipalities of Anderlecht and Molenbeek.

Table 2. Results of Flemish parties in the nineteen municipalities of the Brussels Region

	VLD	SP.A	CD&V	Vl.Blok	Groen !	Volkunie
Anderlecht		7.91	7.42	7.87	2.31	
Auderghem				0		
Berchem-Saint-Agathe	3.71	1.12	10.64	8.56		
Brussels	1.73		2.29	5.33	3.26	3.89
Etterbeek					5.5	2.28
Evere	3.17	5.3	3.89	7.73	3.35	
Forest	1.71	2.66	0.5			
Ganshoren	7.82		18.34	6.68	5.04	
Ixelles	1.03			1.61	2.25	1.03
Jette	2.51	10.16	2.49	6.88		2.51
Koekelberg	3.18	6.36	3.18	5.70		2.66
Molenbeek		2.12	2.12	7.66		2.09
Saint-Gilles				2.22	2.54	
Saint-Josse		2.91		4.90		

	VLD	SP.A	CD&V	Vl.Blok	Groen !	Volksunie
Schaerbeek				8.51	3.76	1.13
Uccle				1.83		
Watermael Boitsfort					3.67	
Woluwe Saint-Lambert			5.96		2.68	
Woluwe Saint-Pierre	2.63	0.62				
Brussels Region	1.09	1.95	2.53	4.27	1.98	1.06

What about the Flemish parties in the Region? In October 2000, six parties were in the race: the *Vlaamse Liberalen en Democraten*, the *Socialistische Partij*, *anders*, the *Christen-Democratisch & Vlaams*, *Agalev* which became *Groen !*, the *Vlaams Blok* which changed its name to *Vlaams Belang* and the *Volksunie* that imploded a year later (Delwit and van Haute, 2002).

Considering the low numbers of Flemish people in the different Brussels municipalities, the Flemish Democratic parties were often reduced to using electoral coalition strategies. There were generally two types: (a) on an ideological basis (with their French-speaking ideological alter ego) or (b) or a language basis. In this vein, the SP.A, CD&V and Groen! clearly had more ease in forming an alliance with their French-speaking partners, especially in the municipalities in the north and west of Brussels (Jette, Ganshoren, Anderlecht, Evere, ...). On the other hand, the set-up was more complicated for the VLD Liberals. On the one hand, the *Mouvement réformateur* was politically less powerful in the municipalities, which had proportionately the most Flemish. On the other hand, as the MR consisted of the Liberal reform party but also the French-speaking regionalist party, *Front démocratique des francophones* (FDF), drawing up the lists was not an easy step. This difference was expressed in seats. Whilst the SP.A, CD&V and Groen! had fifteen, sixteen and twelve local council seats respectively, the VLD only had seven. As for the Volksunie, being incapable of entering into a coalition with the French-speakers, it paid dearly for this political isolation, together with its loss of influence: it only succeeded in winning two local council seats. Finally, we point out the peculiar situation of the Vlaams Blok, the extreme right wing Flemish party. Despite its political isolation, it confirmed in this election its status of number one Flemish party of the Brussels-Capital Region and won no fewer

than nineteen council mandates. It probably benefited from French votes, especially considering the low-level of visibility of the Front National in this election and the absence of FN lists in eleven of the nineteen municipalities.

This brief presentation of French-speaking and Flemish national parties within the municipal spectrum, showed the quasi-absence of local actors on the fringes of traditional parties. Indeed, at regional level, only 6.9% of votes went to a list without party label. These lists were able to pick up twenty-one seats. Four *communes* were most affected: Berchem-Saint-Agathe, Forest, Schaerbeek and Watermael-Boitsfort. Although these lists could not be classified regarding traditional parties, sometimes they consisted of prominent people who had broken away from a party or head of a party list.

Table 3. Results of lists without political label in the nineteen municipalities of the Brussels Region (In percentage points)

Anderlecht	5.23
Auderghem	9.24
Berchem-Saint-Agathe	13.03
Brussels	7.22
Etterbeek	3.97
Evere	3.19
Forest	14.18
Ganshoren	0.00
Ixelles	2.55
Jette	8.02
Koekelberg	0.61
Molenbeek	3.58
Saint-Gilles	1.28
Saint-Josse	5.22
Schaerbeek	20.12
Uccle	0.92
Watermael Boitsfort	17.27

Woluwe Saint-Lambert	2.78
Woluwe Saint-Pierre	1.48
Region	6.87

2. The socio-demographic profile of Brussels local elites

2.1. Age and gender structure

When studying the age structure of Brussels local councillors, three groups stood out:

- The first was the one that grouped the core of professionally active people (age 35-54). It was in this group that one found the main number of Brussels local councillors since no fewer than 62.8% of them were in this age group.
- The second included people the majority of whom had ended their active professional lives (age 55 and up). This section added up to 22.3% of local councillors.
- The combined percentages of the two age groups brought to light the (very) low number of young local representatives. Indeed, only a bit less than 15% was under 35. This confirmed how difficult it is to win an initial elective mandate.

Table 4. Gender and age of local councillors (In percentage points)

	Proportion of men in the age category	Proportion of women in the age category	Total	Proportion of women
18-24	2.82	0.98	2.02	20.00
25-29	4.93	7.84	6.07	53.33
30-34	5.63	8.82	6.88	52.94
35-39	11.97	17.65	14.17	51.43
40-44	18.31	21.57	19.43	45.83
45-49	15.49	14.71	15.38	40.54
50-54	12.68	15.69	13.77	47.06

	Proportion of men in the age category	Proportion of women in the age category	Total	Proportion of women
55-59	11.27	3.92	8.10	20.00
60-64	6.34	4.90	5.67	35.71
65-69	7.75	2.94	6.88	21.43
70+	2.82	0.98	1.62	20.00
Total				41.80

What about things in terms of gender? Amongst the respondents to our survey, we counted 58.2% men and 41.8% women. Although the situation did not reach the equality promised by many leaders and political parties, we did see a trend toward more women nonetheless. This was confirmed in particular by the relatively higher proportion of women in the youngest age brackets. So amongst councillors in the 25-29, 30-34 and 35-39 age groups, we counted more women than men.

On the other hand, as Steyvers and Reynaert (2003: 35) had noted for Belgium, the evolution towards more women was only a partial success for representatives carrying out executive responsibilities. Out of nineteen Brussels Region mayors, only three were women: Michèle Carthé, Corinne De Permentier, and Martine Payfa. And amongst the one hundred sixty-five aldermen, there were only fifty-four women (32.73%), which did indicate a significant development nonetheless.

2.2. The socio-professional status of local representatives

Among the two hundred sixty-six local councillor who accepted to answer the question relating to their social status, we noted that more than three-quarters of them were professionally active, which corresponded rather closely to the age profile we pointed out.

With those professionally active, we saw that the working class world was barely represented. This was due to at least two reasons. The first, well known to sociologists and political scientists, was that the working class world is under-represented in all political representation functions, including at the local level (Magnier, 2004: 174). The sec-

ond had to do with socio-economic reality of the Brussels Region. Brussels has become a City-Region in which the service sector is predominant. More than half the service jobs performed in Brussels Region are held by workers with a university degree. Apart from a few exceptions (the Volkswagen plant for example), there is no longer any major industrial entity in the Region.

A contrario, we saw a very strong presence of the non-trading sector, particularly amongst civil servants, as well as with executives and professional people.

Table 5. Function among those professionally active (In percentage points)

Blue-collar worker	0.98
White-collar worker	17.07
Civil servant	29.27
Manager	18.05
Liberal Profession	15.61
Trade people	3.90
Other	15.12

Among a tiny fraction of those professionally inactive, we saw two grouping in particular. The main one included pensioners and those who took early retirement (60% of those inactive), followed by men and women who stayed at home (20%). On the other hand, considering the age of local councillors and the necessity to have a certain educational level to take on the job, we saw only a very small proportion of students (1.64%) and unemployed (6.56%), even though the unemployment rate in the Region is above the 20% mark.

Table 6. Status among those professionally non-active (in percentage points)

Unemployed	6.56
Househusband	21.31
Student	1.64
Pensioner	59.02

Handicapped	4.92
No answer	6.56

What about the educational capital among Brussels municipal councillors? Measured by the yardstick of the last degree/diploma obtained, it turned out to be very high on average. Nearly 80% of local representatives had a degree or diploma of higher studies, university or non-university. And amongst those who did not pursue a higher education, the great majority had successfully completed secondary school. In short, a situation of low-level educational qualifications only appeared marginally amongst respondents. And it was evanescent in individuals with executive responsibilities. Indeed, nine out of ten mayors and alderman held degrees in higher education.

Table 7. Educational capital of local elites (in percentage points)

	Councillors	Mayors, Aldermen, and CPAS' Presidents
No answer	0.37	0.00
None	0.75	0.00
Primary	1.12	0.00
Lower secondary	2.24	1.64
Upper secondary	13.43	8.20
Technical	2.24	1.64
Professional	1.49	0.00
Superior	26.87	29.51
University	51.49	59.02

It was interesting to note the subtleties in the educational capital of town councillors according to the party label of those elected. So, all in all, we only found "weak qualifications" amongst Socialist representatives, 15% of whom did not complete their secondary school education, compared to less than 6% of Liberals, Christian Democrats and 8.5% of Greens.

Likewise, we found that over 80% of CDH elected representatives held diplomas in higher education but mainly non-university. Paradoxically, the percentage of university graduates was proportionately lower with the latter.

Table 8. Educational capital of local elites according to the political label (in percentage points)

	PS	MR	CDH	Ecolo	Other	SP.A - Spirit	VLD - Vivant	CD&V - N-VA	(Agalev) Groen!	(Vl. Blok) Vl. Belang
No answer	2.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
None	0.00	0.96	0.00	2.17	0.00	0.00	0.00	0.00	0.00	0.00
Primary	4.17	0.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Lower secondary	4.17	0.00	0.00	2.17	4.00	25.00	0.00	0.00	0.00	0.00
Upper secondary	8.33	16.35	11.76	13.04	4.00	12.50	16.67	20.00	20.00	50.00
Technical	4.17	2.88	5.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Professional	0.00	0.00	0.00	4.35	0.00	0.00	0.00	0.00	20.00	25.00
Superior	29.17	23.08	47.06	34.78	28.00	0.00	33.33	0.00	20.00	0.00
University	47.92	55.77	35.29	43.48	64.00	62.50	50.00	80.00	40.00	25.00

Amongst the one hundred and forty councillors who went to university, we wanted to know which university they went to and what their field of study was. Inasmuch as the great majority of local representative were French-speakers, so were the universities that were mentioned. With the French-speaking local councillors who attended university, l'Université libre de Bruxelles (ULB, non-denominational) and the Université catholique de Louvain-La-Neuve (UCL, Catholic university) were chosen with identical percentages. Not surprisingly, the Universities of Liège (Ulg), Mons (UMH, FPMx, FUCAM), Namur (FUNDP) or the Saint-Louis University Faculties (FUSL) in Brussels were mentioned very seldom. Either for geographical reasons or because these institutions only offer part of the cycle of studies, since for a Masters one has to go to one of the three full universities in the French-speaking realm (ULB, UCL, Ulg).

Therefore the leading Université de Bruxelles is manifestly not the one most attended. That can be explained by three reasons. First of all, by

geography. The campus of the Catholic University at Leuven-la-Neuve is located only twenty kilometres away from the Brussels region and, for a good number of students and academic and scientific staff members, is comparable to a Brussels University. Aside from that, the medical school is located in the Brussels region. Secondly, tradition and ideology are involved in the choice of university. Historically, even if this aspect is diminishing, the choice of University is linked to position on the philosophical divide. In addition, more or less informal ties exist between the Catholic school education and the UCL and between community school education and non-denominational state-subsidised independent schools and the ULB. Even though these mechanisms are less significant than in the past, they haven't disappeared and family influence still plays a considerable role. Finally, this also entails subjects and subject-related traditions for which each of the two universities is more or less renowned.

Amongst the Flemish councillors, the first University mentioned is the Flemish alter ego of the *ULB*, the *Vrije Universiteit Brussel (VUB)*, ahead of the *Katholieke Universiteit Leuven* and the *Universiteit Gent*.

Table 9. University attended by those with university degrees (in percentage points)

ULB	39.29
UCL	38.57
Others	6.43
VUB	6.43
KUL	2.86
ULG	1.43
FUCAM	1.43
FUSL	1.43
RUG	1.43
UMH	0.71

There was constantly the striking influence of a law school education amongst political personnel ("amateur" or "professional"). Indeed, a fourth of university graduates studied law. The three other areas of

social sciences came in a good distance behind: political science, social sciences and economics. *A contrario*, we pointed out the poor showing of hard sciences (with exception, in part, of medicine). We only counted insignificant numbers of mathematicians, biologists, physicists, civil engineers or even chemists.

Table 10. Education taken by university graduates (in percentage points)

Law	23.91
Political Science	7.97
Social Sciences	7.25
Economics	5.80
Medicine	5.80
Journalism	3.62
Trade engineer	2.90
Civil Engineer	2.90
Roman Philology	2.90
Pharmacy	2.17
No answer	17.39
Others	17.39

2.3. The philosophic positioning

As we already pointed out, the question of philosophy was one of the main historical cleavages in Belgium (Delwit and De Waele, 1999). Consequently, the relationship between belief and practice was a key issue. At the same time, the Brussels Region was the most secularised in Belgium and the least affected by the practices of the Catholic religion (Voyé and Dobbelaere, 2000: 148-49). In this context, what was the prevailing situation among local councillors?

Curiously enough, we were able to isolate three groups. The first group, those who believe in God, included a bit less than 48% of respondents in our survey. The second, nearly as large in terms of size (41%) included the atheists. But we did also count 11% of local councillors who were not able to answer this question.

This observation was not new. This response was often due to people having a family socialisation steeped in Catholicism, mainly with regard to schooling, and who could not or did not want to accept any break with the faith. Interestingly, this response appeared relatively often amongst Green French-speaking representatives. Thus no less than 20% of Ecolo local councillors selected this response to the question about whether or not they were religious. This corroborated the substantial Christian Democratic stamp on a large section of this party.

Our data also went against the trend of the typical traditional image, which meant the women were more religious and more regular churchgoers than men. For the local councillors, we saw quite the reverse. If 51% of men stated their faith, only 42.6% of women did the same. The generation effect played a role in the result. Indeed, amongst the 18-34 year olds, the number of those who believed in God (41.67%) was lower than the number of non-believers (44.44%). In the 35-54 age bracket, the ratio is the other way around. There are 44.52% of believers to 41.54% of atheists. In the age group 55 and older, belief was clearly in the majority: 51.79% against 41.07% non-believers.

Table 11. Regarding belief (in percentage points)

	Men	Women	Total
No answer	0.00	0.93	0.37
Yes	51.27	42.59	47.57
No	37.97	44.44	40.82
I don't know	10.76	12.04	11.24

The study of the religions practised by believers showed (naturally enough) the very significant influence of the Catholic religion, which was well ahead of the other religions with slightly less than three-fourths of cases mentioned. But one could also point out the philosophical expression of the gradual diversification of local political personnel in the Brussels Region. Indeed, one in ten believers said they were Muslim. This undoubtedly concerned councillors of North African or Turkish origin.

Moreover, we should also note that 12% of believers said they were Christians, meaning by this choice neither Catholic nor Protestant. This choice often showed a step backing away from the Catholic Church

and papal decrees. On the occasion of an “exit poll” conducted in the Brussels Region, we also found that the electoral behaviour of *Catholics* and *Christians* differed considerably.

The levels of religious practice confirmed a form of indifference in the Brussels Region. With Catholics (only statistically significant group), only 30% went to religious services at least once a month compared to more than half who only went occasionally and over 10% who said they never went. The religious observance figures were even lower amongst Christians and Muslims, but the data was less reliable statistically.

Table 12. Religion practised and level of religious practice amongst believers

	At least once per week	At least once per year	Sometimes	Never	No answer	Proportion amongst believers
Catholic	20.43	9.68	56.99	11.83	0.00	72.66
Protestant	0.00	0.00	0.00	100.00	0.00	0.78
Christian	6.25	6.25	62.50	18.75	6.25	12.50
Muslim	7.14	7.14	42.86	35.71	7.14	10.94
Jewish	0.00	0.00	0.00	100.00	0.00	0.78
Buddhist	100.00	0.00	0.00	0.00	0.00	0.78
Other	0.00	0.00	50.00	50.00	0.00	1.56

2.4. A gradual diversification of national origins

To conclude this examination of the socio-demographic profile, we tested the nationality of the parents, knowing that this indicator was relative, considering the potential acquisition of Belgian nationality by a certain number of foreigners. Nonetheless, the result confirmed our previous observations. Even though as expected, the great majority of local representatives had a Belgian father and/or mother, eight to nine percent stated that at least one of their parents had a foreign nationality. The first of those mentioned was Moroccan. We should note here the gradual diversification of origins amongst local Brussels represen-

tatives still only partly affected executive positions inasmuch as there was a two to five point gap between local councillors and representatives with executive responsibilities with regard to the nationality of parents.

Table 13. Nationality of the father and mother of local representatives and representatives with executive positions (in percentage points)

	Father's Nationality		Mother's nationality	
	Local Councillors	Mayors, aldermen and CPAS' Presidents	Local Councillors	Mayors, aldermen and CPAS' Presidents
Belgian	91.32	96.67	90.11	93.33
Moroccan	5.28	1.67	5.32	1.67
Czechoslovak	0.38		0.76	1.67
Dutch	0.38		0.38	
Libyan	0.38	1.67	0.38	
Congolese	0.75		0.76	1.67
Turk	0.38		0.38	1.67
French	0.38		0.76	
Italian	0.38		0.38	
Algerian	0.38		0.38	

3. Local representatives and political position

In Belgium, there has virtually never been a federal, regional local government that was homogeneous in terms of ideology. Consequently, the cleavages were expressed within the scope of coalition executives and consociational regime (Deschouwer, 1999). At the local level, absolute majorities were more common, particularly in Flanders, notably with regard to Christian Democrats and in Wallonia, especially to the benefit of Socialists. The occurrence is rarer in Brussels.

Do the consensual configuration of Belgium and the local political life tend to soften or tone down political conflict situations? Nothing is less

certain. Subjected to a political scale going from the position farthest to the left (0) to the position farthest to the right (9), the local councillors had to classify themselves.

The self-positioning of local representatives came to 4.00, a score that could be compared to a centrist or quagmire position for a large number of them. Actually what should be reflected in a Gauss graph was not really what came to light. For example, grade 4 was only the seventh most mentioned. The average therefore hid positions that were clearly paradoxical to a certain extent.

In this way, we counted 31.20% of local councillors who placed themselves on numbers farthest to the left (0, 1 and 2) and 30% on numbers farthest to the right (6, 7, 8 and 9).

Self-positioning of Brussels local councillors (in percentage points)

Considered under the aspect of party labels, the table corresponds, to a large extent, to political science expectations of presupposed political positions. The Socialist councillors (French-speaking and Flemish) were the farthest to the left in a group of representatives with respective averages of 1.67 and 2.00. They were *followed* by representatives from the two Green parties. The Ecolo councillors had an average figure of 2.28, with 2.40 for those from Groen!. As for the Christian Democrats, they were in a centrist position amongst themselves with 4.29 on average for the CDH and 4.75 for the CD&V. Among democratic parties, the local Liberal representatives took up the position most to the right. The average MR score was 5.61 as compared to 6.00 for the VLD. We should mention that the few Vlaams Belang representatives who agreed to answer clearly took on their extreme right wing profile. Their average score was 8.33.

Table 14. Political self-positioning and party label (average score)

French-speaking Parties	
PS	1.67
Ecolo	2.28
CDH	4.29
Others	4.64

MR	5.61
Flemish Parties	
SP.A - Spirit	2.00
Groen! (Agalev)	2.40
CD&V - N-VA	4.75
VLD - Vivant	6.00
VI. Belang (VI Blok)	8.33

This brief deciphering of the political profile of local elected representatives in the Brussels Region showed a situation of democratic political conflict, perhaps greater than one could have imagined. Perhaps it was due to the strong polarisation between Socialists and Liberals that we had been observing for several years. Obviously, this was also the expression of clearly left wing political positions taken by Socialists and likewise those equally clearly confirmed on the right amongst Liberals.

4. The local elites and the running of municipal institutions

In Belgian political life, debates and new ideas about the running of institutions and on the provisions of electoral law occasionally crop up. In the second half of the nineties, several political parties fuelled a political discussion on the interest, if not to say the importance of amending sizeable sections of electoral legislation. In the case of Liberal parties and a number of Socialist personalities (Delwit 2000), the most radical proposal consisted in advocating passing from a proportional voting system to a majority voting system.

The Rainbow Government (Liberals-Socialists-Greens) formed in 1999 did not follow such a radical proposal. However it did substantially amend the electoral laws. The effect of the list redistribution was reduced by half, the parity of list and of the two first spots was set up, the lists of stand-ins were eliminated then... reintroduced, the constituencies at Federal and Flemish Regional level were made provincial and finally, a 5% threshold was introduced for regional and national elections.

In this evolution, the municipal (*commune*) level was only partially affected. Nevertheless, as we said, the reduction by half of the effect of “block list voting” in this regard, did affect it and had an impact on the election of municipal personnel. Likewise, the possible advent of parity of lists and individuals in the top two candidacies could also have effects on the essence of local political councillors.

Amendments concerning municipal electoral law and changes in the running of local institutions did in fact arrive following the adoption of another principle by Belgian parliament: the complete regionalisation of municipal and provincial laws, adopted in 2001. Since then, the mayor is no longer appointed by the King but is chosen by the municipal councillors alone. In other words, from then on, electoral law and institutions could be different from region to region. Following adoption of this special law and following the municipal elections of October 2000, several proposals were drafted, mainly in the Walloon and Flemish spectrums: direct election of mayor, selection of mayor based on the number of preferential votes, establishment of a majority voting system, end of the mayor being the president of the municipal council, parity of lists, elimination of the “common pot”, etc.

In the Brussels Region, these issues formed a more complex perspective given the bilingual character of the Region and the fear of Flemish local councillors of seeing a majoritarian process set up that would not be to their advantage.

Since 2001 however, the discussion has been underway and it was interesting to sample the opinion of local councillors on these different aspects. In this contribution, we considered three issues. The first had to do with the most radical proposal, the potential direct election of the mayor. The second, often mentioned by opposition representatives, was the end of the presidency of the municipal council by the mayor. The third aspect refers to possible majoritarian aspirations: to what extent do local councillors view, favourably or unfavourably, the coalitions between parties in the performance of their responsibilities.

4.1. Direct election of mayors

The possibility of direct election of mayors was rejected by a majority of local councillors. Indeed, 53% opposed it compared to 39% in favour and slightly less than 8% who had no opinion. We should point

out that there was a sort of polarisation on the question inasmuch as the two most often given responses were complete disagreement (35.96%) and complete agreement (27.34%). So essentially, the debate resulted in a confrontation between those firmly convinced of the positive points of this measure and those opposed to it and who saw serious flaws.

Positions ran across party boundaries but a number of points can be highlighted:

- (a) The “agree to the principle” scores were higher among local councillors from parties who counted the largest number of mayors: the *Mouvement Réformateur* and Socialists.
- (b) Beyond this stance linked to the current balance of political power, we could also pinpoint an ideological position. The principle of the direct election of mayors was more extensively accepted (and supported) in Liberal circles (Michel, 2004: 34). Nearly 57% of this party’s representatives advocated it. It was the only party in which a majority of local councillors stated they agreed to it. On the other hand, even though a fifth of Socialist councillors were in complete agreement with the measure, 58% were against it and a third of those were completely against it.
- (c) In the Christian Democratic and Green ranks, there was widespread opposition (87% and 74% respectively). This was due to their position in the party system at the local level. The probability of having a directly elected mayor from the Christian Democrats and Greens was lower than through a hypothetical interplay of alliances. Amongst the Greens however, there was a bit of tension (which meant that an tenth of representatives were completely in favour of this development); even though a number of them showed that they considered the perverse effects of the measure, some also saw it as a means of enabling citizens’ “voices to be heard again” to the detriment of *interplay* between parties.
- (d) Considering the low numbers, it was not possible to get a proper analysis of the differences between Flemish parties. The trends shown by our results were in line with political science expectations: Vlaams Belang and VLD were indeed two parties who most forcefully promoted the principle of direct election of mayors with the same idea: “let the citizens be heard again”.

Table 15. Direct election of the mayor (In percentage points)

	Fully agree	Rather agree	Rather disagree	Fully disagree	I don't know	No answer
PS	20.83	10.42	25.00	33.33	8.33	2.08
MR	38.46	18.27	9.62	25.96	4.81	2.88
CDH	11.76	0.00	35.29	52.94	0.00	0.00
Ecolo	10.87	10.87	23.91	50.00	4.35	0.00
Other	28.00	16.00	12.00	32.00	8.00	4.00
SP.A-Spirit	0.00	0.00	12.50	75.00	12.50	0.00
VLD-Vivant	80.00	0.00	20.00	0.00	0.00	0.00
CD&V-NV-A	20.00	0.00	0.00	80.00	0.00	0.00
Groen!	20.00	0.00	20.00	60.00	0.00	0.00
VI Belang	75.00	0.00	25.00	0.00	0.00	0.00
Total	27.34	12.36	17.23	35.96	5.24	1.87

Question: "The direct election of the mayor would be a good idea"

4.2. The end of mayors holding the office of president of the municipal council?

This issue of the mayor holding the office of president of the municipal council gave rise to fewer discussions, less political and media attention and less tension and polarisation. Nonetheless, it was on the agenda of discussions on the future of municipal institutions.

In the Brussels region, this proposal was very much in the minority among municipal councillors. Indeed, 61% rejected the proposal as compared with only 34% who backed it. Opposition to this was even clear for 40% of councillors expressing total disagreement. Even if opinions ran across parties, there were nevertheless clear-cut differences, depending on party colour and positioning on the municipal spectrum.

- (a) Thus there was especially clear hostility among councillors in the two parties that had the highest participation in councils and the most mayors in office. 75% of Liberal representatives and 69% of Socialist councillors stated they disagreed with this change whilst

63% of Christian Democratic councillors were in favour. Despite this, if one plots the results according to membership in a party in power or in the opposition, the figures show different readings. Among representatives in the municipal majority, only 29.19% backed this change in municipal council operations while 65.84% rejected it. With opposition councillors, the ratio was more balanced: 42.31% said they agreed to it, compared to 52.88% who rejected this measure.

- (b) Nonetheless, the relation with exercising responsibility or standing in opposition did not explain it all. Consequently, we saw that nearly 60% of Ecolo’s local municipal councillors voted for the measure by an overwhelming majority even though the party was directly involved in eleven of the nineteen executives in the Brussels Region. In the case of Green representatives and, to a certain extent, Christian Democrats, there was a desire to, both get better task sharing and further secure the opposition’s right of expression and prevent as far as possible the holding of multiple mandates.

Table 16. Holding the office of president of the Municipal Council (in percentage points)

	Fully agree	Rather agree	Rather disagree	Fully disagree	I don't know	No answer
PS	10.42	14.58	18.75	50.00	6.25	0.00
MR	14.42	7.69	25.00	49.04	2.88	0.96
CDH	23.53	35.29	0.00	35.29	5.88	0.00
Ecolo	34.78	23.91	15.22	19.57	4.35	2.17
Other	12.00	8.00	20.00	60.00	0.00	0.00
SP.A-Spirit	12.50	25.00	25.00	25.00	12.50	0.00
VL.D-Vivant	40.00	20.00	20.00	0.00	20.00	0.00
CD&V-NV-A	20.00	20.00	20.00	40.00	0.00	0.00
Groen!	20.00	40.00	40.00	0.00	0.00	0.00
VI Belang	50.00	25.00	25.00	0.00	0.00	0.00
Total	18.73	15.36	20.22	40.82	4.12	0.75

Question: "Should the mayor continue to be president of the Municipal Council"

4.3. Show clear majorities?

How do coalition groupings perform in discharge of duties? The latter was indeed present very often since with the exception of the *communes* of Woluwé-Saint-Pierre and Woluwé-Saint-Lambert, all executives were alliances of several political parties. Was this a *boon* for democracy or should it be considered as complying with a majority governance philosophy (Seiler, 2000) in the eyes of local councils? Considering the polarisation noted between Socialists and Liberals, we could assume the majority rule option prevailed.

Moreover, as we explained, this issue takes on a different dimension in the Brussels Region owing to the existence of a Flemish minority that could see its representation undermined by a majoritarian process.

Generally speaking, and the latter dimension is certainly not irrelevant, majority rule determination appeared to be limited. The local representatives had a rather positive view of cooperation between several parties and the councils of mayors and aldermen. Three-quarters of local councillors considered this socio-political reality as appealing. Only 22% had an opinion to the contrary.

At the same time, we observed that opinions on the subject were not very clear-cut. The most straightforward opinions only totalled 24% of assessments returned.

Analysed on the basis of party label, the Liberals differed the most: they were least in favour of the coalition process (63.5%) and most against it (35%). *A contrario*, the representatives of the smallest (democratic) French-speaking party appeared as the most solid backers of the party coalition principle and the least in favour of a majority stance. The size of the party undoubtedly explains this (rational) choice. We should add that in the final stages of the October 2000 elections, the *Centre Démocrate Humaniste* (Humanist Democratic Centre) had played a pivotal role in the forming of majorities due to the unexpected and intense polarisation between Socialists and Liberals on the eve of the election. Reminding how careful one has to be in interpreting data, as expected, Flemish councillors expressed clear support for the principle of party coalitions.

Table 17. Party coalitions (in percentage points)

	Fully agree	Rather agree	Rather disagree	Fully disagree	I don't know	No answer
PS	14.58	72.92	12.50	0.00	0.00	0.00
MR	15.38	47.12	22.12	12.50	1.92	0.96
CDH	17.65	76.47	5.88	0.00	0.00	0.00
Ecolo	19.57	54.35	10.87	4.35	10.87	0.00
Other	28.00	52.00	12.00	4.00	0.00	0.00
SP.A-Spirit	37.50	50.00	12.50	0.00	0.00	0.00
VLD-Vivant	20.00	40.00	20.00	0.00	20.00	0.00
CD&V-NV-A	60.00	40.00	0.00	0.00	0.00	0.00
Groen!	20.00	60.00	0.00	20.00	0.00	0.00
VI Belang	0.00	50.00	50.00	0.00	0.00	0.00
Total	18.73	55.43	15.73	6.37	3.00	0.37

Question: "The coalitions between parties to manage the municipality add added value to the democratic life of the municipality"

5. Conclusion

The Brussels local elites clearly originated in national political parties and their influences in their designation was extensive. Nonetheless, we saw that the details of local electoral law and subsequent amendments to it clearly offered a pattern of opportunities for community ballots that could shake the processes of recruitment through reproduction and family tradition (Tilleux, 2003: 21).

In terms of socio-demographic features, the local political personnel elected in the October 2000 elections consisted of people that mainly belonged to two major groups: the nucleus of active professionals (ages 35-54) and the world of pensioners (55 +). On the other hand, there was a limited number of young representatives, which definitely showed the importance of building social capital for acceding to positions as elected representatives, including at local level.

A steadily increasing percentage of town councillors are women. To be sure, men are still over-represented in terms of overall numbers – and even more so amongst mayors and aldermen, but as we saw, this

was due in part to a generation effect. In addition, the highly likely establishment of equality for election lists at municipal level should back this trend or even accentuate it.

Not surprisingly, the educational capital of representatives was high. A large number of local councillors completed higher studies and this was even more manifest amongst representatives carrying out executive responsibilities.

Faced with electoral law amendment proposals that could arise following the complete regionalisation of municipal law, we were able to pinpoint overall reluctance to a number of planned measures: direct election of mayors, the presidency of the local council being held by someone other than the mayor, willingness to enter into a majority process... None of these proposals received majority backing, even though the principle of direct election of mayors was advocated by a number of Liberal town councillors. One must interpret this as the relatively broad legitimacy of the running of municipal institutions in the Brussels Region and the political expression of local elections, despite, as we said earlier, the intense and unexpected polarisation between Socialists and Liberals on the eve of the October 2000 local elections.

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Chapter 14.

Local Political Elites and the Institutionalization of Local Party Organizations in Hungary

Gábor Soós

1. Institutionalization of Local Party Organizations

Well-established political systems function differently from weakly institutionalized ones. The actual level of institutionalization of political actors and processes shapes the perception of political reality, calculation, and behavior. It influences the durability of government and its policy performance. As parties play a prominent role in the political life of most contemporary democracies, the institutionalization of political parties is an important indicator of the overall level of political institutionalization. Accordingly, the degree to which local political parties are institutionalized is a good indicator of the overall institutionalization of local politics.

The aim of this chapter is to assess the actual level of institutionalization of local party organizations and explain its variance. The data concern the largest local governments in Hungary, but the chapter's aim is to establish conclusions that can be generalized.

Institutions and organizations are not the same. Certain institutions are not organizations and organizations can be more or less institutionalized (for a more in-depth discussion of the distinction, see Scott, 1995

and 2001.) Organizations are pools of resources under centralized control. According to the definition of Kuper and Kuper (1985), organizations come into existence when individuals place the resources available to them (such as skills, money or prestige) under some sort of central control, rather than using them individualistically. Institutions are rules, stable processes, routinized behavior. As Huntington defines in his classical work (*Political Order in Changing Societies*, 1968), institutions are “stable, valued, recurring patterns of behavior” and institutionalization is “the process by which organizations and procedures acquire value and stability” (1968: 12). Mainwaring has a similar notion: “a process by which a practice and organization becomes well established and widely known, if not universally accepted” (Mainwaring, 1998: 5). Therefore, an institutionalized party system “is one in which actors develop expectations and behavior based on the premise that the fundamental contours and rules of party competition and behavior will prevail into the foreseeable future. In an institutionalized party system there is stability in the identity of the main parties and the ways in which they behave” Mainwaring (1998: 6).

Parties can also be more institutionalized or less institutionalized. For example, parties in the US are much less organized than most parties in Europe. US parties are nevertheless highly institutionalized in many ways (see the presidential candidate selection process). A huge amount of research has been devoted to party institutionalization – without any real consensus on its definition. Authors emphasize different aspects of party institutionalization and often promote more than one dimension. In fact, the common denominator of conceptualization is the perception of party institutionalization as a multi-dimensional phenomenon. The most frequently mentioned aspects are the following:

1. *Adaptability*. The capability of adapting to environmental challenges is a prominent element of the conceptualization of Huntington (1968), measured by organizational age, the number of generational changes of leadership and the number of functional changes.
2. *Systemness*. Panebianco (1988: 55) defines this dimension as “the degree of interdependence of its different sectors”. Actually, the concept covers what Huntington (1968: 17-20, 22-23) calls com-

plexity (differentiation of sub-units) and coherence (consensus on the functional boundaries and conflict-solving mechanisms). One of the conceptual opposites of systemness is factionalism.

3. *Value infusion.* An organization is infused with value when its members and leaders identify with it and their commitment goes beyond their instrumental considerations (Randall and Svåsand, 2002: 13).
4. *Autonomy.* Panebianco's other criterion of institutionalization is the autonomy of organization vis-a-vis its environment. An organization is not autonomous when its "indispensable resources are in part controlled by other organizations", as the dependence of certain social democratic parties on trade unions (Panebianco, 1988:55).
5. *Reification.* Janda (1980: 167) defines party institutionalization "as the extent to which a party is reified in the public mind so that it exists as a social organization apart from its momentary leaders while regularly engaging in valued patterns of behavior". Randall and Svåsand (2002: 14) interpret this concept as the external legitimacy of parties and party systems. Parties are reified when the public takes them for granted and structure their expectations by their existence.

The institutionalization of parties and party systems are not the same, although the two concepts are closely related. The party system notion is more than the sum of their components organizations; it also covers the patterned relationships among individual party organizations.

Institutionalization is not identical to rigidity. "Institutionalization does not preclude change, but it limits it." (Mainwaring, 1998: 6). As Schedler (1995) argues, the relationship between democracy and institutionalization is not linear. Both under and over-institutionalization is dangerous for the party system. Extreme fluidity often leads to political collapse. However, hyper-institutionalization also implies a mortal danger to the system. Rigidity caused by over-institutionalization makes the system unresponsive and the lack of adaptability to the changing circumstances can result in the emergence of new forces, which demolish the system as such.

The concept of institutionalization is not teleological. There is no historical necessity to progress towards ever more institutionalized systems. In fact, parties and party system sometimes de-institutionalize, as happened with the Congress Party in India or the Italian party system in the first half of the 1990s.

2. Research methodology

Methodologically speaking, the goal of this chapter is to explain the variance of institutionalization by a set of factors, including municipality characteristics as well as organizational features.

The dependent variable is the level of party institutionalization. There is no single indicator that could capture all the dimensions of party institutionalization. *Party institutionalization in this paper is measured by the stability of nominations across elections.* The indicator of organizational loyalty measures only party institutionalization and not the institutionalization of the party system. The concept of local party organizations is functional and includes not only parties, but also the civil society organizations that nominate candidates at local elections.

The volatility or steadiness of the nominations of candidates standing at local elections indicates four dimensions of party institutionalization, though to different degrees. First of all, loyalty to the nominating organization refers to the degree to which the party organization is seen as a value in itself and party members identify themselves with the party. Organizations with low value infusion lose their candidates more easily and more frequently. From the viewpoint of individual politicians, in the case of a party seen as an instrument, they can change party for reasons of self-interest. Loyalty to the nominating organization also refers to the level of adaptability. If old party leaders split up their parties when they are pressed to step down or parties cannot change their mission when the political landscape changes, party organizations often collapse. Thirdly, loyalty also indicates autonomy. A mismatch between the will of the sponsoring organizations and the intentions of party leaders often results in leaders and members leaving the party, which is translated by a higher rate of disloyalty. Finally, loyalty rates also indicate the level of systemness. Orga-

nizations with more or less independent sub-units and competing factions are more likely to break up; this can be measured by the number of new organizations and the lack of continuity of nominations.

While surveys of party changes in parliaments and individual cities are not uncommon, to the best of my knowledge no large-scale, quantitative studies of the loyalty of local politicians to their nominating organizations have as yet been carried out.

Three sets of hypotheses are tested in this chapter to explain variances in party institutionalization. They address the different levels of potential explanatory factors.

At municipality-level, municipality size, socio-economic development, social participation, and political participation will be taken into consideration. *Municipality size*, in terms of the number of inhabitants, is a self-evident factor of institutionalization. The more people live together in society, the more likely they are to form a complex society. It is not easy to imagine how complex societies can survive without a certain set of stable, recurrent patterns, which reduce complexity and uncertainty, and make everyday life manageable. Small-scale local societies, however, can cope with their difficulties by having fewer institutions.

Socio-economic development is also an intuitive explanatory factor. The more modernized a municipality is and the wealthier its citizens are, the more likely citizens are to form well-definable electoral groups and have enough resources to follow the policy offers of political groups. These groups and followers can be the bases of party organizations. Development produces institutionalization.

Social participation, i.e. participation by citizens in the activities of civic groups is also expected to shape the level of institutionalization. A higher social capital means a well-patterned local society. This institutionalization may spill over into the realm of political organizations. Moreover, stable civic partners with stable expectations establish permanent cooperation with parties, without jeopardizing their decision-making autonomy. Such an environment discourages volatility and discredits unstable party organizations.

Finally, *political participation*, i.e. the direct involvement of citizens in local political life, is also expected to have an effect on the level of

local party institutionalization. The type of effect depends on the type of participation. It can be argued that the more citizens are active, the more they are likely to join parties and tie their representatives to their organizations. However, if there is a negative correlation between the political participation of citizens and their identification with parties, high political activity paves the way to an increasing number of new options for individual local politicians, who can use those large and continuously changing resources to set up new political formations. High volatility of activists leads to low stability of organizations.

Hypotheses at municipality level

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|---|
| M1. The larger the municipality, the more institutionalized local party organizations are. |
| M2. The more developed the municipality, the more institutionalized local party organizations are. |
| M3. The higher the social participation, the more institutionalized local party organizations are. |
| M4. Political participation has an effect on the institutionalization of local party organizations. |

Organizations of different types may be differently institutionalized. Thus, a number of hypotheses can be formulated at organizational level also.

An obvious difference between local representative organizations is the form of registration. Parties may differ from associations and trade unions that put up candidates at local elections. It can be argued that parties are founded to have candidates and represent aggregate interests. However, a closer examination of the civil society organizations that have representatives reveals that most of them were established to play the functional role of a local party. The fact that the financing of political organizations (any organizations with local representatives are legally considered as a political organization) is regulated, limits financial support and thus discourages existing associations from fielding candidates.

The real difference between parties and civil society organizations having local representatives is the scale of political activities. Those who want to influence local politics do not usually embark on the more complicated process of party registration and adopt the unpopular label of a party. Instead, they tend to register their groups as associations. Small-scale organizations are more vulnerable, as their structure is not very complex; they mostly have their roots in only one community and the distance between persons running the organization and the organization itself is closer. Thus, small-scale organizations are more likely to break up or remain personalized. This is obviously a probabilistic rule and does not mean that small-scale institutionalization is not possible. There can be (and there actually are) many well-institutionalized organizations active only locally.

To sum up, the difference in institutionalization between parties and civil society organizations is due to the *local-national dimension*. That leads to the hypothesis that the most prominent political organizations, the parties with parliamentary representatives, are especially well-institutionalized. They have a relatively long history, abundant resources, a complex structure, many commitments to external actors, can offer more incentives (especially offices) to candidates and enjoy more legitimacy, both within and outside the party. All these factors should result in a major difference in institutionalization between local organizations of parliamentary parties and other local representative organizations.

Many local politicians have wider ambitions, which presupposes that their party is able to gain seats at regional and national levels. On the other hand, the value of party labels and, accordingly, their performance, is influenced by their national image. As a consequence, the electoral results of national parties have an effect on the institutionalization of their local organizations. Party institutionalization as value infusion is clearly shown by the behavior of their politicians in times of crisis. Since parties are relatively young in Hungary, a large loss is more likely to lead to de-institutionalization at local level. Thus, a correlation between *national and local institutionalization* is predicted.

A specific post-communist phenomenon is the survival of *Communist parties* and the difference in the age of organizations caused by his-

tory. Sczerbiak (1999) analyzed the local organizational infrastructure of six political parties in four provinces in Poland. He found that the successor parties, which had existed under the previous regime, enjoyed a major advantage in terms of local organizational strength. AWS, the right-wing party at the time he wrote his paper, also had some assets by building on the infrastructure of *Solidarność*, created back in the 1980s. New parties, established after the change of the system, proved underdeveloped at the local level. Sczerbiak's findings encourage a more general hypothesis of organizational path-dependency, which predicts that the organizations that were well-institutionalized organizations under Communism will have a higher level of institutionalization than organizations founded after the systemic change. In a sense, it is a specific form of the hypothesis about the relationship between organizational adaptability and institutionalization (see e.g. Huntington, 1968). The benefit of the more specific hypothesis is that it can be tested here (while no data are available on the actual age of every organization) and takes into account the qualitative difference between democratic and non-democratic origin, as well as highlighting the effect of functional adaptation (Huntington, 1968: 15-17). Unlike Poland, Hungary had only one party under Communism. Therefore, the test is a simple comparison between the institutionalization of the Socialist Party (the former Communist party) and other parliamentary parties, especially the other big party, FIDESZ-Hungarian Civic Alliance.

Within the civil society category, a distinction can be made between ethnic *minority associations* and organizations without an ethnic basis. National minorities are more or less assimilated in Hungary. For instance, most people who have a German identity do not speak German. Moreover, they form only small and dispersed minorities in towns and cities. Therefore, the voting base they form is not predictable and their organizations are fluid. The Roma minority (which is an ethnic, not a national minority) is mostly poor and uneducated. Their capacity to run stable organizations is more limited, but the honorarium a councilor earns is more attractive for them. Thus, Roma electoral organizations tend to mushroom before local elections, but disappear after them. In short, minority local organizations are projected as less stable, especially the Roma ones, because they are more frequently established by political entrepreneurs, who see their orga-

nizations instrumentally. As they may be more local than other organizations, it is necessary to verify the effect of the local-national dimension.

Organizational hypotheses

- O1. Country-level organizations are more institutionalized than organizations that are active only locally.
- O2. Parliamentary parties are more institutionalized than non-parliamentary parties.
- O3. The post-communist party is more institutionalized than other parties.
- O4. The electoral results of national parties have an effect on the institutionalization of their local organizations.
- O5. Ethnic minority organizations are less institutionalized than other civil society organizations.

As regards the individual strategies of local politicians, many hypotheses about their organizational loyalty could be put forward. A few of them are related to institutionalization. A very interesting question is the position of those who are *not* nominated by organizations. Being *independent* is not a very powerful position in urban municipalities in Hungary. During the campaign, organizations are able to pool far greater resources. In the council, successful organizations form factions and divide responsibilities and opportunities among themselves. It is more difficult for independent candidates to reach voters and have an influence on policy-making. Thus, many independents often jump at the chance to accept an organizational nomination. On the other hand, being an independent candidate is an acceptable strategy for those who have already accumulated a certain level of social capital and accordingly are able to propagate an (often popular) anti-party ideology and/or find a place in a faction even if they are independent. The following arguments lead to the hypothesis that independents often try to stand as a candidate of an organization, while some successful organizational candidates are ready to declare themselves independent.

The proposal that incumbents are over-represented among 'new' independents should not lead to the conclusion that *incumbents* often change their nominating organization. Success favors institutionaliza-

tion and ties leaders to the organization. Incumbents are expected to change their nominating organization less frequently than those who failed at the previous election. When they opt out, they either become independent candidates or form their own organization (almost always an association) to back their ambitions.

Individual-level hypotheses
<p>11. The independent status is transitory.</p> <p>12. Incumbents are less likely to change party than challengers.</p> <p>13. If incumbents leave their organization, they become independent or form a local association for themselves, and do not typically join another party organization.</p>

Since the available data should be presented in a logical sequence, the hypotheses constructed here will be tested in reverse order: first the individual-level hypotheses, then the organizational-level ones, and finally the municipality-level proposals. Before that, a description of the database is provided.

3. Data

The empirical basis of this research is a special electoral dataset of the local elections in 1998 and 2002 in Hungary. It contains data from all municipalities in the mixed electoral system. At the local level in Hungary, there are two electoral systems. Voters in municipalities having 10 000 or less inhabitants simply choose as many candidates as there are seats on the council. The larger municipalities have a so-called mixed electoral system in which approximately two-thirds of the councilors are elected in electoral districts and the remaining places are distributed among the organizations that put up candidates in the districts (compensation lists), making the composition of the council more proportional. In 2002, 165 municipalities elected representatives under the mixed system. The 23 districts of the capital, Budapest, are not included because they function within a single city and under very different political conditions. Moreover, the population of four municipalities increased beyond the 10 000 inhabitants threshold between the two elections (all of them are Budapest suburbs). Since they had a different electoral system in 1998, they were also excluded. Thus, the dataset consists of comparative data from 138 municipalities.

The database created for this research is a comparison between the two most recent local elections in Hungary. The task was to identify those who stood at both elections and ascertain whether or not they were nominated by the same organization. The raw data were the text files (minutes of elections) provided by the Electoral Office. Those files were merged and converted into spreadsheet and SPSS files by elections. Then, the identical organizations and candidates were identified and two datasets merged. Electoral and socio-economic data were added to the data on candidates. The final dataset is the product of more than 30 mergers and transformations of previous databases using three different software programs.

The first major problem was to identify organizations. Since 511 organizations nominated candidates in the mixed system in 1998 and 787 in 2002, some kind of automatic comparison was needed. Several technical difficulties were encountered. The Electoral Office used different coding systems at the two elections, based on the order of registration. While it was easy to identify the well-known national parties, the smaller, less-known organizations caused more problems and reduced the reliability of the dataset. Some candidates might remain loyal to their organization, but the latter might participate in the election as part of a coalition, unite with other organizations or simply change its name. Errors in the registration process also seem to have altered the name of certain organizations, e.g., by using a shorter name or abbreviation instead of the full name. In some cases, registrars simply misspelled names. The comparison between the two lists of nominating organizations required a thorough one-by-one check. The overall conclusion is that the stability of nominations may be somewhat underestimated due to the aforementioned technical problems. Nevertheless, there is no reason why this underestimation is in all probability unsystematic and is restricted to the less significant organizations. Organizations were categorized primarily by their legal type (party vs. civil society organization) and secondarily according to their political type (left and right-wing parties; minority and non-minority organizations).

A second and even tougher challenge was to compare the 15 321 candidate names in 1998 with the 14 303 names in 2002. The large number of names excluded any one-by-one comparison, while automatic

identification was hindered by name changes. It is surprising how many name changes occurred between elections. One reason concerns the marriage or divorce of women. A more frequent cause is the similarity of the names of two candidates, which obliges one of the candidate to change his or her name (using a middle name or an additional initial), which may not have been necessary at the other election because there was no such similarity. Sometimes, candidates simply decide to use or not use one of their first names or administrators leave them out or add them to their names. All these problems result in a (hopefully small, but actually unknown) underestimation of those who stood as candidate at both elections. On the other hand, the same name may cover different people. They are identified as one person running again for local office. This may lead to another type of error. There is no reason, however, to believe that loyalty rates are systematically under or overestimated due to these problems. In all probability, the statistical analysis and the conclusions drawn from those analyses are not affected by them.

The level of institutionalization was measured by a candidate's loyalty in 2002 to at least one of the organizations that nominated him or her in 1998. Local parties form different electoral coalitions, which are outside the control of individual candidates. Thus, total loyalty would be an impossible demand. The assumption is that measuring the nomination in 2002 by at least one of the nominating organizations in 1998 refers to the organization to which the given candidate belongs. Nonetheless, that is not necessarily true, as it may cover a change of loyalty from one nominating organization of a 1998 coalition to another one, perhaps in another coalition. This cannot be verified, but it is certainly not a frequent occurrence.

Incumbents are defined as those candidates who won in their electoral district in 1998 and became a member of the local council. This is certainly an underestimation as those who failed in their district but gained a mandate from a compensation list are not counted. This underestimation must be taken into account during the analysis.

Municipality size is measured as the number of permanent inhabitants in the municipality in 2001. Except for the suburban area of Budapest, population change is gradual and small; therefore, it is enough to use only one point of time between the two elections analyzed.

The socio-economic development is indicated by of a principal component analysis based index. It includes six variables such as the rate of unemployment, personal income per inhabitant, the number of cars per 100 inhabitants, the number of firms per 1 000 inhabitants, the ratio of those with a degree in the adult population, and the proportion of employed in the service sector. The variables form a pertinent index (the Keiser-Meyer-Olkin measure of sampling is .82, the significance of the Bartlett's test of sphericity is .000, and 77 percent of the total variance of the component variables is explained by the index).

Social participation is measured by the number of non-profit organizations per 10 000 inhabitants registered in a municipality in 2001. It is admittedly an imperfect measure, as it includes only formally registered groups and excludes informal ones; it disregards the fact that organizations may be registered in one municipality (often in Budapest or county centers) and function in others; it does not provide much information about the actual activities of organizations; and the number of organizations may not be proportionate with the number of socially active citizens. However, for large-scale quantitative research, this is the only available variable.

Political participation is indicated by the proportion of registered voters who actually turned out at the local election in 1998. Since there may be a bi-directional relationship between institutionalization and turnout, the turnout data from a previous election is used, which reduces the possibility of reversed causality.

For electoral reasons, minority organizations are separately registered. Thus, the dataset contains the official data. Roma organizations were identified by their name.

The source of the demographic, socio-economic, and social participation data are the 2002 municipality dataset of the Central Statistical Office (T-Star).

4. Individual-level analysis

Leaving aside the district local governments of Budapest, a total of 12 706 candidates stood for election as councilors in municipalities of 10 000 or more inhabitants in 1998. Only one third (more precisely:

32%) of them or 4099 could be identified in 2002. As mentioned above, the ratio may be somewhat higher due to technical problems. Nonetheless the rate is low, which shows that there are always new people who are willing to stand as candidate, but it also demonstrates that most candidates are not would-be professional politicians intent on a political career.

The cross-tabulation between the nominating organizations in 1998 and 2002 in Table 1 shows that candidates nominated by parties or civil society organizations have a higher loyalty (about 70%) than independents (46%). That gives some credit to hypothesis I1, which claims that the independent status is transitory. Indeed, more than half of those who stood as independent candidates in 1998 agreed with an organization (or formed one for themselves) by 2002. On the other hand, almost half (274 of 555) of those who ran as independents in 2002 had an organizational nomination in 1998. Most independents were or will be the candidate of an organization.

Table 1. Cross-tabulation of nomination types in 1998 and 2002

1998		2002				
		Independent	Party only	CSO only	Mixed (party+CSO)	Total
Independent	N (%)	281 (45.9%)	137 (22.4%)	160 (26.1%)	34 (5.6%)	612 (100.0%)
Party only	N (%)	187 (7.5%)	1748 (70.4%)	254 (10.2%)	294 (11.8%)	2483 (100.0%)
CSO only	N (%)	69 (9.2%)	99 (13.3%)	517 (69.3%)	61 (8.2%)	746 (100.0%)
Mixed (party+CSO)	N (%)	18 (7.0%)	73 (28.3%)	38 (14.7%)	129 (50.0%)	258 (100.0%)
Total	N (%)	555 (13.5%)	2057 (50.2%)	969 (23.6%)	518 (12.6%)	4099 (100.0%)

1665 candidates won a council seat in 1998 (13% of candidates; an average of 7 candidates per district). Three in four candidates (74% or 1225) attempted to get reelected in 2002. (Actually, two thirds of them were successful, which demonstrates the significance of incumbency). Their loyalty was above average (65%). Electoral loss, however, encourages change. Almost half (46%) of those who failed in 1998 ran

under a different flag in 2002. The difference is significant ($\chi^2=44,9$, sign <0.000 , $N=4099$). Thus, evidence supports Hypothesis 12.

The last hypothesis of this group proposes that incumbents leaving their organization become independent or form a local association for themselves more frequently than simply changing their background organization. This proposal is more or less confirmed by the data. As Table 2 shows, more than 70 percent of incumbents leaving a party become either independent or join a civil society organization. The quantitative data make the case of former CSO-nominated candidates less interpretable, but hypothesis 13 cannot certainly be rejected.

Table 2. Cross-tabulation of nomination types of non-loyal incumbents

1998		2002				
		Independent	Party only	CSO only	Mixed (party+CSO)	Total
Party only	N (%)	69 (38.5%)	34 (19.0%)	58 (32.4%)	18 (10.1%)	179 (100.0%)
CSO only	N (%)	16 (22.2%)	14 (19.4%)	26 (36.1%)	16 (22.2%)	72 (100.0%)
Mixed (party+CSO)	N (%)	9 (37.5%)	2 (8.3%)	11 (45.8%)	2 (8.3%)	24 (100.0%)

5. Organizational-level analysis

Of the 787 local political organizations that had had at least one candidate in 1998, 213 or 27 percent nominated at least one candidate in 2002. Parties are much more stable (59%) than civil society organizations (25%). That confirms hypothesis O5, whereby ethnic minority organizations are less institutionalized than other civil society organizations. The rate of loyalty, i.e. the proportion of candidates supported by the same organization both in 1998 and 2002, also proves this. The overall loyalty rate is 59 percent among all organizations, while it is only 38 percent among minority organizations. Nevertheless, the Roma organizations do not differ from other minority associations. The proportion of the Roma organizations that ran again in 2002 is actually higher than the ratio of other minority organizations. However, the loyalty rate, which is only 20 percent for Roma candidates, strongly supports the proposal.

Table 3. The proportion of organizations nominating both in 1998 and 2002 in all nominating organizations of 1998

Type of Organization	Ratio of Organizations
Parties	59.0 %
Civil society organizations	25.4 %
Non-Minority organizations	28.9 %
Minority organizations	12.6 %
Roma organizations	14.0 %
Other minority organizations	10.7 %

Table 4 shows the loyalty rate of the seven biggest organizations (which had more than 1000 candidates in 1998). The number of candidates also includes the party candidates endorsed in electoral alliances, which makes the number higher for small parties (e.g., SZDSZ or MDF).

A first observation is that all the organizations are parties; moreover, six of them were parliamentary parties between 1998 and 2002. The average loyalty rate of these eight parties is 74 percent and the average of the six parliamentary parties is 75 percent. This is much higher than the average rate of all other organizations, which is only 33 percent. Thus, both hypotheses O1 and O2 are well supported.

Table 4. The loyalty rate of the most important parties (1998-2002)

Organizations	Characteristics	Candidates	Loyalty Rate
FIDESZ-Hungarian Civic Alliance	Parliamentary party; right-wing	4414	72.7%
Hungarian Socialist Party (MSZP)	Parliamentary party; ex-Communist party	4359	86.4%
Independent Party of Smallholders (FKGP)	Parliamentary until 2002; right-wing	3924	12.1%
Hungarian Democratic Forum (MDF)	Parliamentary party; right-wing	3596	58.3%
Alliance of Free Democrats (SZDSZ)	Parliamentary party; left-wing	3179	79.1%
Party of Hungarian Justice and Life (MIÉP)	Parliamentary until 2002; extreme right	2604	72.9%

Organizations	Characteristics	Candidates	Loyalty Rate
Christian Democratic Party (KDNP)	Parliamentary before 1998; right-wing	2 207	9.2%
Worker's Party	Extreme left	1 999	12.9%

The Hungarian ex-Communist party is a success story. It spent two years in a 'political ghetto' between 1990 and 1992, but became an ally of the liberal party and won both the national and local elections in 1994. Although it lost its government position four years later, it remained one of the two big parties and won both elections again in 2002. This functional adaptability of the party itself is a sign of high institutionalization. The success of the post-communist party, now called the Socialist Party, can be partly explained by the fact that it is well established at the local level. The research data also support this proposition. The loyalty rate of the party is as high as 86 percent, while it is only 73 percent in the case of its right-wing rival, FIDESZ-Hungarian Civic Alliance and much lower in the case of other national parties (the high rate of SZDSZ is due to its joint candidates with the Socialist Party both in 1998 and 2002). Thus, hypothesis O3 is confirmed. According to the above logic, the gap must have been higher in the 1990s.

Three parties, FKGP, KDNP and Worker's Party, have a very low loyalty rate. Their common denominator is a disappointing performance in the parliamentary elections half a year before the local elections in 2002. Whether this poor result was the consequence of their lack of institutionalization or a previous de-institutionalization (as would appear to be the case of FKGP), or the previous poor performance led to de-institutionalization, is outside the scope of this paper. The point here is that hypothesis O4 is clearly confirmed.

6. Municipality-level analysis

The level of party institutionalization varies from municipality to municipality. The aggregate loyalty rate of candidates between 1998 and 2002 ranges from 16 to 93 percent (with an average of 57% and standard deviation of 14%).

What are the structural factors behind this variance? An obvious candidate is *municipality size*, i.e. the number of inhabitants in the municipality. Indeed, there seems to be a correlation between loyalty to party organization and population. While the average loyalty rate is only 55 percent in towns (municipalities of less than 50 000 inhabitants), it is as high as 68 percent in cities (50 000 or more inhabitants). The correlation coefficient is also remarkable (.23, significant at the .01 level).

The other structural variable, which is often used in quantitative analysis, is the socio-economic development of the municipality. The effect seems smaller, but still significant. In weakly developed local governments, the average loyalty rate is 55 percent, while it is 59 percent in the municipalities that are more developed than the average. The correlation is also acceptable in social science research (.20, significant at the .05 level).

Both types of participation have a significant association with institutionalization. The density of non-profit organizations correlates well with the loyalty rate ($r=.23$, significant at the .01 level). In municipalities where the social participation is above the average, the loyalty rate is 61 percent, while it is only 54 percent in socially less active communities.

A similar relationship can be found between institutionalization and political participation. Municipalities with a below average turnout rate have a loyalty rate of 59 percent, while this number is 54 percent in politically more active local societies. The Pearson correlation ($r=-.24$) is also significant (at the .01 level). What is interesting is the direction of the association. The higher the political participation, the less institutionalized local party organizations are.

There seems to be an interaction between the effect of social and political participation on institutionalization. The highest loyalty level (62%) is observed in municipalities where political participation is below the country average and social participation is above it. Party organizations are the least institutionalized (49%) in towns and cities with low social and high political participation.

A multivariate analysis can deepen our understanding by eliminating spurious correlations. Since the number of cases is low ($N=138$), one cannot always expect a high significance. Still, some clear associations were found.

The most important point is that both size and socio-economic development become insignificant in the multivariate analysis, which also contains variables of participation. At the same time, both types of participation remain significant. The direction of their effect also remained unchanged: the level of social participation has a positive effect, while the degree of political participation has a negative effect on the aggregate level of local party institutionalization.

Table 5. The effect of municipality-level factors on local party institutionalization

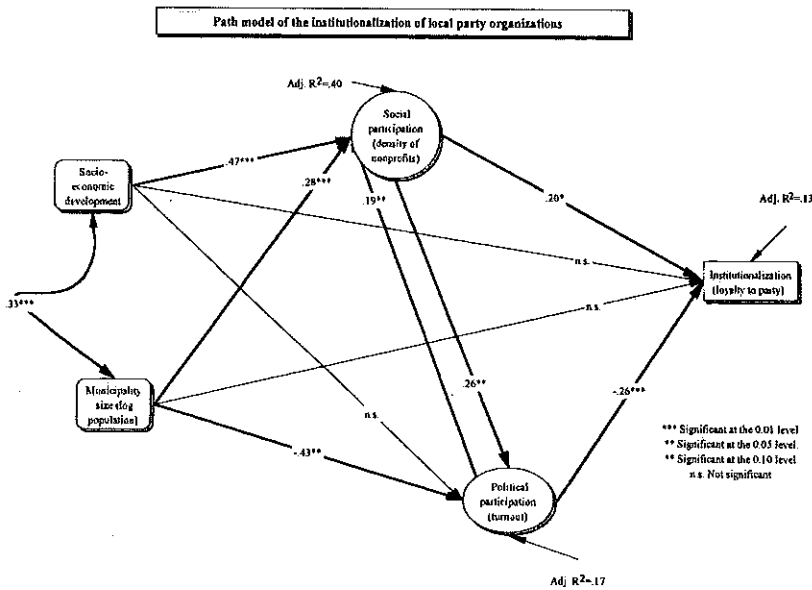
Liner regression on institutionalization (loyalty rate to nominating organization)	Non-standardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	,730	,094		7,735	,000
Population	1,692 ^{E-07}	,000	,041	,423	,673
Socio-economic development	1,169 ^{E-02}	,014	,081	,815	,416
Social participation (non-profit)	1,435 ^{E-02}	,007	,202	1,941	,054
Political participation (turnout 1998)	-,616	,213	-,256	-2,890	,004

Consequently, the research did not support the first two hypotheses about size and development, but confirmed the other two proposals on social and political participation. An important caveat is the low capacity of the regression (adjusted R^2 is only .13) to explain the variance. There is considerable room here for further exploration.

The intuitive force of the proposals on the effect of size and development is so high that it is worthwhile reflecting further on the relationships between those two variables and institutionalization. The lack of direct effect of size and development makes it worthwhile to find in-

direct links. The path model presented in Figure 1 is a successful attempt to link the four variables of the municipality-level hypotheses. Size and development become exogenous variables. They clearly influence the level of participation. In turn, social and political participation have a significant effect on local party institutionalization.

Figure 1. A Path Model



7. Conclusions

The aim of this chapter was to test a set of hypotheses about the level of institutionalization of local political party organizations. The concept of local party organization is functional and includes not only parties, but also civil society organizations nominating candidates at local elections. The degree of institutionalization is indicated by candidates' loyalty to their nominating organizations. The dataset is based on tracking 5 000 candidates in 138 local government elections in Hungary between 1998 and 2002.

The overall level of institutionalization of local party organizations is low. Only 27 percent of the organizations that had nominated a can-

didate in 1998 had candidates four years later. Nonetheless, the most important organizations are more stable. Thus, 59 percent of the candidates remained loyal to their party organizations between elections.

The first observation is that there *are* systematic factors that influence the level of local party institutionalization. At municipality level, the hypothesis about a direct effect of municipality size and socio-economic development on institutionalization is rejected. However, path analysis shows that they have an indirect influence through social participation (social capital, measured by the registered civil society organizations), which positively correlates with institutionalization, and political participation (measured by turnout), which has a negative effect on the level of local party institutionalization. The finding that citizens' widespread political activity actually hinders the institutionalization of political organizations at the local level requires further clarification at a later date.

At organizational level, the research confirms the hypothesis that the ex-communist party is more institutionalized than the relative newcomers and the other hypothesis claiming that country-level organizations, especially established parliamentary parties, are more stable than local parties (usually registered as associations). Ethnic minority organizations (mostly Roma organizations) seem notably under-institutionalized.

Individually, the data supported the hypothesis about the transitory character of the independent status of candidates (most independents were or will be nominated by an organization). The data also confirmed that incumbents were more loyal than those who had been unsuccessful at the previous election. Success, i.e. a political return of organizational affiliation, leads to loyalty. Winners are less inclined to leave their party organization, which sheds light on the mechanisms through which parties link successful politicians to themselves.

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PART 2.

LOCAL ADMINISTRATIVE REFORMS IN EUROPE

Chapter 15. Territorial and Functional Reforms: Old Wine in New Bottles – or a New Vintage?

Lawrence Rose ²³²

Introduction

Local government reform is by no means a new phenomenon. As Bruno Dente and Francesco Kjellberg wrote in the introduction to their well known book *The Dynamics of Institutional Change*, “Anyone looking for a Western country that has not experienced some local government reorganization in one form or the other, would soon

²³² “This chapter is a revised version of a keynote lecture presented at the First International Congress on Local Politics in Europe, Ghent, Belgium, 16-17 December 2004. Preparation of this chapter has drawn upon discussions held at the University of Oslo as part of a “Forum for local democracy”, a forum established as part of the project “Politics in the Age of Neo-Liberalism” at the Department of Political Science with support from the program “Strategic Projects - the Social Sciences and Humanities” at the Research Council of Norway. Responsibility for the views expressed, however, is the author’s alone.

The change is only in the content of the second sentence, but I have provided the content of the entire footnote to avoid misunderstandings. The reason for this change is that my department is seeking to standardize reference to the project in various international publications”.

become discouraged" (Dente and Kjellberg, 1988: 1). This statement applies, of course, every bit as much today as it did in 1988, but not only does it apply to "Western countries"; it also applies to the countries of Eastern and Central Europe, as well as to many of the other countries that have emerged in the dust of the Soviet Union's collapse. Change and reform of local governmental institutions has indeed been a ubiquitous and virtually continuous activity across a wide spectrum of countries for many years.

The central question posed in this instance, however, is not whether local government reform is new, but rather what is the character of the reform processes that are to be observed in recent years. Do they represent something akin to a revolution or merely a renovation (as the title of the book asks)? In what follows no attempt is made to provide a response to this question in all of its breadth and ramifications. Such a task is left for others. The objective of this chapter is of a more limited nature – namely to consider territorial and functional reforms that have occurred in recent years, or that may be in the offing, and to offer some thoughts about these.

Two points are important at the outset. First, just what constitutes a territorial and/or functional reform may be subject to some debate. This is because the notion of reform and what qualifies to be put in such a conceptual box is a bit fuzzy, not to mention how one wants to treat the territorial and functional issues. However these definitional matters – which in their extreme variants may be much the same as debating how many angels can dance on the head of a pin – will not be pursued here. Rather, I will use these terms as they are fairly commonly employed: *territorial reforms* are those relating to how sub-national political-administrative boundaries are drawn, whereas *functional reforms* are those relating to the allocation or division of responsibility and authority among various political-administrative units.

Secondly, it is almost impossible to have encyclopedic knowledge of all territorial and/or functional reforms of local government that have been adopted and implemented in European political systems in recent years, or those that may currently be contemplated. Those who endeavor to obtain a comprehensive overview of these developments by undertaking a search of the academic literature and/or by using

information available via the internet are likely to be left with a sense of frustration, the cause of which has two possible explanations: (1) no such overview exists, or (2) they are inept scholars. Experience suggests that the former explanation has more empirical merit than the latter, but in good scholastic tradition both alternatives must obviously be held open to further investigation.

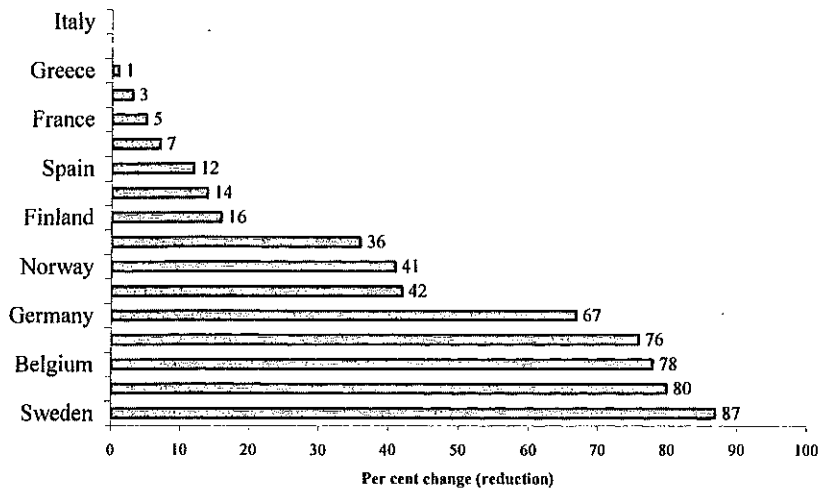
That being said, I propose to begin with a general overview that highlights some of the most salient territorial and functional reforms implemented over the past decade or so is provided. Secondly, a counterpoint based on a more detailed picture of some recent developments in the Nordic area – especially Norway and Denmark – is presented. A concluding section then offers some remarks which place those recent developments in a longer-term perspective and attempts to answer the question raised in the subtitle of this chapter.

2. A general overview

One of the most encompassing and up-to-date reviews of local government reforms to be found, at least for the European context, is that offered by Norbert Kersting and Angelika Vetter in their recent book *Reforming Local Government in Europe: Closing the Gap between Democracy and Efficiency* (2003). The results of their efforts suggest a clear geographical division with respect to the prominence of territorial and functional reforms. In what they term the “old democracies” of Europe (the Anglo-, Northern and Middle European countries along with France and Italy) reforms of this sort – especially territorial reforms – have, according to the accounts offered by local government experts upon which Kersting and Vetter rely, been relatively less important. In the “new democracies” – a term they use to cover the countries of Central and Eastern Europe, as well as Spain and Greece – on the other hand, such reforms have been much more important (Vetter and Kersting, 2003: 335-337). It is not that territorial and functional reforms have been implemented in the former countries; it is rather territorial reforms, and many interrelated functional and financial reforms, were carried out in an earlier period – the 1960s and 1970s in particular – during which time *municipal amalgamations* were the rule of the day. This earlier reform activity which, to a large extent, trans-

lated an attempt to meet demands imposed upon local government by the development of the welfare state, is evident in Figure 1²³³. In the same period a noteworthy effort was also made to strengthen intermediate levels of sub-national government – the meso level (see Sharpe, 1993).

Figure 1. Per cent change in the number of municipalities in 17 European countries, 1952-1992



Source: Martins (1995: 446 Table 3)

Since that earlier reform period there have been preliminary discussions and some efforts to achieve a new round of amalgamation in some countries – for example in the Netherlands and Norway (see Denters and Klok, 2005; Rose and Ståhlberg, 2005) – but a more common response to perceived problems of system size and capacity has been various forms of partnerships, intermunicipal cooperation, regionalization and decentralization. The use of partnerships, especially as they have been formalized in legal contracts entered into between municipalities and other levels of government and/or private actors,

²³³ A somewhat similar wave of amalgamations hit other “old democracies” outside of Europe – countries such as New Zealand and Canada for example – slightly later, but for largely different reasons (see Bush 2005; Drage 2002; and Sancton 2002).

has been particularly evident in France, whereas decentralization is perhaps best exemplified by Italy (and also to some degree by both France and the Netherlands – see Bobbio, 2005; Borraz and Le Galès, 2005; and Magnier, 2003).

Not only have territorial and functional reforms tended to be more important in the new democracies in recent years, they have also tended to be of a different character. To the extent there have been changes in political-administrative boundaries of local government in these countries, the predominant tendency has been one of division and fragmentation rather than amalgamation and consolidation. That has been above all the case in countries such as Hungary and the Czech and Slovak republics. The most extreme case is Hungary where the number of municipalities increased from 1 364 in 1988 to 3 133 in 1992, but in both the Czech and Slovak republics there was also a noteworthy increase in the number of local government units following the regime changes of 1990-91. In the former country the increase was nearly 50%, whereas in the latter it was “only” just over 20% (see Baldersheim et al., 1996: 26; Swianiewicz, 2002: 17). Clearly this “explosion” in the number of local government units must be seen against the backdrop of an equally if not more dramatic process of *consolidation* and forced mergers that took place throughout East-Central Europe in the early 1970s: the division of previously consolidated municipalities was in no small degree a reaction to the earlier process of forced amalgamation and had in many instances an important symbolic component in the wake of regime changes.

But this was not a universal reaction within the previous Soviet bloc countries. In some countries such as Poland the process of fragmentation was much less pronounced, and in several other countries – Bulgaria and Romania, for example – there was no rush to change the political-administrative map. Changes that occurred in those countries were minimal despite the drastic earlier reduction in the number of local authorities²³⁴. During the 1990s, moreover, there is also some

²³⁴ By 1992 the number of municipalities in Bulgaria had been reduced by 88 per cent compared with the number in 1952, making it the “champion” of municipal amalgamation among the countries investigated by Sharpe (1995). See also Martins (1995: 446).

evidence of just the opposite tendency – namely further consolidation. Thus, in both Estonia and Lithuania, one tier of sub-national government was eliminated, and in the case of Lithuania there was a strong reduction in the number of local government units, making them at present among the largest in Europe in terms of the average number of inhabitants (see Vanags and Vilka, 2003: 311).

In Spain and Greece, by comparison, countries that had achieved democratic status roughly a decade earlier, much of the 1980s was devoted to establishing a new territorial, functional and financial framework for local government. But those processes were not completed at the beginning of the 1990s and continued up to the end of the century with each country pursuing a somewhat different path. For Spain the critical question has been to assess the position of local government in a system where there has been a major devolution of authority from the central government to the regional level – that is to say to political-administrative units referred to as Autonomous Communities. Within these 17 regional authorities, local government remains highly fragmented. More than 8 000 municipalities exist, over half of which have fewer than 1 000 inhabitants, and in many respects local government in Spain still finds itself at the mercy of both regional and central government (see Alba and Navarra, 2003).

For Greece the initial period following creation of a democratic State was likewise characterized by an ideology of decentralization as that was supported and implemented by the Socialist Party that came to power. That was again a natural reaction to the strong centralism that had existed previously. In more recent years, however, dual territorial reform strategies have been evident. On the one hand a new tier of local government (called Prefectural Self-Government) was introduced in 1994. Essentially that reform involved transforming prior units of state administration into units of local or regional government with authorities being subject to direct election. The second strategy, implemented in 1998, involved the unification of municipalities as a result of mandatory amalgamations. Implementation of the latter strategy served to reduce the number of municipalities by 80 per cent (from 5 825 to 1 033) and increase the average population size from roughly 1 600 to more than 11 000 (see Hlepas, 2003).

These territorial reforms – whether amalgamations, changes in the number of tiers of sub-national government, or fragmentation – have been accompanied by a variety of functional reforms. The dominant pattern has been one of decentralization, with local governments obtaining greater autonomy or being given increased responsibility for performing a wide range of tasks. Such shifts in functional authority have, of course, also occurred even without changes in territorial boundaries. In Norway, for example, there have been instances where functions have been transferred from county to municipal government, without any change in the political-administrative map. Although obvious, it is in this connection also appropriate to underline the fact that responsibility and autonomy are not one and the same thing. Frequently heard complaints from local government officials about the constraints imposed by decisions reached at higher levels of government are ample testimony to this fact.

As this brief review makes quite evident, there has been no uniform pattern of territorial and/or functional reform within local government in recent years. As Kersting and Vetter indicate, there have been clear differences in the relative importance or salience of such reform efforts, with the main line of distinction being between the “old” and the “new” democracies. But even within those two groups the pattern has not been homogeneous. In some cases within both groups there has been an elimination of units or tiers of local government and a move towards consolidation, in other cases there has been fragmentation or devolution and the introduction of new tiers of sub-national government, while in yet other cases there has been relatively little redrawing of territorial boundaries or redistribution of responsibility and authority.

This variety of developmental tendencies makes it obvious that any attempt to explain these patterns based on convergence or contingency theoretic arguments is doomed to failure²³⁵. Notions of path depen-

²³⁵ For a recent review of contingency theoretic points of view see Hult (2003: 151-152). Convergence theory, although not identical with contingency theory, shares some common intellectual notions about the importance of environmental influences on institutional and policy developments. Dimitrakopoulos and Passas (2003) offer some commentary that is relevant with respect to this theoretical perspective. For a discussion of convergence theory as it relates to public sector reform, see (Wollmann (2003: 247ff and references provided there). Two additional articles written by Wollmann (2000, 2004) that draw more specifically on notions of convergence theory in relation to local government are also worth noting in this context.

dency with their emphasis on historical, cultural and political considerations would seem to be more appropriate²³⁶. The bottom line, in short, is quite clear: there is no simple and universal solution to the issue of territorial and functional organization of local government. Rather local, often country-specific (albeit not necessarily idiosyncratic) factors will generally determine the outcome. Some recent developments within the Scandinavia countries serve to illustrate this thesis

3. Recent territorial and functional reform efforts in Scandinavia

Despite the fact that Kersting and Vetter place the Scandinavian countries among the “old democracies” in which territorial and functional reforms have been comparatively less important in recent years, there have been some recent developments that merit discussion if for no other reason than to offer some additional empirical evidence before an attempt is made to sum up and address whether the entire enterprise of territorial and functional represents nothing more than finding a way of putting old wine in new bottles. The most sweeping local government territorial reforms in the Scandinavian countries took the form of municipal amalgamations carried out in the late 1960s and early 1970s. Those reforms came about after many years of investigation by public commissions and extensive political debates. The most drastic reform was carried out in Sweden, where the number of municipalities was reduced from nearly 2 500 in 1951 to 274 in 1974 – a reduction of nearly 90 per cent (see Figure 1). But in Denmark and Norway comparable reforms also had a noteworthy impact, eliminating roughly 80 and 40 per cent of the municipalities existing at the time in the two countries respectively²³⁷.

²³⁶ A chapter by Lodge (2003) serves to emphasize a path dependent perspective without denying the possibility of comparative analysis. Diffusion theory (see, for example, Rogers (2003) and Scott (1968)) may also offer some help in trying to explain patterns of local government reform efforts, although given the increasingly international nature of communication and exchange relations, it is likely to be difficult to argue and even more rigorously test such notions.

²³⁷ For more detailed accounts of these reforms, see Albaek et al. (1996).

3.1. The structure of municipal government in Norway

These reforms were, of course, not enthusiastically welcomed by one and all, and in some instances municipalities that had previously been forcibly merged were subsequently subdivided in the light of reactions to the mergers. Thus, in Sweden there were 289 municipalities in 2000 compared with 274 in 1974. But for the first 10 years or more, the territorial structure of local government was not a major political-administrative issue. Issues relating to the functional division of responsibilities and how local government expenditure was to be financed were more important.

By the late 1980s, however, the matter of the structural division of local government again came to the forefront of the public agenda, especially in Norway. In 1989 a new public commission was appointed to look into the matter and produce a report – a common procedure for dealing with political issues in the Scandinavian countries. The commission report was submitted in 1992 (NOU 1992: 15) and contained, among other things, a recommendation that all municipalities should as a rule have a minimum of 5 000 inhabitants. Had that recommendation been enacted, it would have had the effect of eliminating over one-half of the municipalities existing at the time (and even more today). It was, however, met with a storm of protest and as a result the recommendation was watered down in the governmental proposal subsequently submitted to parliament for consideration (St.meld. nr. 32 (1994-95)). But even a softened version proved unacceptable to parliamentarians who, in 1995, passed instead a resolution specifying that no further municipal amalgamations should be imposed against the wishes of a majority of the residents of the municipalities affected as these wishes were expressed and registered in popular referenda ²³⁸. In essence, therefore, citizens were given a power of veto over any boundary changes relating to their own municipality.

²³⁸ This action came in the wake of several forced mergers or proposal mergers that had aroused strong local opposition.

That parliamentary action did not remove the issue from public debate but rather changed the nature of the game. Central authorities concerned with what they perceived as a costly and inefficient structure of local government were forced to find other ways of encouraging municipalities to merge voluntarily. Initially they relied mainly on financial “carrots” in the form of an offer to cover all expenses associated with an inquiry into the advantages and disadvantages of amalgamation, plus guaranteed that in the event municipalities were to merge, they would not suffer financially due to reduced intergovernmental transfers – at least not for an initial period of time. Those incentives attracted few takers at the outset, but in recent years, under a new Minister of Local Government and Regional Affairs who has made it known that structural reform is high on her list of priorities and who has expressed a marked willingness to use a stick as well as the carrot, roughly 10% of all municipalities (nearly 40 of 434) took “the bait” and have implemented studies to explore the possible consequences of voluntary mergers. Since 2001 four mergers have subsequently been ratified in local referenda, but even more (at least five) have been rejected.

Given this slow rate of change, the Minister has increased her use of threatening rhetoric, something that has moved the Norwegian Association for Local and Regional Authorities (*Kommunenes Sentralforbund*) to adopt a strategy that will buy local governments more time to assess the issue and act in a more unified fashion. The principal component of this strategy has been to initiate a comprehensive program of discussion and evaluation of the structure of local government at grass roots level, the intention being to assess both the advantages and disadvantages of any reforms from a local perspective²³⁹. The Association also commissioned a review of the previous public commission report from 1992 in order to assess the relevance of criteria that it had employed and to suggest possible modifications to these criteria (see Grefsrud and Hagen, 2003). The Association developed a workbook

²³⁹ A secondary component of the Association was to sponsor a broad program of research designed to explore various aspects and consequences of changes in the structure of local government. This program resulted in a number of reports (e.g. Baldersheim et al., 2003), short versions of which were made available in an anthology published by the Association.

for this purpose (Kommunenenes Sentralforbund, 2004) and invited all its members to take part in the process – an invitation that was accepted with only one or two exceptions. This program is to be summarized and presented in the fall of 2005, and the results are to be used as a basis for formulating the Association’s own position on the question of further territorial reforms ²⁴⁰.

3.2. The question of county government in Norway

Parallel to the debate about the structure of municipal government, a similar debate has taken place regarding the status of county government in Norway. Although county government existed for many years with an indirectly elected body as the preeminent political authority, direct elections to county councils were first introduced in 1975. Since that time county government has operated in something of a twilight zone. Turnout for council elections has been systematically lower (by a few percentage points) than turnout for municipal council elections held on the same day; survey results show that people identify less with their counties than with the regions in which they live, and from the late 1980s onward the justification for county government has been questioned by at least one party (the Progressive Party, a right wing populist party – see Arter, 1999: 105-106; Heidar, 2004: 48) that sees the meso level as being superfluous in a small country like Norway. That point of view has been strengthened in recent years owing to not only to its endorsement by the more main stream Conservative Party, but even more so because of a strange sequence of events that ultimately led to responsibility for the running of hospitals (one of the main functions of county government) being taken away from the

²⁴⁰ Preliminary responses from these grass root processes provide no grounds for encouragement among reform advocates. The financial benefits are uncertain at best, people living in smaller, often sparsely populated municipalities, express skepticism about reduced service availability, and some see negative consequences for the quality of local democracy. These viewpoints are in large measure in keeping with results from cross section surveys of the population at large (see Rose and Pettersen, 2003).

counties and placed in the hands of five newly created health boards operating on behalf of state-owned companies ²⁴¹.

This development was all the more remarkable given the fact that a public commission which had been appointed in 1998 with responsibility for reviewing the division of functions among different levels of government issued its report in 2000 (NOU, 2000: 22). On balance the gist of the report was favorable to county government, including the manner in which oversight and operation of hospitals was carried out. A white paper subsequently prepared and submitted to Parliament by the government (St.meld. nr. 31: 2000-01), had moreover largely incorporated the commission's conclusions, including the idea that additional responsibilities and powers should be transferred to county councils.

With the running of hospitals removed from the portfolio of county government responsibilities, the position of this meso tier became much more tenuous. In the period since 2001 the future status of county government has therefore been the subject of numerous initiatives and counter-initiatives. One initiative was taken by the Norwegian Association for Local and Regional Authorities, in part in an attempt to speak on behalf of its besieged county level members. Thus, following internal discussion and the adoption of a board resolution supporting the need for some sort of strong intermediate level government under the control of popularly elected councils, the Association commissioned the drafting of a report to investigate the issue in greater detail. Ultimately that report suggested the creation of seven regions, all larger than the existing counties (cf. KOU, 2004: 1).

Another initiative was taken by the central government when in 2003, in response to the suggestion of an opposition party MP, it appointed a new public commission to look into questions relating to the challenges faced by various regions and districts within Norway. That commission submitted its report in 2004 (NOU, 2004: 19), but in a move that was quite striking (all the more so because it came just days before the public commission presented its report), the Ministry of Lo-

²⁴¹ This turn of events was largely the result of an internal power struggle within the Norwegian Labour Party at a national conference held in 2000 prior to the 2001 parliamentary elections. An official account of this event has yet to be written.

cal Government and Regional Affairs also issued a ministerial report under the title of "Alternatives to today's county government"²⁴². Although that report did not explicitly suggest the abolition of the intermediate level of government, most of the discussion focused on the prospect of eliminating county government as it current exists and replacing it with some form of larger regional units of government. How many regions and what kinds of functional responsibilities they should have, however, is at present very much up in the air.

3.3. The structure of local government in Denmark

So far I have largely concentrated on recent developments in Norway. Yet in many respects there is an even more fascinating story to tell with regard to developments in Denmark²⁴³. Compared to Sweden, where the number of municipalities *increased* slightly during the 1990s, the number of municipalities in Denmark was reduced from 275 to 273 over that period. But that was only the tip of the proverbial iceberg. Pressure to reduce the number still further was highly apparent. To that end the Danish Ministry of Interior commissioned several inquiries into the possible impact of municipal size on various aspects of local government operation and activity. The (unofficial) expectation was that those inquiries would document the inefficiencies of small municipalities. Results contained in those reports, however, were in fact largely mixed. One major report issued in 2000, for example, showed that for some types of services there is a curvilinear relationship with costs, whereas in other instances the evidence was inconclusive (Indenrigsministeriet, 2000).

²⁴² Without adopting a totally conspiratorial interpretative stance, the timing of this ministerial report does lend itself to suggestions that there may have been a desire to undercut the public commission report, or at least provide an alternative side-show in competing for public attention.

²⁴³ The following account draws heavily on an oral presentation made by Poul Erik Mouritzen at a symposium in Oslo in November 2004 and personal conversations with him. A Danish language version of the presentation has subsequently been published (Mouritzen 2004). I am greatly indebted for Mouritzen's willingness to let me draw upon these materials.

Parallel with these inquiries, the government also appointed a commission to evaluate the division of responsibilities among different levels of government, a study that was comparable to and in some measure served as a source of inspiration for similar research carried out by the aforementioned Norwegian commission. The Danish commission, in its report submitted in 1998, concluded by stating that “the existing division of responsibilities among the three currently existing administrative levels must fundamentally be said to be appropriate”. It was the commission’s expectation, moreover, that “the division of responsibilities in its basic structure would also in the coming years prove to be robust with respect to developments relating to demands on the public sector” (Opgavekommissionen, 1998).

In the following years, very little (at least on the surface) occurred to change this overall picture or point to any major changes. Indeed, as late as June 2002 the Minister of the Interior, who has responsibility for local governmental affairs in Denmark, proclaimed that the cabinet had no plans to change the structure of municipal government. The Minister did, however, indicate that he expected that the structure of local government would probably look different within a few years, but not as a result of a *detailed, centrally imposed, elite designed plan*. This observation caused no raised eyebrows since the idea of a territorial reform of local government had not been mentioned in connection with the previous parliamentary election campaign, and there was no word of local government reform in the agreement reached among several parties which served as the basis for the formation of a coalition government in November of 2001.

Despite all of these indications to the contrary, in September 2002 a new public commission was appointed with a mandate to evaluate the structure of local government in Denmark anew, including whether or not there was a genuine need for county government ²⁴⁴. The commis-

²⁴⁴ One factor which Mouritzen (2004) considers may have contributed to this abrupt about-turn was a public opinion poll published in a national newspaper in July of 2002 in which a majority of the respondents supported the elimination of county government. This poll served as the basis for an editorial page article by Rikke Hvilshøj, an influential member of the Liberal Party, that appeared two days later and launched for the first time the idea of a new review of local government in Denmark.

sion, which consisted primarily of civil servants representing different central governmental ministries, was given roughly 15 months in which to prepare and deliver its report. The report, consisting of 45 chapters, was delivered as expected in January 2004 (Strukturkommissionen, 2004). In the report the commission presented and discussed six alternative models of local government, in addition to a status quo option. Only one of those alternative models involved the abolition of county level government, but all involved an element of municipal amalgamation to create larger municipalities consisting of a minimum of 20 000 inhabitants or more.

Following submission of the report little was heard in public for the next three months even though interested parties were officially invited to take part in public hearings on the issue during that period. Then, in an unanticipated move, at the end of April 2004, the government announced a proposal for local government reform under the title of "The New Denmark". The content of the government proposal was as sweeping as it was surprising. Without going into all of the details, some of the principal features and changes implied by the proposal can be summarized as follows:

- County government is to be abolished.
- In its place five health regions are to be established with responsibilities for hospitals and primary health care.
- Overarching responsibility for upper secondary education is to be taken over by central government, as well as for a number of other functions previously carried out by county government.
- A few other responsibilities previously assigned to the counties are to be "decentralized" to municipalities of 30 000 inhabitants or more.
- The number of municipalities is to be reduced from the roughly 275 currently existing to approximately 100, with the median size anticipated as being about 40 000 inhabitants.
- Larger municipalities of at least 30 000 inhabitants are to be the principal means for providing public services, although small, "capable" municipalities will still be allowed to exist so long as they are able and willing to enter into binding cooperation with neighboring municipalities in performing critical tasks.

Both the proposal and the schedule for its implementation are breathtaking. By the end of June 2004 – only three months after the proposal was announced – municipalities were requested to indicate their preferences for amalgamation with other municipalities, with a deadline set at the end of the year for doing so. Then, if everything goes according to the plans of central authorities, political decisions regarding the future structure of local government will be made by February 2005, the deadline for appeals against those decisions being set for July 1, and elections to the new regional and municipal councils will be held in November 2005. Meanwhile legislation for the implementation of the proposal was sent to the Danish parliament in December 2004 and is to be enacted before the summer of 2005.

4. What is the nature of the enterprise? Old wine in new bottles or a new vintage?

How should all this be assessed – not only the recent developments in Denmark and Norway, but the territorial and functional reforms that have otherwise taken place in Europe throughout the past decade or so? Is it merely a matter of decanting old wine into new bottles where the bottles – that is, local governments – have a new shape or size, or are the vintners – politicians and “experts” – perhaps creating a genuinely new product? Or to use the metaphor of this book, is what we are witnessing merely a (possibly much needed) renovation, or is it a revolution?

As is frequently the case with questions of this sort, it is possible to argue both points of view. Inasmuch as the reforms are seen to be part of a long standing and on-going quest to find arrangements that are well suited to the conditions existing in various settings – conditions relating to available resources as well as to needs and demands – these activities are arguably nothing new. It may be said, in other words, that they represent nothing other than an attempt to come to grips with fundamental issues relating to how we organize social and political life. Some reforms may imply a greater element of change – a stronger break with the past – than others, but even so from this point of view territorial and functional reform efforts to date are in essence nothing more than a new “turn of the screw”. Conditions change, not the least

due to such forces as internationalization, demographic mobility and urbanization, and swings of the economy, and governments – both central and local – seek to adapt to these conditions²⁴⁵. Adaptation may involve adjustments to the political administrative map (new bottles) and/or a reallocation of responsibilities (old wine), but this is not a genuinely new enterprise.

There is much to be said for such an interpretation. Yet there are also grounds for arguing the opposite point of view; what we are witnessing may in fact represent something new. Mouritzen (2004) in particular suggests that this is the case in Denmark – at least with respect to the *manner* in which the reform process has been conducted if not for the *issues* in question. In the past territorial and/or functional reforms in Denmark (and for that matter in the other Scandinavian countries as well) have been undertaken on the basis of what might be characterized as a rational decision-making process, or a variant of such. This process follows a relatively clear and well-established path: once the issue is put on the table and achieves sufficient prominence, public commissions have been appointed; commission reports, when submitted, are circulated for comment among a wide range of interested actors; responses are collected and digested by central governmental authorities; and then these responses, together with the commission report, are used as the basis for preparing more concrete proposals, many of which are submitted for parliamentary debate and approval before enactment. As should be evident, such a process has commonly stretched over an extended period of time. Moreover, negotiations and bargaining, to the extent these have played a role (and they invariably do) have generally been conducted in an open, transparent manner. Hence, for the previous round of amalgamation reforms carried out in the late 1960s and early 1970s in Denmark, Norway and Sweden, the entire process required many years – roughly 20 in the case of Norway for example (see Rose, 1996: 168-171).

²⁴⁵ For an attempt to provide a capsule summary of some of the predominant changes in the environment of local government in recent years, see Denters and Rose (2005).

In preparation of the most recent reform proposals in Denmark, by comparison, the entire process has been compressed and launched with lightning speed. The commission had only 15 months to deal with a set of intricate questions. Despite that limited time frame, the commission managed to compile a report consisting of 45 chapters with more than 1500 pages! The government then took only three months to formulate a sweeping reform proposal which, if all goes according to plan, will be ratified in less than a year and implemented shortly thereafter. Equally if not more revolutionary, however, is the closed fashion in which the proposal itself was drawn up and how little it draws upon the commission report²⁴⁶. Although external actors were nominally invited to take part in public hearings on the commission report and offer suggestions, in reality the proposal is essentially an elite-based document drawn up with little open contact or discussion among a broader spectrum of actors. In sum, Mouritzen (2004) sees this prospective reform as a marked break with traditional Danish policy making practice and suggests that the best way to understand the process is to see it as an example par excellence of garbage can decision theory in practice²⁴⁷.

Although perhaps extreme, the Danish case may however not be entirely unique. Some elements of the process are mirrored in developments observed in Norway, especially the decision to remove responsibility for hospital from county government and place it in the hands of newly created regional health boards²⁴⁸. These developments, fur-

²⁴⁶ With reference to H.C. Andersen's story "The Nightingale", Mouritzen, who was a member of the public commission, suggests that the entire commission report was merely a symbolic gesture to which little if any genuine attention was paid (Mouritzen, 2004: 9).

²⁴⁷ The garbage can model of decision making was originally formulated in an article by Cohen et al. (1972) and has been elaborated in various publications since. The essence of the model is that decisions are largely a reflection of the intersection of three streams or components – problems, decision-makers and solutions, each of which appear in the garbage can on a largely random basis. The model, in short, emphasizes the randomness and irrationality of many organizational decisions.

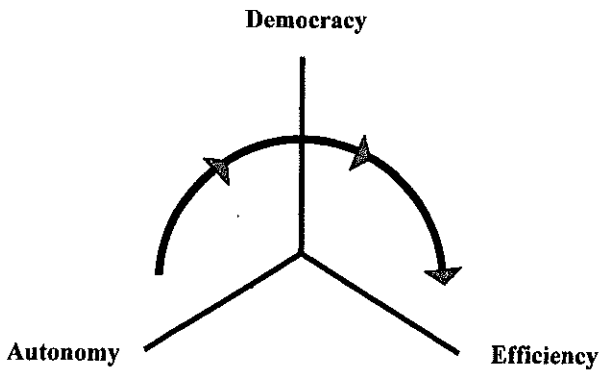
²⁴⁸ Mouritzen (2004) nonetheless argues that there is a fundamental difference between the recent Danish approach to territorial and functional reform, which he characterizes as being elitist, behind closed doors and top-down decision-making, and that of Norway and Sweden, which he sees as being characterized more by an open, bottom-up and dialogue based decision-making process.

thermore, may well represent a forerunner of what might be anticipated in other countries, particularly those countries in which local government has a relatively strong local anchoring bolstered by a variety of vested interests, circumstances that make major structural changes difficult. To achieve major reform in such systems may well require bold and rapid action – a kind of lightning strike that permits change before there is time for people to recover from the shock.

Aside from such considerations there is a second reason to suggest that recent reform processes in Denmark and Norway may represent something more than old wine in new bottles. The basis for this suggestion rests not in how the reform processes have or are being carried out, but rather in the *shift in emphasis* that is found in the premises for territorial and functional reforms. As Sharpe (1970) has argued, the normative foundation for local government has historically rested on three primary values – autonomy, democracy and efficiency (largely in this order). In the time since World War II those values have, of course, been supplemented by other values – values such as redistributive equality, the rule of law, macro-economic stability and community, to mention but a few. Arguably the three historical values nonetheless continue to be basic touchstones in the justification of local self-government²⁴⁹. What is new in this light, at least in the Danish and Norwegian cases (and to a significant degree much the same can be said about many other countries), is that there has been a noteworthy shift toward placing primary emphasis on the value of efficiency. In another context (Rose, 2004) I have attempted to portray this shift by means of the figure found in Figure 2.

²⁴⁹ A number of scholars have added their comments on the normative basis of local government in recent time, Frazer (1996), Kjellberg (1995) and Phillips (1996) are noteworthy examples in this regard.

Figure 2. Changes in the “center of gravity” regarding the normative foundation of local government



The figure is a simplified version of what is a three dimensional space defined by the values (indicated by the axes) of autonomy, democracy and efficiency respectively. Within this space there are many points representing different combinations or relative weightings of the three values. What the figure is intended to convey is the idea that public debate about local government in many countries in recent years reflects a movement of the “center of gravity” away from the value of autonomy (and to some degree democracy) and more in the direction of efficiency – production efficiency in particular.

Given a nearly universal situation of limited resources and rising demands upon public authorities, an emphasis on efficiency is in its own right not surprising. What is surprising, and in no small way upsetting to those who still see the merits of other values underpinning local government, is the apparent willingness of many actors and decision-makers to downplay the alternative values, especially the value of (local) democracy ²⁵⁰. Kersting and Vetter, in the concluding chapter of their book (Vetter and Kersting, 2003), offer a more optimistic ap-

²⁵⁰ It is quite paradoxical that Mouritzen co-edited a book regarding municipal size and local democracy in Denmark that was published in the fall of 2003 (Kjaer and Mouritzen, 2003), the primary conclusion of which was that for all practical purposes larger municipalities (at least of the size that was being contemplated by the public commission) would not have any detrimental consequences for the character of local democracy as this was defined and operationalized.

praisal. They suggest that the totality of local government reforms reflect the prospect of realizing a combination of efficiency *and* democracy. When the focus is narrowed to territorial and functional reforms alone, however, it is not evident that this conclusion is equally justified. For these reforms there is much to suggest that we are looking at the harbinger of a new vintage – a vintage labeled *Chateau Efficacy* – sponsored and largely brought to us by the advocates of neo-liberal New Public Management solutions to public administration ²⁵¹. But that is an interpretation that awaits further confirmation or, as some might say, in a hopeful fashion, awaits “disconfirmation”.

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²⁵¹ To be sure, New Public Management is an umbrella concept that covers a wide variety of phenomena, some that may be of a democratic character. Measures such as vouchers, user panels, consumer boards etc. undeniably serve to increase “the people’s voice” in a number of domains. Arguably, however, such measures are frequently little more than a democratic veneer added in the name of increased efficiency, with efficiency being the predominant value and goal of reform efforts. Such measures, moreover, serve to focus attention on what may be termed the “little democracy” – i.e. a relatively narrow band of substantive issues – rather than concerning a broader range of more overarching policy issues, issues constituting the “big democracy”.

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Chapter 16. Squandering Away Thorbecke's Legacy? Some Considerations on Recent Dutch Local Government Reforms

Bas Denters

Introduction ²⁵²

The year 1848 was one of the watersheds in modern European history. Starting with the February Revolution in France a series of upheavals shook the Old Continent, "from Copenhagen to Palermo and from Paris to Budapest" (Colton and Palmer, 1971: 511). Although in Germany, Hungary, Italy and France the revolution "failed almost as rapidly as it succeeded" (Colton and Palmer, 1971: 512), the revolts had a more lasting and fundamental impact on the political institutions of

²⁵² This chapter is in part based on previously published material: Denters and Rose (2005b and 2005c), Denters and Klok (2005), Denters, Klok and Van der Koik (forthcoming). I gratefully acknowledge the contributions of my co-authors in those previous publications and also to Jolanda Hoeflak for her comments on this text. The responsibility for its contents, however, rests completely with me. I am also indebted to the Institute for Governance Studies of the University of Twente for its generous financial support.

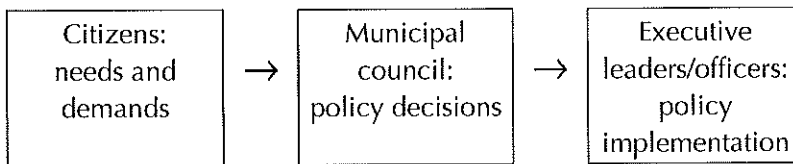
some of the smaller European states such as Denmark, the Netherlands, Belgium and Switzerland. In those countries, the events of 1848 led to the establishment of constitutional government.

In the Netherlands fears that the turmoil might spread into the country forced the conservative King William III to accept the installation of a constitutional commission under the leadership of the liberal politician Jan Rudolf Thorbecke, a former lawyer and influential legal and political theorist. On 3 November 1848 the Constitution was promulgated and one year later Jan Rudolf Thorbecke took office as the Prime Minister of a liberal cabinet. In a period of only two years the new Prime Minister drafted bills for a new electoral law and a new municipal law, and tabled and successfully defended those bills before parliament. By 1852 Thorbecke's constitutional reforms had laid the foundations for the contemporary Dutch state and its system of local government. The structure of Dutch local government established in the Constitution and the Municipal Law of 1852 – that was aptly characterized as “Thorbecke's masterpiece par excellence” (Oud and Bosmans, 1990: 34) – was based on a twofold principle: (1) the direct election of municipal councils and (2) the primacy of this local assembly for the governance of the local community.

With regard to the first principle, the Constitution and the Municipal Law of 1852 introduced the direct election of municipal councils that were previously *indirectly* elected by an electoral college, composed of representatives who were elected by only the most prosperous members of the local bourgeoisie. Although the Electoral Law of 1851 also lowered the wealth restrictions for enfranchisement, such direct elections were still by no means *general*. Nevertheless this legislation provided the basis for an ever more inclusive local democracy in the Netherlands. Milestones in the extension of active voting rights were the introduction of general male suffrage in 1917, the enactment of female voting rights in 1919, the gradual lowering of the voting age from 23 to 18 years and the introduction of voting rights for immigrants in municipal elections in 1985. The direct election of its members, legitimised the second principle, namely the council's primacy over the other political offices (the mayor, and the Board of Mayor and Aldermen; henceforth referred to as BMA) in the local government system.

Thorbecke's model of local self-government, like many other European systems of local government gives the municipal council, as a popularly elected body, a central role. In this traditional model the council is conceived of as the crucial link in what Dearlove (1973: 25-46) once called the 'electoral chain of command' model of democracy (see Figure 1) ²⁵³ (Thomassen, 1981). In this simple and transparent model the council has a pivotal position in local democracy and councillors – as popular representatives – are primarily responsible for translating local inputs (needs and demands) into authoritative decisions which are the framework for the work of municipal officers.

Figure 1. Traditional model of representative democracy



The traditional model is based on the council's *general* primacy. Rather than a relatively disintegrated local government system as exists in the USA (Ostrom, Bish and Ostrom, 1988), municipalities are conceived of as a form of territory-based multifunctional government (Wollmann, 2003: 103).

Over the decades, this model has come under increasing pressure. As early as 1914 the Dutch administrative scientist Van Poelje (1914) predicted the inevitable demise of the council as the heart of local democracy. More than eighty years later some students of political representation (e.g. Judge, 1999) in terms that are highly reminiscent of Van Poelje's prophetic words, described a set of developments that challenged the democratic centrality of elected assemblies.

²⁵³ The term "command" in this expression maybe a slight overstatement in some interpretations of this model. In liberal interpretations of a representative democracy the representative is a trustee rather than a delegate who is "commanded" by the people (Thomassen, 1981).

The **main question** in this chapter is whether, at the beginning of the third millennium, this traditional model of local democracy has indeed become obsolete and is in urgent need of repair, or whether reforms such as those introduced in the Dutch local government system in 2002, should rather be characterized as squandering a valuable historical legacy.

In this contribution I will use Dutch local government and its recent reforms as a case study. First, I will describe some of the developments that over the years have radically changed the position of the council in Dutch local democracy. Then, I will examine the impact of the recent reforms of the Dutch local government model and reflect upon the impact of the recent reforms. Finally, I will position the results of the Dutch case in a wider European context.

1. The traditional model and its challenges

Before turning to my main question, it will be useful to describe in more detail the basic Dutch model. Since the Municipal Law was enacted in 1852 the basic decision-making structure in all Dutch municipalities has been identical. In formal terms the directly elected municipal council was at the head of municipal government, with legislative and the executive primacy in local government matters. There were, however, two additional offices in municipal government – the mayor and the Board of Mayor and Aldermen (BMA). Councillors elected the aldermen on the BMA from their own ranks and the council could also dismiss them. After their election, aldermen continued to be members of the council and their party group in the council. In most municipalities aldermen also served as chairs of the influential council committees that prepared the plenary decision-making on proposals drafted by the BMA and the municipality's administrative staff. This double membership of aldermen was the logical consequence of a view in which the council and board as integrated parts of an organic whole rather than as two separate powers. The mayor – who was appointed by central government on the basis of a shortlist drawn up by a committee from the council – had various powers granted by national law in the fields of public order and public safety. The BMA, in addition to its general responsibility for the preparation

and implementation of council decisions, had specific powers for executing many national policies in co-governance arrangements. Both the mayor and the BMA were responsible to the council for the way in which they exercised those powers. In a formal sense, in other words, the legislative and executive primacy in local decision-making remained with the council.

1.1. The council's primacy: a mere fiction

Although formally the municipal council had political primacy at local level, in practice the BMA was the actual centre of local power. Because of its political weight, its information advantage, its access to all relevant municipal decision-making arenas and its central position therein, and last but not least the professional support of its staff, relations between the board and ordinary councillors were typically heavily weighted in favour of the former. Over the years, the discrepancy between the formal legislative and executive primacy of the council and its far less prominent role in reality, has been a cause for concern. As early as 1914 Van Poelje insisted that, in the light of the **increasing responsibilities of local government** and its **professionalisation**, the (executive) primacy of the council was likely to be fictitious rather than real, especially as members of the council were (and still are) part-time politicians, operating as diligent amateurs in an increasingly professionalized world. Later developments, such as notably the rise of the welfare state and the prominent role of municipalities therein and the increasing size of municipalities due to population growth and national amalgamation policies, have made Van Poelje's observations ever more pertinent. Over the years, empirical studies of decision-making in local government have shown that Van Poelje was basically right. According to the results of these studies the actual influence of the council in local policy making was at best only marginal; the centre of power in local government clearly rested with the executive (in the large municipalities with the aldermen; in the smaller municipalities with the mayor as being the only full-time professional on the BMA; see Denters, De Jong and Van der Kolk, 1999; Denters et al., 2000).

However, while Van Poelje was of the opinion that a more modest role for the council was essentially inescapable and argued for its role

to be redefined, for decades central government's reforms of local government reforms focused invariably on strengthening the position of the council and its members in order to live up to the traditional ideal of the council's primacy. The major review of the Municipal Law in 1994 was the last effort to revitalize the traditional model.

More recent developments, however, have further undermined the traditional model and its emphasis on the council's primacy. The **shift from government to governance** features prominently in current literature on politics and administration. According to the relevant literature, this trend apparently has left its mark at both national and local levels of government (e.g. John, 2001; Le Galès, 2002; Stoker, 2004; Denters and Rose, 2005a and 2005b). In the Netherlands recent changes have also modified the nature of local government in the process of solving the problems of local communities and the creation of opportunities for their future development. This is true even if one acknowledges the clear continuities that also characterize Dutch local government at the current time. Power-sharing arrangements and the cooperation of public and 'private governments' have a long history in Dutch local government (Denters, 2000). Despite these obvious historical continuities, we should not be blind to some of the marked changes that have nevertheless taken place. One of those changes concerns a continuing and possibly even increased propensity at the local level to outsource the production of goods and services to quasi public and private organisations (both business firms and civic associations) and partnerships with such organisations aimed at combating jointly community problems and working together to create new opportunities for the future development of the local community (see e.g. Denters and Klok, 2005).

The fragmentation of such systems of local governance puts pressure on the principle of local authorities as general-purpose governments and further erodes the council's assumed primacy in the governance of the local community. In addition to functional problems (for example providing a coordinated approach to overlapping issues), the shift from government to governance also raises the issue of ensuring transparency and democratic accountability. Who is to be held accountable for the performance of the networks providing public services at

the local level and implementing local policies? And which body is responsible for scrutinizing the various agents active in these networks of governance?

1.2. The electoral legitimation of the council: increasingly questionable

However, not only the doctrine of the council's primacy became increasingly problematic, in addition, the democratic legitimacy of the council, that was grounded in the status of the councillors as the only directly elected local officials, became ever more questionable. The electoral chain of command model underlying the traditional interpretation of the council's role is based on the assumption that municipal elections are the primary and possibly sole communication channel between the electorate and councillors. Various developments have affected the empirical veracity of this assumption. At least three factors are relevant here.

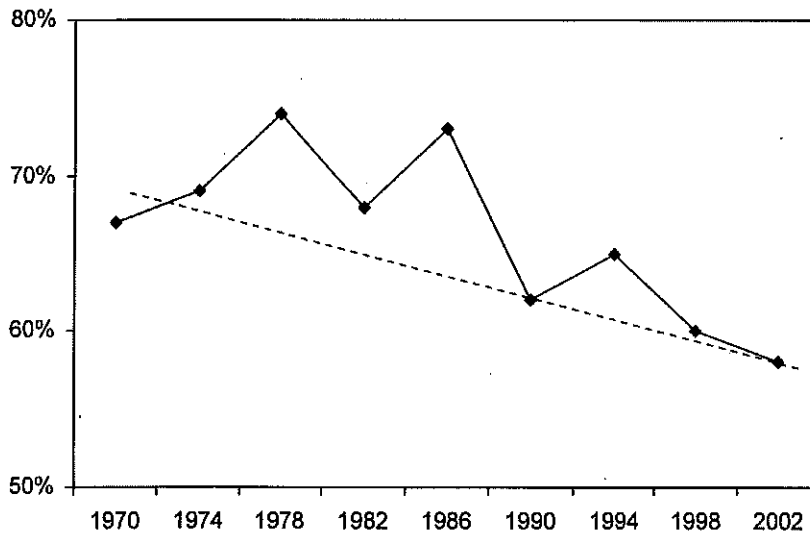
First, municipal elections are by no means a flawless mechanism for conveying messages from the general public to its representatives. First of all, it is in principle extremely doubtful that the *results of any election* actually provide accurate information on the electoral preferences that can be used subsequently as a guide for the council's actions (Riker, 1982: 238).

Secondly, municipal elections, like all other sub-national and EU elections, are held in the shadow of national politics (Van der Kolk, 1997; Van Tilburg, 1993; Tops, 1990). The dominant role of national political considerations means that it is even more doubtful whether the results of such **second-order elections** can be regarded as an adequate representation of any sort of "will of the majority".

Of course, it might be argued that the function of elections in a representative democracy is not primarily to provide councillors with a well-defined substantive mandate but rather to give them the legitimacy to act as trustees on behalf of the electorate. Low levels of **turn-out** may undermine the legitimacy of such a mandate, because it begs the question: "*Whose representatives are they, anyhow?*" From this

perspective it is no wonder that there is considerable concern among councillors about the decline of turnout in municipal elections. In 1970 compulsory voting was abolished and since then levels of turnout in municipal elections (with occasional ups and downs) have shown a downward trend (see figure 2).

Figure 2. Changes in turnout in Dutch municipal elections 1970-2002



Thirdly, alongside such electoral factors, the position of the council and its members is also affected by changes in what political scientists have called people's "action repertoires". Due to increasing levels of education, the emancipation of citizens and their value orientations citizens are changing their patterns of political behaviour. As the downward trend in turnout and decreasing party membership testify, people are turning away from traditional modes of political participation. However, this is not an indication of increasing levels of political apathy; rather, citizens have resorted to alternative modes of political participation (Denters, 2000; Denters, 2004). At the same time as people's participation demands and habits have changed, municipalities have also reformed their political opportunity structures. Many reforms have sought to engage citizens at a relatively early stage of the decision-making process, either through consultations or through a co-

decision or co-production process. At Dutch local government level such initiatives are referred to as “interactive governance” (Edelenbos and Monnikhof, 2001; Denters et al., 2003). Increased non-electoral participation and the introduction of these more direct forms of citizen involvement constitute yet another series of factors that tend to undermine the legitimacy of the council as the main interpreter of the “voice of the people”. Such developments obviously beg the question: *“If people are increasingly capable of speaking for themselves, and can and do use both traditional and new channels to speak up, what’s the use of having a popular assembly as the mouthpiece of local public opinion?”*

2. The Dutch Reforms of 2002

In the light of these challenges it became increasingly clear that a fundamental review of the institutional arrangements at municipal government level would be appropriate. After numerous unsuccessful attempts to strengthen the role of the council and its members (by improving their remuneration, their facilities and the council’s powers vis-à-vis the BMA) the Dutch government set up a Royal Commission to prepare a fundamental review of municipal institutions. The commission’s remit was to establish a balance of power between the council and the BMA and redefine the roles of the council vis-à-vis the executive offices (BMA and mayor), rather than reinstate the traditional model based on the legislative and executive primacy of the council.

On the basis of the Royal Commission’s report, new legislation was prepared and rushed through both Houses of the Dutch Parliament. After the municipal elections of 6 March 2002 the new model was adopted in all Dutch municipalities. This new model is based on a clear separation of the legislative and administrative responsibilities in local government, with newly defined roles for the offices of municipal government. The new law attributes all major administrative responsibilities to the two executive offices at the local level (i.e. BMA and the mayor). For a limited number of powers this was implemented directly as part of the reforms in 2002; for the most part, however, this

transfer of responsibilities required a revision of a multitude of sectoral laws which, over the years, had granted numerous administrative powers to the council. The parliamentary debate on this additional legislation has, however, been adjourned pending the results of a parliamentary evaluation of the first two years of the new legislation and the political future of this bill is uncertain.

This (planned) transfer of administrative competencies from the council to the mayor and the BMA would imply strengthening the formal position of these two executive offices. In order to establish the adequate balance of powers the new act contains a series of measures (see Table 1). First, the new law abolished the double role of aldermen. Although the election of aldermen remains the prerogative of the council, aldermen can no longer continue to be a member of the council after their appointment. This also implies that aldermen can no longer chair council committees and in many municipalities aldermen are also no longer welcome at meetings of their party. Thus aldermen have been stripped of the double role that gave them in the past such strong leverage in the municipal decision-making process²⁵⁴. Secondly, the new legislation gives councillors a wide range of means of controlling and supervising the executive offices. Under the previous system, such rights had been underdeveloped because the council and the board were not seen as two separate powers, but as one organic whole. Under the new model, explicitly based on the notion of a separation of powers, councillors are given a wide range of powers to allow them holding the BMA to account. Thirdly, the new legislation also reinforces the professional support available to the council, for example by introducing a council clerk and a Court of Audit, which should enable the council to perform a new role: controlling and supervising the executive branch of local government.

²⁵⁴ At the same time, the new legislation also allows for the recruitment of aldermen from outside the council; although recruitment from the ranks of councillors remains possible.

Table 1. The 2002 reforms: measures aimed at strengthening the position of the council

Type of measure:	Short description:
Position	<ul style="list-style-type: none"> - Strengthening independence by abolishing the double role of aldermen - Aldermen no longer chair council committees
Formal powers of councillors	<ul style="list-style-type: none"> - Obligation for mayor and BMA to inform council actively on anything deemed relevant for the council to perform its duties - Rights of control for councillors (initiative; amendment) - Information rights (parliamentary questions; parliamentary interpellations)
Support functions	<ul style="list-style-type: none"> - Introduction of Council Clerk - Introduction of local Court of Audit - Right of administrative support and advice

Therefore, the government could argue that although the new act clearly **strengthened the formal powers** of the executive branch, it also strengthened the position of the council. It argued that the council's traditional formal primacy in both legislative and executive matters was largely mythical anyhow and that efforts to re-establish the council's primacy – as all previous attempts had shown – were bound to fail. The councillors, as part-time amateur politicians, would simply not be capable of acting as the head of modern large scale local government. Moreover, the government also argued that in terms of its **actual position** the reforms would strengthen the council's role in local democracy. First, the institutional changes and the planned new role for the council in **controlling and supervising** the mayor and the board should give councillors more leverage over policies. In this way the new legislation was expected not only to contribute to a clear definition of the council's role, but also to provide a solution for the accountability problems (due to the absence of effective checks on executive powers) of the old system ²⁵⁵.

²⁵⁵ Under the old system, the "fiction" of the council's primacy in all legislative and administrative matters was a major obstacle to councils controlling and scrutinising the executive branch of local government.

Secondly, the protagonists of the reforms also hoped that they would strengthen the council's democratic legitimacy, although relatively little was said about how to achieve that laudable aim. The main idea was that the concentration on the control and scrutiny roles would allow councillors to devote more time and energy to their relations with citizens. That would imply reinforcing their traditional **representative** role which would result in a more responsive municipal government.

3. The results so far: some reflections on the Dutch reforms

All in all, it is clear that the reformers had high hopes. Publications on the effects of institutional reforms, however, contains clear warnings against unrealistic optimism regarding the actual impact of institutional reforms and are very circumspect regarding the effectiveness of such changes. Institutional changes typically involve high transaction costs and at the same time expectations concerning their benefits are often unrealistic, on the one hand, because actors may have a multitude of ways of resisting change in their "standard operating procedures" and, on the other hand, because the new institutions may have unexpected effects (e.g. Scharpf, 1986; Kiser and Ostrom, 2000; De Boer, 2003). Even if actors implement faithfully the legislation, and there are no such unexpected effects, it is evident that it may take considerable time for institutional reforms to produce their full effect: '[t]he rhythms of institutional change are slow' (Putnam et al., 1993: 60). Viewed from that angle it is surprising to see the amount of change that the new legislation appears to have generated in the relatively short period after its enactment.

Both the popular and professional media have reported the significant changes that have followed the introduction of the new law. Recent surveys among Dutch aldermen and mayors also indicate that the legal changes seem to have left perceptible marks on the political process in many municipalities. A recent survey, for example, indicated that according to many aldermen the new institutional arrangements have resulted in political instability, decreased decisiveness and in-

creased conflicts between the council and the BMA (Begeleidingscommissie, 2004: 71). Admittedly, aldermen – whose positions have been considerably weakened under the new legal regime – may have been overly negative about the impact of the reforms. But even the chairman of the Royal Commission, the lawyer Douwe Jan Elzinga, readily conceded in a recent article that the introduction of the new legislation in some cases had resulted in a turmoil somewhat reminiscent of scenes from a knockabout film (Elzinga, 2004: 627).

At the same time, however, Elzinga also points to the fact that the reforms were implemented at the moment when the Fortuyn movement had created an unprecedented political earthquake in the 2002 municipal elections. Research indeed shows that as a result of those elections 27% of the councillors were not re-elected (SGBO, n.d.). Many councillors representing established parties lost their seats and were replaced by representatives of local lists and followers of the Fortuyn movement (SGBO, 2004)). In part, therefore, the turmoil may not have been the result of the new legislation.

Elzinga not only puts the unrest under aldermen into perspective, he also claims, without presenting any further evidence, that the reforms have resulted in a more confident and independent role for the council and that the reforms have indeed strengthened the position of the council vis-à-vis the mayor and the BMA ²⁵⁶. The above-mentioned survey among aldermen indicates that Elzinga's personal impressions may be right. About half of the aldermen (48%) think that the reforms have increased the council's influence vis-à-vis the BMA (31% see no major changes and 21% see a decline in the council's influence; Begeleidingscommissie, 2004: 69) and 72% report an increased independence of the council in its relations with the BMA (25% see no changes and 3% increased dependence; Begeleidingscommissie, 2004: 72).

²⁵⁶ Obviously sceptics may also argue that some of the other changes that Elzinga attributes to the legal reforms may have been caused by electoral changes, rather than by the reforms.

The evidence in Table 2 also suggests that both aldermen and mayors feel that the recent reforms already have had some effect on the role of councillors. For the two internal functions (**steering and scrutiny**) at least half of the respondents – both among mayors and aldermen – indicate that the reforms have had an impact (either positive or negative). It is also clear that amongst those respondents that perceive any reform effects with regard to these two roles, the percentage of the respondents who see a positive change is (somewhat) higher than the percentage of those reporting a negative change ²⁵⁷.

Table 2. Expectations of aldermen and mayors about the effects of the 2002 Reforms.

Direction of effect:	Aldermen (N= +/- 362)			Mayors (N=273)		
	negative	no	positive	negative	no	positive
Steering and Control	27	39	34	12	48	40
Scrutiny and Accountability	9	36	55	12	50	38
Representation	21	57	22	9	70	21

The picture as regards the impact on the council’s **representative role** is somewhat different. On this point, there is a clear (absolute) majority of both mayors and aldermen for the view that there have been as yet few or no changes in the council’s role. This is perhaps understandable: after all, the proposals did not devote much attention to the reinforcement of the representative role of the council in the first place. Moreover, the idea was that the effects on the representative function would only be felt once the new division of roles between the BMA

²⁵⁷ Because of differences in the wording of questions, the results for mayors and aldermen are not strictly comparable. Therefore, it is necessary to be very cautious about making inferences about differences between mayors and aldermen. In the official evaluation of the new law that was published after this paper was finished, mayoral assessments were substantially more negative than the results reported here. This may be due to the relatively low response rate (and possibly selective non-replies) for the Internet questionnaire survey that was used for the official evaluation. The response rate for this survey was below 25%, whereas the response rate for the survey used in this paper was well over 50%.

and the council has been determined and allowed councillors to devote more time and attention to their representative role.

On the other hand (following the logic of appropriateness that is associated with the political institution of a popularly elected assembly, that derives its legitimacy from its special relationship with its constituents), it could also be argued that the relationship of the representatives with their constituents should be paramount in defining the representative's relations to the executive rather than the other way around. This is all the more relevant given the previously discussed challenges to the council's democratic legitimacy. If one accepts this point of departure, a number of questions need to be addressed: *What should a good representative do?* and: *What are the implications of the representative role for the performance of the steering and scrutiny roles?* Of course the literature (Thomassen, 1991; Denters and De Jong, 1992; Judge, 1999) lists a number of different answers to the first question. In Table 3, I have listed some of the best known of those answers ²⁵⁸.

The table indicates that each of these different styles has somewhat different implications for the style that a representative will adopt in shaping his relations with members of the executive. A party delegate, for example, will use other criteria (e.g. a set of ideological principles) and behave according to different standards (e.g. following the party leadership's direction), when he interacts with the mayor or the BMA, than either a trustee or an ambassador.

²⁵⁸ Table 3 has no pretension of completeness. Moreover, the styles are ideal types and in practice mixed styles are probably the rule rather than the exception. Finally, the associations of a particular style with implications for control and scrutiny are also relatively loose and more a matter of priorities for particular elements than a matter of exclusiveness. Even in the trustee model the representative should be in close contact with his constituents (compare constituency ambassador style) as Burke himself hammers home: "it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents" (Burke, 1999 [1774]: 155). Table 3, therefore, merely serves to indicate that different styles of representation are likely to *emphasize* different values and behaviours when controlling and scrutinising the executive branch.

Table 3. Different traditional styles of representation and their possible implications for control and scrutiny

Style of representation	Main qualities	Implications for control & scrutiny
Trustee (Burke, 1999 [1774])	Personal competence and mature judgement to act on behalf of the electorate in the best interests of the community	Personal idea of the interests of the community and decisions based on rational exchange of arguments in a deliberative assembly
Party Delegate (Responsible Party Model)	Allegiance to a set of political principles laid down in party ideology and manifestoes	Basic principles of the party ideology and manifesto; party discipline
Constituency Ambassador (Eulau, Karps and Wahlke, 1978)	Openness to individual citizens or community organisations and responsiveness to those	Concerns, complaints, communications and opinions of individual constituents or relevant community organisations

Traditionally, the dominant style of representation in Dutch councils was that of the party delegate (see Denters, 1993; Denters and De Jong, 1992). As I have indicated before, recent developments in municipal politics – unlike James Bond’s Martinis – have both shaken and stirred the foundations of this traditional style of representation. The most serious challenges, of course, are the declining turnout, the nationalisation of local elections and the decline in party membership and other forms of party oriented political participation. These developments undermine the foundations of the party model of political representation and therefore require a rethinking of the councillor’s role in contemporary local government. Such a review is all the more pertinent because it is also doubtful whether one of the traditional alternatives can be seen as a ready-made alternative. Both the trustee and the community ambassador concepts are based on the assumption of a relatively passive public, that is more or less satisfied with simply voting in municipal elections every four years. As I indicated earlier, that may not be a completely adequate presumption, at least not in the Dutch case.

For the future of representative democracy in Dutch local government it is therefore important to reflect on the councillor’s role. To date, however, there are no signs that councillors and political parties have devoted much time to thinking through the implications of these changes for their representative role. That is obvious if we look at the

councillor's position vis-à-vis local experiments with regard to so called interactive policy-making. In such experiments citizens and citizen's groups are directly involved in developing policy plans to be submitted to the council for final approval. In most cases the status of the results of such forms of participative democracy are unclear: is it merely an advisory role (with no strings attached) to the council or is the council under some kind of obligation to ratify the decisions made in the interactive process? So far many councils have been reluctant to indicate explicitly at the beginning of such projects the criteria used by them to assess the results of the interactive process. This has typically resulted in widespread frustration: frustration on the part of the council which at the end of an interactive process felt that it was presented with a *fait accompli* and/or frustration on the part of the participants and the municipal administrators who were annoyed by the council's refusal to ratify their carefully designed proposal (e.g. Klok, Denters and Visser, 2002: 68-70; Koppenjan, 2003).

The rise of interactive forms of policymaking alongside the other changes in the local political community require a reorientation of the role of councillors. The position of the directly elected council as "the voice of the people" has been undermined: by a shift of power vis-à-vis the executive branch, by the shift from government to governance and by the emancipation of citizens who no longer need the council to voice their opinions but can often speak for themselves.

As John Dewey (1954) has argued:

"The old saying that the cure for the ills of democracy is more democracy is not apt if it means that the evils may be remedied by introducing more machinery of the same kind, or by reefing and perfecting that machinery. But the phrase may also indicate the need of returning to the idea itself, of clarifying and deepening our apprehension of it, and of employing our sense of its meaning to criticize and re-make its political manifestations".

In a similar vein the cures for the ills of representative democracy may also lie in more (redefined) representative democracy. My presumption is that the redefinition of the representative's role in contemporary democracy implies a need to recognize the emancipation of modern

citizens and their capacity to speak for themselves. As a popularly elected official, the councillor's role in this 'brave new world' would then ALSO be to **facilitate and audit the democratic quality of decision-making** in the local system of governance ²⁵⁹.

We have seen that the current Dutch reforms may create opportunities for imposing more effective democratic controls and improving democratic accountability by strengthening the council's capacity to control and scrutinize the **executive branch of local government**. But in the role of **democratic facilitator** the councillor as a part-time politician might also appreciate additional means of securing accountability and responsiveness by introducing citizen panels, surveys and referendums and popular initiatives. Such additional checks and balances will not only enhance the system's democratic accountability but will also relieve the burden on councillors.

In relation to the quasi private organisations at the local level that perform public tasks in the **system of local governance**, local government is often in a position to specify the conditions under which non-governmental organisations can perform public tasks: by setting the conditions for granting a licence, by statute, when drawing up the contracts in the case of outsourcing and via its policy on subsidies to private organisations. Here again, the council in its role as a **democratic facilitator** is in a good position to ensure that adequate mechanisms of public accountability and responsiveness are put in place. Especially in the case of the provision of public services, where it is relatively easy to specify relevant publics, the direct involvement of citizens (in their role as consumers) in securing accountability and responsiveness may be appropriate.

In doing this the council will help to create more channels for direct citizen participation, without however exhausting the councillor's role as a facilitator. The role of a facilitator also implies specifying carefully the decision-making rules for new arenas and the scope of the deci-

²⁵⁹ It should be emphasized that in my perspective this new role is supplementary (hence the use of capitals in the word ALSO) to more traditional role conceptions. People's interest in political affairs and the time they have available for political participation are likely to be and remain only limited. Therefore political representation in the more traditional sense is probably here to stay.

sions made in these arenas in the broader context of local governance. This is an important role for community leadership (Klok and Denters, 2005). Because of its democratic legitimacy and legislative primacy the council is a natural candidate to play such a **regulatory** (steering and control) **role** in local government.

Finally, the council – in its role as a **democratic auditor** – should also keep a close eye on the democratic quality of the democratic processes. This is in fact an interpretation of the scrutiny role from the perspective of this new style of political representation. This role of a democratic auditor is vital for the democratic quality of the system of local governance.

Table 4. A new style of representation and its possible implications for control and scrutiny

Style of representation	Main qualities	Principles guiding control & scrutiny
Democratic Facilitator and Auditor	Good democratic credentials, personal authority and unimpeachable reputation	Democratic principles (e.g. openness, fairness and equality) to be secured by supplying channels for accountability and responsiveness (facilitator) and guarding the implementation of democratic criteria (auditor)

Although direct forms of civic engagement are often surrounded by an air of democratic desirability many studies have indicated that these forms of governance are not without democratic deficits (e.g. Fiorina, 1999 see also Denters, Van Heffen and De Jong, 1999). Therefore, it is quite appropriate to keep a keen eye on the democratic quality of decision-making in the various local arenas. Again the council – on the basis of its democratic legitimacy and its scrutiny role – is the best candidate for this role.

All in all I believe that it is fair to say that the recent Dutch reforms of the local government model provide potentially a good starting point for repositioning the council in Dutch local democracy. By giving a directly elected council a representative role and a role in steering and scrutinising the local executive branch (including the broader range of organisations engaged in the performance of public tasks on behalf of the local community) the council’s role in the system of democratic

governance is as vital as ever and more viable than it has been for several decades. I am convinced therefore that it would be inappropriate to accuse the reformers of having squandered away Thorbecke's legacy ²⁶⁰.

Whether councillors will be able to use this good starting position adequately will very much depend on their willingness to interpret their representative role in a way that is appropriate in the contemporary system of local governance. In this contribution I have tried to make a first attempt at specifying some of the elements of such a re-interpretation. Again the specified role of Democratic Facilitator and Auditor is an ideal-type and probably a good councillor will have to provide a well-balanced blend of various styles of representation. I have already emphasized that I do not believe that this new role orientation will entirely replace the more traditional styles. However, if I am correct in my analysis, this new role orientation will become an increasingly important component in the set of role orientations that will characterize future generations of councillors.

4. Conclusion: a European perspective?

This contribution started with European events more than 150 years ago. Those events had an enormous and sometimes lasting impact on the political institutions of many countries across Europe. The foundations of the Dutch local government system were laid in that era. The recent reforms of this system again reflect general trends in European societies and political communities.

In the Dutch case study I have identified a number of general terms in politics and society that have had important consequences for the notion of local self-government and the municipal council's role:

1. The increasing range of responsibilities and the professionalisation of local government(s).

²⁶⁰ Whether I would consider this to be true for the most recent proposals to introduce a directly elected mayor in the Dutch system is another matter, beyond the scope of this paper.

2. The undermining of the “local state” and the rise of all sorts of quasi-private organisations that perform public tasks at the local level.
3. The shortcomings of (local) elections as a means of expressing popular preferences and the decreasing (relative) importance of electoral and party- oriented forms of political participation and the increasing propensity of people to engage in direct political action.
4. The introduction of alternative direct channels for citizen participation in local political opportunity structures.

It is not a daring proposal to say that these four trends are by no means specific to the Dutch case, but with due recognition of cross-national variations, they reflect more or less general patterns:

- ad 1. Various sources indicate that in most countries local government either by tradition had a broad range of responsibilities (for example the USA or Switzerland) or in recent years has seen a broadening of the scope of their local government’s responsibilities (e.g. in France and Italy, the Nordic countries and the Netherlands; see: Ansell and Gingrich, 2003; Denters and Rose, 2005c).
- ad 2. On the basis of an analysis of developments in twelve Western industrialized countries it is also possible to conclude that the shift from government to governance is by no means a peculiarity of the British or the Dutch case but can be generalized to other parts of the Western world. (Denters and Rose, 2005c: 261; see also John, 2001), albeit with differences in national development paths.
- ad 3. On the basis of extensive international surveys Fuchs and Klingemann (1995) conclude that there is a clear tendency towards increasing non-institutionalized political participation. This change in the action repertoires of citizens implies that voting is becoming relatively less important as a channel of communication between citizens and their representatives. A similar comparative analysis of developments in participation patterns vis-à-vis local government is not available, but it is plausible that similar trends have occurred there.

ad 4. Finally, Denters and Rose (2005c) conclude that local governments in many countries, on their own initiative or at the instigation of central governments have extended their political opportunity structures, either by introducing forms of plebiscitary democracy or via forms of consultation or interactive decision-making (see also Dalton et al., 2003).

As I have indicated before, on the basis of the Dutch case, such developments imply a serious challenge to the traditional model of local democracy and the council's key role in that model. The Dutch reforms of 2002 were intended as a response to those challenges. Since the challenges are by no means specifically Dutch and reflect more general trends throughout the Western world, I believe that the Dutch experiences with a new model of local democracy may also be relevant outside the Netherlands. I hope that this is also true for my analysis of these developments.

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Chapter 17. Strengthening Local Government in the Netherlands and Flanders: Similar Problems, Different Solutions?

Trui Steen and Anchrit Wille

Introduction

With the introduction of a dualist structure in local government in the Netherlands a strengthening of the position of the local council is foreshadowed, and consequently, an improvement in the relationship between local authorities and citizens. In Belgium Flemish local authorities are experiencing similar problems to their Dutch counterparts: the municipal council no longer controls the executive and is failing to dominate the local policy process. 'Personnel dualism', as established in the Netherlands, is, however, considered as too far-reaching for local government in Flanders; other instruments are, therefore, proposed which aim to strengthen the role of the municipal council and enhance its public profile. Here we are comparing reform in the Netherlands and Flanders, using secondary material to assess the success of reform in the Netherlands, and asking to what extent institutional reform can contribute to changes in the political culture and a strengthening of the role of the municipal council.

1. The changing role of municipal councils in Dutch local democracies.

As of March 2002 the formal system of local government changed. Based on the report of the royal commission on dualism and local democracy a reform act was introduced. With this new law, the 'Wet Dualisering Gemeentebestuur' (Dualism in Local Government Act), a more dualistic model was adopted in all Dutch municipalities. The general idea of this model is the introduction of a clear distinction between legislative (the municipal council) and administrative responsibilities (municipal executive) in local government. What are the characteristics of this new legislation? And what are the practical effects of the implementation of this dualistic model?

1.1. The main problems of local government before the Dualism Act

Although the basic structure of local government was formally monistic, in practice it had a more dualistic character. The municipal council, which was according to the monistic theory the main policy-making body of the municipality, was in practice often consigned to the role of scrutinizing the policy of the municipal executive. The instruments at the disposal of the members of the council for exercising control over the executive were, however, insufficient. Moreover, the councillors believed that they had a role to play as co-administrators as well. Although in a formal sense supremacy in the municipal government lay with the council, it was the executive which, in practice, dominated the local policymaking process. The councillors, as part-time amateur politicians were simply not capable of acting as heads of modern local government. The centre of power clearly rested with the executive (Denters and Klok, 2002). This discrepancy between theory and practice made the relationships between the various offices and bodies in the municipal system confusing and unclear.

It was hard to recognize local government as a forum of political decision-making because there was no clear distinction between the powers of government and control. Political decision-making was an inwardly-oriented process lying between administrative bodies with overlapping responsibilities. In this process the aldermen played a

number of dual roles. They were members of the executive and members of the council and they also chaired council committees. Viewed from the outside, the role of the council as the representative assembly at the local level and the main scrutinizer of the executive was insufficiently weighty.

These developments may have contributed to a gradual weakening of the democratic legitimacy of the council, indicated by the declining turnout at local elections and the lack of enthusiasm among citizens to actively involve themselves in local politics.

1.2. The division of the positions and powers of executives and council

The introduction of the dualistic model of local government made a clear distinction between the position and powers of the municipal council and those of the municipal executive. Table 1 presents, in a nutshell, a summary of the responsibilities held by each of the players in the municipality.

Table 1. Main responsibilities and rights of the municipal council and the executive in the Netherlands following the Dualism Act of 2002

<p>The Municipal Council</p>	<ul style="list-style-type: none"> • sets a framework for local policy • controls the mayor and aldermen, the municipal executive • represents the citizens <p><i>main instruments</i></p> <ol style="list-style-type: none"> 1. right of initiative and amendment 2. right to approve or disapprove an estimate 3. right to ask questions to the municipal executive 4. right to investigate the municipal executive 5. right to receive support from the municipal organization <p>The municipal council must appoint a <i>council clerk</i> for its own administrative support.</p>
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The Municipal Executive	<ul style="list-style-type: none"> • governs the municipality • executes policy as laid down by the municipal council
Aldermen	<ul style="list-style-type: none"> • may no longer be members of the municipal council • may no longer chair council sub-committees • no longer have to be chosen from the members of the municipal council
The Mayor	<ul style="list-style-type: none"> • co-ordinates local policy • protects the quality of the relationship between municipal council and aldermen • co-ordinates co-operation with other municipalities

The conduct of affairs is now concentrated in the hands of the municipal executive. Administrative powers are directly entrusted to the municipal executive. The system of local government that has evolved in practice in recent decades has been put on a formal footing. The 'dualisation' also affected the position of the aldermen. They are no longer members of the council. This separation of function gives the council committees more opportunity to adopt an independent position and exercise independent control since they can appoint a chairperson from among their own members. Moreover, aldermen can be recruited from outside the council. The advantage of this is that it widens the pool from which people can be recruited for the office of alderman.

Although the new act implies a strengthened formal position for the executive, it is also argued that the new legislation should not be seen as a (further) erosion of the position of the council. The separation of position and powers leaves the municipal council free to concentrate on its role as a representative assembly and as a controller and scrutinizer of executive policy and action. The council is provided with instruments that enable it to perform this function, and at the same time its legislative and budgetary functions are strengthened. In this way the council may use its legislative and budgetary powers to establish a framework for policy beforehand (*policy framework role*) and check on the implementation of that policy in retrospect using all the powers

of scrutiny at its disposal (*controlling and scrutinizing role*). In this way the reforms would also provide a solution for the accountability problems (due to the absence of effective checks on executive powers) under the old system. Moreover, as a side effect, the reforms would also allow councillors to invest more time and energy in their relationships with the citizens (*representative role*). The change in the role orientations and role behaviour of councillors would make municipal politics livelier. This could, as a consequence, stimulate public interest in local politics and enhance electoral turnout and other forms of active citizen involvement in local politics (Denters and Klok, 2002).

1.3. Changes in the role of the local council

What can we say about the effects of these changes and their implications for the role of the municipal council in Dutch local democracy? Three changes regarding the role of the council can be perceived as the primary objectives of the reforms: a direct effect on *the relationship between the council and the executive office* by strengthening (a) its agenda setting and (b) its controlling and scrutinizing role; and as a by-product of this institutional reform, an effect on *the relationship between the council and the public* by strengthening (c) its representative role.

At the moment there are in existence only a small number of empirical studies that allow for an initial assessment of the effects of the reforms since the introduction of the Dualism Act. To address our question we are dependent on these preliminary results. We will, therefore, with due caution, sketch some initial developments.

1.3.1. *The relationship between the council and the executive*

The reallocation of administrative powers to the executive combined with the creation of new instruments for scrutiny and control for the council seems to have resulted in a more independent position of the council vis-à-vis the executive. The new act provides the councillors with an array of new means to play this more independent role with regard to the executive offices (establishing a local audit chamber, appoint a council clerk ('griffier') for the administrative support of the

council, councillors chairing commissions). In many localities councillors were searching for a new role in the local context, and in doing so, they sometimes seemed to be focussing on rules and procedures rather than on the substance of political matters. Several reports point out that the independent position of the council has in many municipalities resulted in an increase in disagreements between the council, on the one hand, and the executive, on the other. A more polarized relationship has emerged and dualism is frequently depicted as 'dualism'. 'The' council acts increasingly as a collective body opposing the executive. This image of the council conceals the political differences between the political parties in the council. Instead of improving the liveliness of political debates in the council, as intended by the dualistic act, the collective performance of the council, as the opposite of the executive, has constrained the operation of the council as a political forum, with different parties deliberating their differences of political opinions (SEDC, 2004).

The new dualistic act makes room for tensions and ambiguities to emerge in the relationship between council and aldermen. The presence of the aldermen during council meetings is not obligatory under the new act. As a result it differs from municipality to municipality as to whether an alderman is present or not at the meetings of council-commissions. Sometimes aldermen are literally directed to the sidelines of these council meetings. The intention of the dualistic act, to involve councillors in the initial stages of the policy-making process when it comes to political relevant issues, has not yet been effective. In its agenda setting role, the council should impose a clear policy-framework for the policy and the process at an initial stage of the decision-making process. From recent evaluations (SEDC, 2004) it appears, however, that the council finds it difficult to perform this role. Moreover, in its scrutinizing role it is often unclear what the council is expecting from the executive, which, again, has increased the number of disagreements between executive and council. The overall impression arising from current evaluations is that the quality of the council's policy-framework and scrutinizing role has not yet improved.

Attitudes towards the dualistic models appear to vary between the key local players. Aldermen are in general less positive about the changes than councillors (SEDC, 2004: 17). Interviews conducted with alder-

men revealed a rather widespread sceptical attitude among aldermen about the reforms and their own position in the dualistic model (Begeleidingscommissie Vernieuwingsimpuls, 2003). They were rather negative about the functioning of the council and the unstable relationship between council and executive. Aldermen felt isolated from their own constituencies and had to get accustomed to the new modes of interaction between council and executive. Most interviewees complained that the council became more often occupied with policy-details and micro-monitoring. This effect is the opposite of the objective of the dualistic model. Councillors appear, in general, more optimistic about their new independent role. They saw it as constructive and encouraging. The more autonomous position strengthened local politics and enabled councillors to play a more identifiable role in political debate. Councillors perceive dualism as a window of opportunity, whereas aldermen emphasize the perils of the new system.

Still, there is in many municipalities confusion about the thrust of the new roles that councillors are supposed to play. What exactly is the meaning of the policy framework-setting and the scrutiny function of the council? This is not sufficiently clear to most councillors and appears in many councils to encourage a more procedural approach. Councillors feel unsatisfied about the quality and the accessibility of the information provided by the executive, but find it difficult to determine what sort of information they need to do their job well. Aldermen are negative about the obligation to keep the council actively informed. In sum, both councillors and aldermen are struggling with their new roles and with the new relationship between executive and council. But the impression arises that the council and the executive are keeping each other increasingly entangled in a web of procedures and formalities.

1.3.2. The relationship between council and citizens

The significance of the dualism reforms is strongly concentrated on the relationship with the executive and appears to have fewer consequences (neither positive nor negative) for the relationship between council and citizen or for the quality of political representation. The expectation that councillors will have more opportunities and time to

contact and communicate with their constituency seems thus far not to have been fulfilled. No effect of the dualistic reform on public interest in local politics has been noticed so far. Some observers (Weterings, 2003) describe dualism up to now as an internal reform with no serious consequences for the relationship of the council with the outside world (read: citizens and their organizations). Councillors are focused on strengthening their role with regard to the executive, much more than that they are concentrating on the development of external relationships within society. In the eyes of the councillors dualism has led to more work and to more hours occupied in unnecessary procedures. Consequently, councillors do not spend their time any differently from before the introduction of the dualism act; there is no more contact with citizens, and councillors are at city hall more rather than less.

Mingled optimism and an appreciation of the benign effects of dualism seem to prevail in general. Yet it is too early to speak of a new equilibrium in the relationship between council and executive. The change is under way and it is very difficult to indicate how the new relationship will evolve. It will take at least several years of dual local government in office, functioning under this new law, before the relationship will take a more definite form.

1.4. Conditions favourable and unfavourable to a successful change

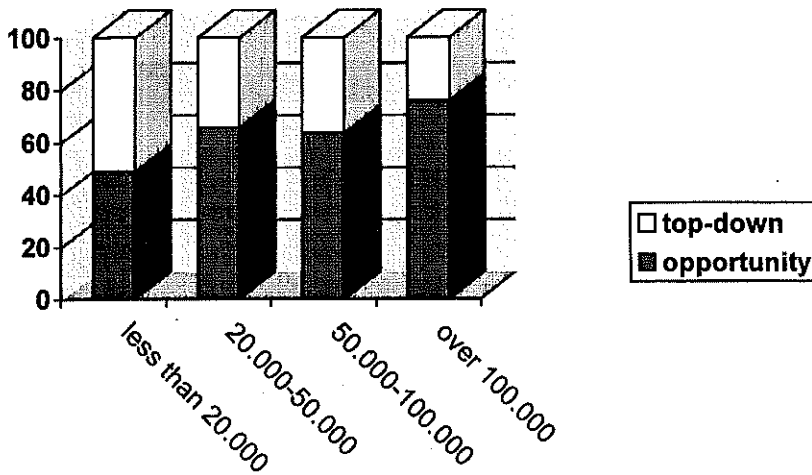
In the Dualism Act several changes were obligatory, but there was plenty of room in the new law for the municipalities to frame, on their own account, the new relationship to their own specification. This is producing a varied picture among the municipalities as to how and to what extent the law is being implemented. Two conditions appear to be favourable for the successful implementation of the law.

First, there is a clear difference in the sympathy for the reforms depending on the size of the municipality. Large municipalities and cities perceived the dualism act as an opportunity for democratic renewal, a chance to revitalize political culture and an impulse towards innovation. Small municipalities experienced the introduction of the nationwide reform far more as a top-down reform which they were obliged to implement (see also figure 1). In the larger municipalities many councillors volunteered to experiment with renewal ideas even before

the introduction of the new law. On average, there was more sympathy for the reforms when the required changes in the councillor's roles (or role orientations) were already under way when the law was introduced. Small municipalities, on the other hand, were less supportive and slower to effect the dualism reforms even after the introduction of the law.

Figure 1. Dualism as an opportunity for democratic renewal or as a compulsory top-down reform? Percentages of municipalities supporting the institutional reforms according to the different sizes of the municipalities (number of inhabitants).

(source: Binnenlands Bestuur, March 7 - 2003)



Secondly, the new law was introduced directly after the municipal elections of the 6th of March 2002. In many municipalities these elections produced large shifts in the local political landscape. Local and 'leefbare' political parties won at the expense of the traditional parties. In many municipalities this produced a sense of urgency to reform local politics. Aside from the desire to renew politics, there was also a large number of new councillors entering the local political arena. This radical change in the composition of the councils (the entrance of a large number of 'newcomers' in politics) could have functioned as a catalyst for the introduction of the dualistic model. In all municipalities where the electoral changes were large, the dualistic model was implemented with more zest.

Apart from circumstances that appear to have stimulated the implementation of dualism reforms, there are also factors that seem to have impeded successful change. First, dualism is a fuzzy concept and can be described as undecided, unclear and ambivalent on several points (SEDC, 2004: 18). As it has been implemented locally, there are a number of different perceptions of what dualism actually means. These differences in interpretation seem to have impeded effective implementation of the act. Moreover, the precise reallocation of administrative powers to the executive and the exact distribution of control between council and the executive is still an object of consideration at the national political level, which exacerbates this ambivalent situation. In many local settings, there is, in addition, no clear 'change agent' who embodies initiative, leadership and enough authority to personify its vision of the new way of doing politics. This has resulted in a diffuse form of change, without a clear aim or leader.

2. Strengthening local government in Flanders

In line with the federalization process in Belgium, the Flemish government has over the years been entrusted with a range of powers with regard to the organic framework within which local government in Flanders operates. In 2002 the power to regulate the organization of local government was transferred from the federal level to the sub-national (regional) level. As such the Flemish government wishes to replace the Federal Local Government Act, which is still in place, with a Flemish Local Government Decree. Flemish government had set as an aim the establishment of new regulations during the previous legislature. However, after the Flemish Minister of Internal Affairs put a Proposal for Local Government Decree to the Flemish Parliament, a number of propositions gave rise to fierce debate among Flemish politicians, local politicians, local administrators, interest groups, academics and advisory boards.

This being the case, the Decree was not completed by the end of the legislature. The disputes as to the contents of the Proposal for Decree which led to this delay related among other things to the option to directly elect the mayor and to new regulations concerning financial management and control functions within local government. After the

2004 regional elections, the newly appointed Flemish Minister of Internal Affairs has set a new date for the Decree to be completed. By July 2005 the process should be finished, so as to give local players time to prepare for the local elections due in October 2006. Due to this fixed time schedule it is expected that a number of the broad outlines proposed earlier will be retained, while some controversial elements will be postponed (e.g. by now, the direct election of the mayor seems to be out of the question for the next local elections at least) and detailed regulations will be tackled later on.

2.1. The main problems of local government in Flanders

It could be said that the definition of the problem in Flanders is quite similar to that of the local authorities in the Netherlands. The 'Pact between the Flemish Government and Local Government', dated March 8th 1999, already defined Flemish local government as being in need of improved local policy power and local democracy. Core principles to be striven for are more openness and transparency, citizen-oriented service delivery and the active participation of the citizens in policy-making and -implementation through consultation and involvement. For this to be made possible, it is assumed that both the individual position of local politicians and the position of local offices need to be strengthened. There is a need to enhance the professionalism, availability, motivation and performance of local politicians, while the roles of both the representative (the municipal council) and the executive (the college of mayor and aldermen) should be more clearly defined.

In the present situation, the division of powers among local political offices has a dualistic nature. Both the municipal council and the executive office have been granted powers under the law or the Constitution (Gekiere, 2001: 161). This system of 'functional dualism', however, is confused with a system of 'personnel monism'. Citizens directly elect the members of the municipal council. The council members, for their part, elect the mayor and aldermen from their own number. As such, the members of the executive remain full members of the municipal council and are entitled to vote in the council. While in theory the municipal council is the higher local government office,

in practice in many municipalities the relationship between council and executive has grown askew. Rather than the executive being subordinate to the municipal council, the real situation is the other way around: the municipal council follows the dictates of the executive. The college of mayor and aldermen has the advantage of a more elaborate administrative support and direct entry to relevant information, while the municipal council does not have the appropriate control mechanisms available to it. The council meets on a less frequent basis and its decision-making is often limited to accepting policy as proposed by the college of mayor and aldermen. The strong position of political parties within the local field exacerbates this situation. As such the council no longer controls the executive, nor does it dominate the local policy process (De Rynck, 2000: 8; Gekiere, 2001: 109; Steen and Wayenberg, 2003: 263).

2.2. Defining the roles and responsibilities of the municipal council and executive

In an academic study, in which – at the request of the previous Flemish Government - insights into public administration and public law were translated into proposals for a new legislature, the local policy process was defined as consisting of five phases: agenda setting; policy preparation, policy making, policy implementation, and policy evaluation and control (Gekiere, 2001: 110). Agenda setting, policy making and control should be the main tasks of the municipal council, while the executive is seen as being responsible for both policy preparation and execution. These principles regarding the division of tasks were respected in the proposal for a new legislation. As such, the proposed division of tasks stands in line with the dualist stance in the Netherlands. The core tasks of the Flemish municipal council are seen as being threefold: it has a representative (organizing citizen consultations), policy making (long term policy planning) and controlling (interpellations, audit) function. The council represents a monitoring function on the college of mayor and aldermen, which ushers policy decisions to preparation and implementation and takes responsibility for local government organization.

The main responsibilities of the municipal council and the executive in Flanders can be set out in line with the analysis made of local re-

sponsibilities after the introduction of new legislation in the Netherlands. It is interesting to look at the ongoing discussion about the role and function of the local offices, rather than at the regulations set up by the Federal Local Government Act, which still stands, while the Flemish Government is trying to draft a new regulative framework. We are, however, obliged to limit ourselves to some broad outlines, since the latest text available is the Proposal for Local Government Decree, which was put forward by the previous Flemish Minister of Internal Affairs.

Table 3. Main responsibilities and rights of the municipal council and the executive in Flanders as proposed by the Proposal for Local Government Decree (November 8th 2002)

The Municipal Council	<p>'overall competency', that is:</p> <ul style="list-style-type: none"> • sets a framework for local policy • controls the municipal executive • represents the citizens <p><i>main instruments</i></p> <ol style="list-style-type: none"> 1. elects its own chairman 2. collective motions of distrust 3. right to interrogate the executive 4. report by the municipal auditor
The Municipal Executive	<ul style="list-style-type: none"> • governs the municipality • policy preparation • executes policy as laid down by the municipal council • powers delegated by the municipal council

Despite Dutch-Flemish similarities, options presented by the Flemish Proposal for Local Government Decree differ from the Dutch situation. While strengthening the municipal council is one of the major concerns in Flanders, it seems that there is no support for the installation of a personnel dualism between municipal council and executive. Both mayor and aldermen remain members of the municipal council. Furthermore, the proposed reform changes the Flemish system from functional dualism into functional monism. The municipal council is

seen as the highest office, holding all local powers ('volheid van bevoegdheden'). Within limits, the municipal council has the opportunity to delegate powers to the executive. The executive in turn is responsible for policy preparation, execution of the council's decisions, and the 'day-to-day management' of the municipality. It can delegate responsibilities to the municipal secretary.

2.3. Changes in the role of the local council

Personnel dualism is seen as a step too far for local government in Flanders. The proposal however does include some other measures that aim to strengthen the role of the municipal council and enhance its public profile.

2.3.1. The relationship between the council and the executive

The municipal council can delegate its powers to the college, with the exception of a limited number of powers. It seems that through this measure, the Flemish government is aiming in particular at strengthening the policy-making role of the municipal council, since such tasks as establishing global policy through long term planning, policy briefs and budget allocation are to be the exclusive task of the municipal council. Next to this, a number of instruments is to be introduced in order to enhance the monitoring function of the municipal council vis-à-vis the executive. The municipal council sets out practical regulations as to the right of council members to question the executive ('interpellatierecht'). The 'motion of distrust' is a new instrument under debate, by which a majority within the council will be able to express its loss of trust in the executive as a collective and replace the college of mayor and aldermen as a whole. The municipal auditor is a new administrative role, which should help to sharpen the accountability of the executive office. The municipal auditor is to independently report to the council and as such to deliver the (financial) information needed by the council to control the executive as to whether the decisions taken are legal and regular.

2.3.2. The relationship between council and citizens

Another core-function of the municipal council is its representative role: to represent the citizens and to set up a close relationship between the citizens and their local government. According to the HRBB ('Hoge Raad voor Binnenlands Bestuur' – advisory body to the Flemish Parliament for matters related to local government) it can be stated that quality management and qualitative service delivery to the citizen-clients is a responsibility of the administrative services and the executive –controlled by the municipal council-; while the municipal council is to be the major player in establishing a close relationship with the citizen as a co-producer of local policy (HRBB, 2002: 46). The Proposal for a Local Government Decree, as well as other central and local initiatives, proposes different measures in order to upgrade existing, traditional instruments for citizen involvement (e.g. advisory boards) and to introduce new instruments for interactive government, regulating aspects of the public nature of local policy, stimulating e-government and committing the government to work out basic principles for citizen consultation and involvement at the local level through local reporting centres ('meldpunt'), enabling citizen groups to put problems on the political agenda ('burgerinitiatief'), reserving time in the agenda of the council for citizens' questions, regulating local referenda ('volksraadpleging') and incidental instruments for public involvement, such as public hearings. The municipal council is responsible for the establishment and running of these instruments for citizen involvement. Since it was argued that in the Proposal for Local Government Decree as first set up, municipal council members were not yet seen as central players in these processes of involving citizens (cf. HRBB, 2003: 46), the proposal was adopted so as to make citizen involvement and consultation a core competence of the municipal council.

The installation of intra-local territorially decentralized councils – e.g. the city-districts in Antwerp – is closely linked to the idea of strengthening representative government. However, such initiatives no longer start from the premise of upgrading the existing system, but rather formulate new ideas to alter the traditional system in order to strengthen the representativeness of local government (Steen and Wayenberg, 2003: 273). "As such, the initiatives suggested for reforming local gov-

ernment in Flanders, not only demonstrate the dichotomy of strengthening representative democracy versus strengthening direct democracy; they also demonstrate the dichotomy, as described by Depla, of taking the existing system as a point of departure and trying to upgrade this system as opposed to seeking a new grounding for local democracy within society" (Steen and Wayenberg, 2003: 273). If city-districts manage to achieve the result expected – to achieve some specific local policy results and, as such, more closely connect with the citizens –, it could even be expected that the present context of a weak municipal council vis-à-vis the executive-membership of the executive office at district level would become more inviting than membership of the city council (cf. Van Assche, 2004: 134).

3. A New Way of Doing Politics?

Both for the system as introduced in the Netherlands and the system as proposed to Flemish local government, the basic question is whether the representative, the policy-making and the scrutinising function on the one hand, and the governing and executing function on the other hand can be sufficiently disconnected as to actually change the '*political culture*' of local government (cf. Bekkers and Pöpper, 2002). Successful reform depends as much on cultural change as on structural and procedural measures. Reform requires that mayor, aldermen, council members, members of political parties and administrators take up new roles within the local policy process. In the Netherlands the assumption underlying the introduction of the dualistic structure was that reform would function as a catalyst for a necessary change in political culture (SEDC, 2004: 27). The desire in Flanders is similarly to alter the practice of governing by setting up new structures and introducing new instruments. The following questions arise: how do changes in formal institutions induce changes in political behaviour? Will rewriting the rules of the game produce the intended effects -or any effects at all- in how the game is actually played? What effect we must ask, do the different Flemish and Dutch institutional changes have on the way politics is (or will be) played?

3.1. Engineering cultural change by institutional reform

That institutional reforms modify behaviour is a hypothesis, not an axiom. In his famous study on local reform in Italy, Putnam (1993: 17) points out that two centuries of constitution-writing around the world should warn us that designers of new institutions are often writing on water. Institutional reform does not always alter fundamental patterns of politics. Seen from this perspective, the conclusions of the special commission heading up the assessment of the dualism act (SEDC, 2004: 27), that institutional reform has not brought the desired cultural change in the Dutch municipalities, is less startling. It also questions the extent to which the reforms as proposed in Flanders will have any effect. Several conditions, mentioned in the literature and emerging from the recent Dutch evaluation studies, turn out to be relevant for enhancing a change in culture through institutional reform.

3.1.1. *The context conditions the effectiveness of the institutions*

One lesson to be learned from Putnam's study (1993: 19-82) of Italian regional reforms was that contrasting contexts plainly affect the way the new institutions worked. Where the soil is fertile institutional changes can draw sustenance from existing customs and traditions; but where the soil is poor the new institutions are stunted. A comparable finding emerges in the Dutch experience: in large cities and in municipalities in which the 2002 elections had produced a political earthquake the reforms were implemented more successfully.

In a similar way we can expect differences in the effectiveness of new institutions between the Flemish and the Dutch local context. Following a recent study of local leadership and cultural characteristics (Mouritzen and Svara, 2002: 75), Belgium and the Netherlands exhibit a relatively high score on Hofstede's (2004) measure of power distance, which means that there is a great emphasis on hierarchy along with concern about clearly specifying the roles and authority of officials; but they differ on Hofstede's uncertainty avoidance index. Uncertainty avoidance is defined as 'the extent to which the members of a culture feel threatened by uncertain, unknown, ambiguous and unstructured situations. Societies with high uncertainty avoidance are

characterized by many and precise laws and rules. To the extent that the latter dimension has an effect on the introduction of reforms and on the actions of politicians, we may expect to find differences between the Netherlands and Belgium. For example, adherence to rules will be a matter of greater concern in Belgium than in the Netherlands.

3.1.2. A self-directed organizational learning process

Dualism in the Netherlands is an ambitious program to change local politics, but there was little recognition of the capacity of the individual councillors to mould this change. The law was disseminated from The Hague over the rest of the country; the change in culture had to take place on its own at the local level. This autonomous modification of culture is often too demanding for individual people and organizations. The councillors and the executives had to interpret their new roles and, in the case of diffuse rules, needed to work on finding solutions. This was complicated by the dualism act, in which intended cultural changes and the new intended relations were not sufficiently explained. Consequently, local players knew the old game, but were not aware of how to play the new one. They knew where they were coming from, but they didn't know where they were going.

The introduction of the reform has become a self-searching-learning process, with a lack of a clear focus, new relationships that were not adequately specified, and a need for a shared interpretation of the dual framework. All this has impaired the capacity of councillors to change their behaviour. In recent evaluations the reforms are therefore characterized as a complicated and undeveloped transformation (SEDC, 2004). Many complaints revealed that councillors have not understood what dualism is about (SEDC 2004:23). Reforms were, on the one hand, greeted with great enthusiasm and creativity; on the other hand, they also caused uncertainty, unfamiliarity, irritation and conflict. The widely varying expectations of the different players, and the large discrepancies between the interpretations and the intentions of the act, show that there is a need for a more compelling and decisive codification of the rules of the game, causing the players to worry about the game rather than about the rules.

Efforts were, in fact made, to provide information for the local agents of change. The introduction of the new institutional reform in the

Netherlands, was supported by a website 'Vernieuwingsimpuls'. This site stimulated a fast introduction of dualism by providing local government with extensive practical information on, e.g., setting up pilot projects, models to implement 'dualism', illustrations of good practices. Yet, the introduction of dualism was blurred by adjustments to the regulations during the reform process, the introduction of a wide range of innovations under the heading of 'dualism' –which causes confusion as to precisely what 'dualism' is-, and an overload of information (SEDC, 2004: 14-19).

3.1.3. Old wine in new bottles

At the time of the introduction of the new act, several commentators remarked that much dualism was already achievable in the old context, without the introduction of a new formal framework (Flierman, 2000). That is precisely one of the problems of the introduction of the dualistic structure. It has not been sufficiently recognized that the reforms formalized already existing practices. Only the introduction of 'personnel dualism' was in essence a new phenomenon. Many local players experienced the introduction of the dualism act as an institutional change that in fact changed nothing. Against this background dualism is sometimes perceived as 'old wine in new bottles'. From this perspective, it may be of minor surprise that the implementation of reform in municipalities was often hindered by the lack of an agent of change defining reform goals and taking up responsibility for the reform process (SEDC, 2004: 19).

3.1.4. It takes time

It is too early to tell whether institutional reform in the Dutch and Flemish municipalities will actually reshape the identities of the political actors and will incorporate new norms. Examined week by week, month by month, or year by year, development in any human institution is hard to chart. Putnam (1993: 61) points out that the rhythms of institutional change are slow. Often several generations must pass through a new institution before its distinctive effects on culture and behaviour become clear. Those who build new institutions and those who would evaluate them need patience.

3.2. Different solutions to similar problems

Local government in the Netherlands and Flanders seems to face similar problems, yet different solutions have been adopted or proposed to solve these problems. Given that in Flanders new regulations are not yet formally established, it is interesting to compare existing proposals with the (short) experience Dutch local government had with its new system. What will be the consequences of these different reform options? To what extent will the various institutional changes lead to the expected results? What effects may be expected of the different answers?

3.2.1. *Strengthening the independence of the municipal council from the executive office*

In order to strengthen independence of the council, the double role of the aldermen is eliminated in the Dutch local system. Aldermen are no longer members of the council and they do not chair council committees. A number of arguments are given for not introducing such a form of personnel dualism at the local level in Flanders. First, it is argued that introducing personnel dualism would imply a cultural change which is far too drastic to be realistic. Furthermore, in the Proposal for a Local Government Decree it is stated that, if aldermen no longer have the vote in the council, their interest in being present at council meetings will diminish and this will lead to absenteeism.

In the Netherlands the presence of the alderman during council meetings is no longer obligatory. This results in an ambivalent situation in which in some municipalities aldermen are present during the council meetings, while in some councils they are literally kept outside the door. Reduced contacts with the aldermen have, however, resulted in reduced predictability of the council meetings, and have in some cases increased conflict between council and the board of aldermen. The latest evaluation of the dualist system recommends a situation where members of the board are present during meetings of the municipal council. Since the council debates policy proposals put forward by the executive, the mayor and aldermen should be given the opportunity to defend these proposals (SEDG, 2004: 28).

The executive being full members of the municipal council in Flanders does raise some questions as to the effectiveness of council members in controlling and evaluating the executive (since the executive, as members of the council, can vote for –most probably they will not vote against– their own work). Also, while the municipal council may elect its own chairman, it remains doubtful if, lacking information and specific administrative support, he/she will be able to take up a strong position vis-à-vis the executive. This proposed change for the Flemish context goes further than the Dutch solution: here the mayors still take up chairmanship of the municipal council (without a vote) and they also chair the Board of Mayor and Aldermen. This double position is not new, but in the dualistic context, it appears as an awkward position which requires the personal and political skills of the mayor. A recent evaluation of the dualism act shows that one out of four mayors finds this situation difficult and shows that the loyalty of the mayors is mainly to the executive. This evaluation therefore suggests that the mayor should no longer chair the council (SEDG, 2004: 17; 29).

3.2.2. Strengthening the council through administrative support

Since lack of administrative support and limited access to information help to explain the weak position of the municipal council, it is interesting to note that municipal councils in the Netherlands can rely on a newly appointed council clerk for administrative support. Would it be interesting to establish a similar entry point into the local administration for the Flemish municipal council? Most probably such a position could help cast light on the relationship between the municipal secretary and the legislative and executive offices. As it is proposed now, the Flemish municipal secretary has to take up two potentially conflicting roles: 1) supporting the municipal council in controlling the executive and 2) supporting the executive office when reporting to the municipal council. Within the Dutch system, these two roles are split between the municipal secretary and the council clerk.

Research showed that while the newly appointed council clerks aim at taking up an active role and supporting the municipal council by means of policy advice, in practice –due to both time pressure and limited expectations from council members, aldermen, mayors and

municipal secretaries- their role is restricted to administrative, 'secretarial' tasks (SGB0, 2003). Even more, when council clerks do take a more active role, they need to be supported by the council in order to avoid the risk of collaboration problems or even role conflicts with the municipal secretary or other administrators (van Urk, 2004: 7). Van Urk believes the new function of council clerk is favorable to reform if, while performing 'classical' secretary-functions, the council clerk is able to support the municipal council in its role as policy maker (van Urk, 2004: 7). However, in an official evaluation of dualism in the Netherlands it has been stated that the council clerk can act as process advisor, but should not act as policy advisor, since advising on the content of policies is a political role (SEDC, 2004: 24; 31). Council clerks who have been too enthusiastic in performing this role have in some cases even contributed to an increased polarization between the council and the executive.

3.2.3. *Strengthening the position and role of individual council members*

Both in the Netherlands and in Flanders it is to be hoped that a changed role for the municipal council can motivate people to stand for the position of local politician and can contribute to an enhanced representative role of the council. A major concern relates to the position of individual members in the Flemish municipal council (HRBB, 2002: 18-19). One of the problems here is that the Government is still to re-define the social and political *statute* of local politicians and, in doing this, will have to take into account federal legislation (e.g. social security legislation). It is believed that only by upgrading the statute of local politicians and by directing attention towards the training and development of (newly appointed) politicians, can one upgrade the motivation and professionalism of the political personnel. It is also seen as important to raise interest in political functions, since the low level of 'representativeness' of political parties - e.g. being dominated by males, specific professional groups - is mirrored by a low level of representativeness within the composition of the municipal councils (De Rynck, 2000: 75).

It is clear that political parties have an important part to play in the local political system. Parties select candidates for political offices and play a major role in setting the political agenda and maintaining rela-

tions with other municipalities or governmental levels. As such it is feared that, rather than strengthening the position of the municipal council (members), the proposal to set up administrative support for all political fractions represented in the municipal council, will further strengthen the dependence of council members on their political party (HRBB, 2002: 19). In the Netherlands the right of the municipal council to have support from the municipal organization is linked to the council as a whole, rather than to political fractions.

Both in the Netherlands and in Flanders the councillor's role is a part-time function. This part-time involvement is considered as an asset. It means that councillors can keep touch with society and can stay open and responsive to individual citizens and community organisations. In the Netherlands, one of the concerns before the introduction of the institutional reforms was the weakening of the democratic legitimacy of the council. The introduction of the reforms intended that the new role (in favour of steering on headlines and a more general scrutinising role) in combination with the administrative support would allow councillors to invest more time and energy in their relations with society. This should contribute to more responsive municipalities and a revival of local politics, which in turn, would stimulate the public interest in local politics and increased forms of active citizen involvement in local politics (Denters and Klok, 2002). Thus far the new situation in the Dutch municipalities risks producing the opposite effect: since the introduction of dualism, councillors appear even more focused upon internal structures and procedures than they were before. The councillors believe that dualism has led to more work and more hours being taken up by unnecessary procedures. Consequently, councillors do not spend their time any differently from before the introduction of the dualism act; there is no more contact with citizens, and councillors are found at city hall more frequently rather than less.

4. Conclusion

In this article we have discussed the changing role of municipal councils in both Dutch and Flemish local government. The problems local government faces are defined in a similar manner. Despite the similarity of the problem, solutions differ between the Netherlands and

Flanders. We compared both models and discussed the (proposed) reforms. In both models the aim is to change the political culture (the way the game of politics is played) by a change of rules. We conclude that new structures may help to enforce reform, but still much will depend on the strength of individual politicians, both within the municipal council and the executive, and their willingness to engage themselves in a new way of governing.

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Chapter 18. The Centrifuge of Territorial Politics. New Regional Authorities in Sweden: Party politics, Territory, Institutions and Identity

Henry Bäck

Introduction

The topic of this article are the inter-relationships between political entities at different territorial levels. Are there inherent centrifugal or fragmenting forces at work, when a political entity is divided into other political entities at a lower territorial level (i.e. their territories are part of the territory of the first political entity)? This research question will be empirically illustrated with data from the Swedish West Götaland Region, which is a political entity within a territory comprising 49 municipalities. The regional authority and the municipalities are formally and legally independent of each other. This particular local authority system is the result of a recent institutional reform. The West Götaland Region was formed through the merger of three counties (actually four taking into consideration the abolition of the status of the city of Göteborg as a county-free city in 1999).

Before addressing the question of this specific territory we will examine the subject from certain more theoretical starting points. All States, with the exception of some mini-states, have a subdivision of the State territory into one, or more often several levels, that are arranged so that the entities on a lower level are disjointed and together cover the territory of the immediate higher level (Norton, 1994; Lidström, 1996). Another subdivision of government is sectorial or “functional” – arranged according to some kind of policy sectors. Both subdivisions usually co-exist in a particular mix that varies between different political systems. For instance, it is common to distinguish between regional and local specialist authorities on the one hand and generalized authorities (“prefectoral system”) on the other hand. The distinction between a field administration structure is dominated by specialized sectoral organizations or multifunctional generalist organizations could be assumed to have consequences for the performance of the system in various respects. Røiseland, when discussing the public health sector, distinguishes between a sector model and a municipal model for organising the sector. The particular model chosen implies different means for top-down steering (legal regulation and specifically earmarked grants vs. allotting value and knowledge structures), different forms of and different frequencies of occurrence of local cross-sectoral co-operation. The sectoral model implies more salient lines of accountability while the municipal model increases local flexibility (Røiseland, 1997).

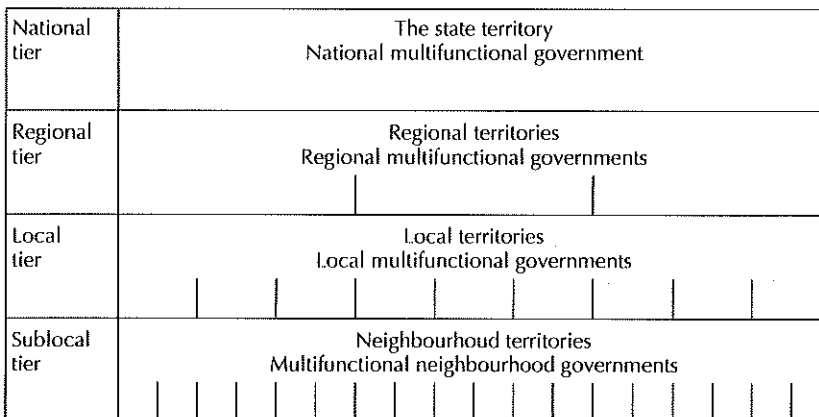
This distinction will not be discussed any further in this article. All territorial entities will instead be assumed to be more or less multifunctional. In more exceptional cases it occurs that the principle whereby the lower tier covers the territory of the higher tier and each tier consists of disjointed entities is not followed. There are exceptional examples of ex-territorial multifunctional political entities. These are usually authorities set up to provide services or regulate ethnic groups, such as the authorities for the Sami minorities in the Nordic countries (see Eriksson, 1997; Myntti, 1998). In the Swedish-speaking minority in Finland there are examples of institutional arrangements (a joint committee) for the coordination of municipal services and also for the coordination of Lutheran church parishes (a diocese) that do not cover a coherent territory (Bäck & al., 2004). The exhaustive but not disjointed linguistic communities that, together with the territorial re-

gions, make up Federal Belgium also can be mentioned. The existence of such ex-territorial entities will also be disregarded in the following discussion.

The assumption therefore is that the State is constructed in such a way that it commands a territory. This State territory is controlled by the *national government*. The State territory is divided into a number of subnational territories. These subnational territories are not overlapping and cover the State territory. Each subnational territory that we call *region* is controlled by an authority, that we will call a *regional government*. Each region is subdivided into subregional territories (*municipalities*) following the same principles of separation and exhaustiveness. Each municipality is controlled by a *local government*. It is also conceivable that municipalities are subdivided into sublocal territories (*neighbourhoods*) controlled by *neighbourhood governments*. All governments are multi-functional, i.e. they are not single-purpose policy-sector authorities.

The relations between governments in this structure are called *inter-governmental relations*. These can be subdivided further *vertically* (between governments in different tiers) and *laterally* (between governments in the same tier). This article focuses primarily on vertical intergovernmental relations. These usually are, in contrast to lateral relations, *power asymmetric* (there are hierarchical relations coinciding with the territorial tier relations) (see Karlsson et al., 1997).

Diagram 1. The territorial government structure



1. The “will” and the “can” of self-government

A frequently discussed asymmetric vertical intergovernmental relation is “*local self-government*” which concerns the relation between national government ²³³ on the one hand and regional and local governments on the other hand. Local self-government can be regarded as the degree of discretion of local governments not restricted by national government. I will exemplify local discretion with the local government budget decision. The budget decision is a choice of one of an infinite number of possible budgets. Each budget is a particular combination of how much one attempts to produce (or achieve) in a number of policy fields. If local governments are free to tax their citizens’ incomes (as they in principle are in Sweden), every budget also contains a particular blend of private consumption and local government measures.

The theoretically infinite number of budget possibilities is limited by a system of restrictions. These restrictions limit local discretion. If restrictions are decided directly by a government in a higher territorial tier, then this restriction is a restriction of local self-government. Restrictions decided by lateral relations or relations with actors outside government limit *local autonomy* but not local self-government. Autonomy thus is a wider concept, including vertical as well as lateral relations and relations with non-governmental actors. Self-government is a question of vertical intergovernmental relations. It is also important to bear in mind that a higher government might indirectly affect the discretion of a lower government. The local government must interact with a number of non-governmental actors, for instance when the local government purchases on the markets various factors for the production of local government services. Such non-governmental actors may be banks, goods producing firms, labour unions etc. The rules and conditions governing the behaviour of these actors may be decided by the higher government, for instance through legal regulations

²³³ In Federal States, regional and local government usually are considered the child of federated states. In federations “local self-government” therefore is a matter of the relation between State (rather than Federal) government and regional and local governments. For convenience a non-federal, unitary system is assumed in this article.

or economic policy. Even if the restrictions on local government discretion implicit in the actions of these non-governmental interaction partners therefore have in part national government sources, I do not consider them as impediments to local self-government, but to local autonomy.

If local government were a rational actor there would be a local government *preference function*. The budget decision then would imply the choice of that particular budget (out of the theoretically possible budgets remaining after the effects of the system of restrictions), achieving the highest level on the preference function. There are economists that describe local government budget decisions in these terms (Jons-son, 1972; Andersson, 1979; Ysander and Nordström, 1985). One important characteristic of a rational actor, however, is missing. The local government is not a unitary actor. Instead, the preferences of the local authority are decided by the outcome of the political game. This outcome is decided by who the players are, their preferences, their power resources and their positions. Not only parties and politicians take part but also appointed officers and collective actors such as professions, administrative departments and subdivisions, private companies, associations and groups of citizens participate in this game.

There are various restrictions. Available *fiscal resources*, of course, are one type of restriction. If there is a free right to levy taxes on the population's income, the aggregate income of citizens is a restriction. This, however, is limited by the share of this income appropriated by national government and national tax legislation rules (examples may be tax deduction rules that affect the size of the local tax base). If local authorities cannot dispose freely of the incomes of their inhabitants, but are financed in some other way, other factors decide the available resources.

The costs for achieving various objectives must also be considered. Among other things these costs depend on the magnitude of the needs and the prices of the means that the local government must acquire in order to achieve these objectives. The magnitude of needs depends among other things on demographic conditions. Given that the provision of education to children is experienced as a need that has to be met, then the size of that need depends on the number of children in the population. Price levels – in practice usually wage levels – are, in

market economies, most often only under the indirect control of national government. On the other hand there are often special purpose national grants that have an effect on the price relations between various factors of production in local service production. This type of grants thus affects discretion, both by increasing available resources and changing price relations (see Hagen, 1996). In addition, these “economic” effects special purpose grants may also have more or less detailed rules attached to their use.

Local authorities are obliged by national government to perform particular *tasks*. In addition to those compulsory tasks it is common for local authorities to carry out further tasks. This is the implication of general competence clauses that are part of local government laws or constitutions in many countries, including the Nordic countries. The opposite principle restricting local government competence to a number of enumerated tasks is the traditional British *ultra vires* principle. General competence clauses widen discretion while compulsory tasks and the *ultra vires* principle restrict discretion. That is because compulsory tasks imply that all budgets not relating to those tasks become ineligible. This reduction of local discretion may be offset if national government provides special grants for the performance of the mandatory tasks, thereby increasing the available resources and widening the scope of action. The national government can also make its instructions on how to accomplish a particular obligatory task more or less detailed.

The budget example points at a number of questions that are important to answer if we want to describe and analyse local self-government:

- *Actors and preferences*: Who decides which actors shall be allowed to take part in decision-making at the level of the local authority, and who decides what power resources shall be available to these actors?
- *Resources*: Who decides what material resources shall be available to the local authority, and who decides what can be done with those resources?
- *Tasks*: Who decides what the local government must and may do? Who decides how the local government shall accomplish its tasks?

There are many definitions of local self-government in literature that can be linked to these three questions. Larsen and Offerdal (1994) suggest *representativeness* and *saksfelt* (approximately policy range or width of task portfolio) as criteria. "Representativeness" is implied to mean the extent to which the local political unit represents the population of the local territory. The opposite would be by national government appointed magistrates and bailiffs. This representativeness concept thus will be parallel to the population affecting the preferences of the decision-making body through democratic election. The concept of *saksfelt* has to do with the degree of multifunctionality of the local political unit. The performance of more functions almost by definition implies wider discretion than the performance of fewer functions. It also should be noted that the more tasks a local government performs, the more re-prioritising options will be open.

In accordance with the Council of Europe Convention on Local Self-Government Nilsson and Westerståhl (1997) discuss the *decision-making organization* of the local political unit (with the requirement that members are elected in free elections; thus a direct parallel to Larsen's and Offerdal's "representativeness" criterion), the *tasks* and the *economic resources*. The task component will be closely related to the concept of "saksfelt" while the requirement of access to economic resources is a third component relating to the second analytical question above.

Page and Goldsmith (1987), in their book on central-local relations, discuss the dimensions *functions*, *access* and *discretion*. The concept of access is related to what we have called here representativeness, but is at the same time wider in scope, as it concerns the extent to which both parties have access to means of influencing each other. The "functions" dimension corresponds mainly to the concept of *saksfelt*, while "discretion" concerns the degree of freedom of action granted by the superior party, thus corresponding to the question: "Who decides how local government shall accomplish its tasks?"

Hagen and Sørensen (1997), when discussing dimensions of decentralization, refer to task allocation, central government regulation of organising, and local freedom to decide about revenues and finally local government size. Their argument is that a local government system with small and, consequently, many local authorities is more de-

centralized than a system with big, and thus few authorities. Objections could be raised with regard to the last aspect. Page & Goldsmith (1987) for instance consider that a national government with numerous small local governments tends to resort to detailed administrative regulation while a smaller number of larger local authorities may be granted wider discretion. As Hagen and Sørensen have a slightly different focus in their analysis than what we have in this paper, I will not discuss further the size/numbers dimension. Their focus is on assessing the system's degree of decentralization rather than the degree of self-government of a particular political unit.

If we examine two different political entities A and B (e.g. a local government and a regional government) we can, as in table 1, summarize under what conditions, in terms of the criteria discussed in literature, A could be regarded as self-governing in relation to B.

Table 1. Criteria for a self-governing political entity

	A is self-governing in relation to B	A is not self-governing in relation to B
Preferences	A's decision-makers are elected by the population in A's territory	A's decision-makers are appointed by B
Task allocation	A is responsible for many tasks	A is responsible for one or a few tasks
Discretion in the performance of tasks	A has wide freedom to decide how tasks are to be performed	B restricts by the use of rules or goal formulations A's freedom to choose how to perform the tasks
Economic resources	A has good access to resources and/or can itself levy taxes on its population	A has poor access to resources and/or is dependent on grants from B for funding

Comment: The conditions are valid *ceteris paribus*. As an example the degree of self-government will increase if economic resources increase while the allocation of tasks remains unchanged.

2. The fragmentising forces

There are two important reasons for allocating a particular task to an authority at a higher tier. One is the occurrence of *economies-of-scale* and the other is the need to internalize *externalities* (see Hagen and

Sørensen, 1997). It is conceivable that arguments of economies-of-scale were behind the allocation of the provision of hospital care to the county level in the Scandinavian countries²³⁴ and a number of other systems. Likewise, it seems reasonable to assume that decisions in the Swedish trial system with decentralization of central government tasks to regional self-governing bodies that allocate growth and development policies to regional level authorities reflect an effort to internalize externalities. If growth and development policy initiatives become successful, they can be assumed to have beneficial effects for the whole region and not only the municipality deciding and implementing these initiatives. It is conceivable that decision-makers have reached their decisions on those lines.

Now we will turn to an examination of the incentives of lower level authorities (in this case municipalities). In the economies-of-scale case (hospital care) it is in the municipal interest for local people to have access to hospital care should they need it. If a municipal secessionist initiative should be successful, that is, the municipal territory would secede from the regional authority's territory, it would be fiscally beneficial to the local population that would no longer have to contribute to the funding of the hospital. The other side of the coin, however, is that they would be denied access to the hospital if in need of hospital care. The attractiveness of separatism thereby diminishes for the municipality which would have to arrange its own hospital service. Assuming that there are economies-of-scale, it would be more expensive for the municipality to arrange its own service and the net effect would be negative for local taxpayers. Thus, there is no incentive for either secessionism or a revision of task allocation. There is, however, another implication of the economies-of-scale argument, namely that there cannot be a hospital in every local territory. Accordingly, the availability of hospital care will vary over the regional territory and it is in a municipality's interest to achieve as high a level as possible of

²³⁴ Hospitals have long been a county remit in all the Scandinavian countries. Norway, however, has recently reallocated hospital care to central government. Finland (that strictly speaking is not a Scandinavian, but a Nordic country), because it lacks autonomous county authorities, formally allocates hospital services to the local municipal level. The actual service is, however, provided by regional level statutory associations of municipalities.

availability for its own local population. If thus there are no incentives to secede or change task allocation, there are incentives to attempt to influence decision-making in the regional authority, for instance decisions about the location of hospitals.

In the case of externalities (growth policies) another situation is at hand. In this case the decision-maker behind the task allocation is eager to avoid free riders. The short-run rational rider, however, prefers to be a free rider. Here we have direct secessionist incentives or incentives for attempting to change the task allocation. There are incentives for the municipality to attempt to free the regional authority from the responsibility for growth policies and instead transfer the remit for these policies to the local municipality. It would then be possible to avoid taking any action, hoping that some other (lateral) neighbouring municipality will assume the responsibility, leaving the first municipality to be a free rider exploiting the efforts of its neighbour.

To summarize this discussion, there are thus incentives for the lower tier authorities to change the self-government relations between authorities at different tiers – increasing their own degree of self-government and reducing the degree of self-government of upper-tier authorities:

- The influence of the lower tier on decision-making at the upper tier can be increased.
- The responsibility for the performance of particular tasks can be re-allocated from the upper to the lower tier.

These acts can be linked to the “*saksfelt*” (degree of multifunctionality) and “representativeness” dimensions of self-government. It should also be noted that these incentives to alter the institutional arrangement are specific to vertical relations. Lateral relations preclude hierarchical authority relations between the parties. Lateral relations instead are characterized by cooperation, competition, conflict and exchange²³⁵.

²³⁵ That there are no hierarchical relations in exchange networks does not exclude the possibility of the exercise of power and power differentials between actors. Willer (2003) demonstrates both theoretically and experimentally how structural characteristics of exchange networks produce power differentials.

3. West Götaland Region

The Swedish Kingdom is traditionally subdivided into provinces (*landskap*), dating back to medieval ages. These provinces are, in parts of the country, important objects of identification, but they have no administrative functions. In the 17th century the realm was subdivided into counties (*län*) each governed by a county governor (*landshövding*) commissioned by the King. The division into counties is not identical with the division into provinces, but there are important overlaps between the two subdivisions. The case studied in this paper, the West Götaland County was formed in 1998 by merging three older counties (*Göteborgs och Bohus län*, *Älvsborgs län* and *Skaraborgs län*). This territory corresponds to the territories of three historical provinces. The province Bohuslän conquered from the Danish-Norwegian Kingdom in the mid 17th century together with the city of Göteborg and its immediate surroundings formed *Göteborgs och Bohus län*. Göteborg and its surroundings together with *Skaraborgs län* and the southern part of *Älvsborgs län* constitute the historical province Västergötland. The historical province of Dalsland was the northern part of *Älvsborgs län*.

When Sweden enacted its first local government act in 1862, the organization was supplemented with the division into county councils responsible primarily for health care. In the beginning a number of larger cities were “county-free” i. e. the tasks as principals for health care and during the bicameral system as electoral corporations to the upper chamber of Parliament were performed by the cities themselves. Following the municipal merger reforms in the 1970s only three county-free municipalities remained: Gotland, Göteborg and Malmö.

Primarily there were two discussions that resulted in the reforms in the 1990s of the regional subdivisions and the regional institutions. One discussion, in Sweden known as the question of “county democracy”, was about the allocation of the responsibility for regional planning and development in the dualistic regional institutional structure – central government outposts in the form of county administrative boards or local self-government in the form of county councils ²³⁶. As a conse-

²³⁶ On this discussion see Krantz (2002).

quence of reforms in the 1970s the matter was resolved by means of a compromise: county administrative boards were entrusted with the responsibility for regional planning, but became at the same time equipped with layman boards, from 1977 elected by the county councils. Before the 1990s reforms the pendulum had swung in the decentralist direction. The government bill on regional organization states (Prop 1996/97: 36):

In the opinion of the government further steps should be taken to give citizens increased possibilities to exert influence over public activities on the regional level. In the first place this should be realized by regional self-government bodies being given increased responsibilities for regional development ... [My translation]

The other discussion was about the need for coordination of infrastructure and service provision in the integrated big city regions – that is, consolidated metropolitan government. In big cities differentiating and integrating forces co-exist. Differentiation leads to functional specialization and social segregation while specialization demands integrated networks of transport and technical provision and segregation raises demands for fiscal equalization²³⁷. Administrative fragmentation was in the 1990s experienced as especially annoying in the Göteborg region divided into a number of municipalities and (including the country-free city of Göteborg) four different county councils.

The two discussions – county democracy and consolidated metropolitan government – converged in the institutional reforms of the 1990s. As a first step the county division was changed so that the counties of Malmöhus and Kristianstad in 1997 were merged into the new Scania County and the county of Göteborg and Bohus merged with the counties of Älvsborg and Skaraborg in 1998 to form the new West Götaland County. As a next step local government organization was adapted to the new entities by the establishment of new county councils in Scania and West Götaland in 1998-9. The second step coincided with a field trial where some tasks of the county administrative boards were devolved to regional self-government bodies in Scania, West Götaland,

²³⁷ This discussion is further developed in Bäck (2004b).

Gotland and the county of Kalmar. In Scania and West Götaland the recently established county councils took the role of regional self-government bodies. In order to eliminate fears that the shift in county-democratic direction implied the disintegration of the State, the government felt obliged to underline that Sweden a unitary state:

The task allocation should ... have as a precondition that Sweden remains a unitary state and that a federalist development should not be sought. (Prop 1996/97:36) [My translation]

Diagram 2. Regional division of Sweden

NUTS-indelningen i Sverige 2004-01-01

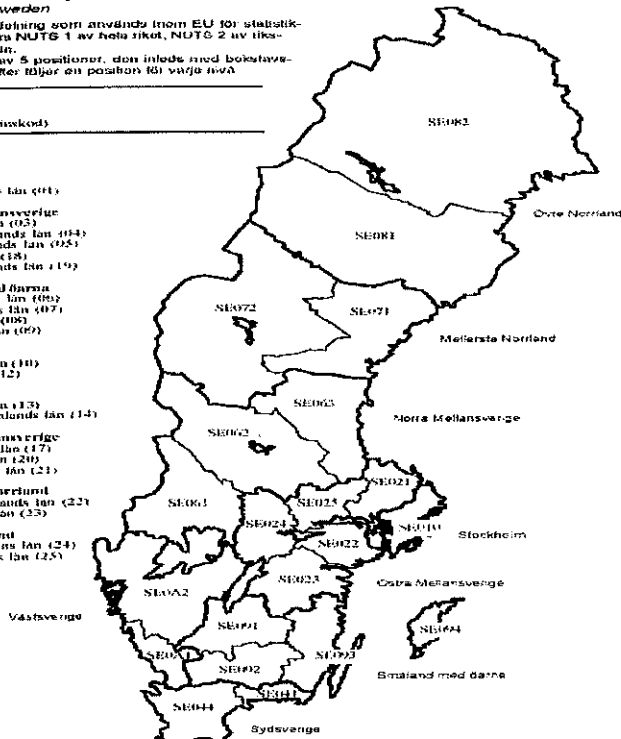
NUTS classification in Sweden

NUTS är den regionala indelning som används inom EU för statistikredovisning. I Sverige utgörs NUTS 1 av hela riket, NUTS 2 av länsområden och NUTS 3 av län.
Redan för NUTS 3 bestod av 5 positioner, den infördes med bokstavs-förkortning för landet. Däröver följer en position för varje län.

Kod	NUTS 1	NUTS 2	NUTS 3 (länskod)
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SE0	Sverige		
SE01	Stockholm		
SE016	Stockholms län (01)		
SE02	Östra Mellansverige		
SE021	Uppsala län (02)		
SE022	Södermanlands län (04)		
SE023	Östergötlands län (05)		
SE024	Örebro län (13)		
SE025	Västmanlands län (19)		
SE09	Småland med åarna		
SE091	Jönköpings län (09)		
SE092	Kronobergs län (07)		
SE093	Kalmar län (08)		
SE094	Gotlands län (09)		
SE04	Sydsvenskt		
SE041	Blekinge län (10)		
SE044	Skåne län (12)		
SE0A	Västsvenskt		
SE0A1	Hälsjunde län (13)		
SE0A2	Västra Götalands län (14)		
SE06	Norra Mellansverige		
SE061	Värmlands län (17)		
SE062	Dalarnas län (20)		
SE063	Gästriklands län (21)		
SE07	Mellersta Norrland		
SE071	Västernorrlands län (22)		
SE072	Jämtlands län (23)		
SE08	Östra Norrland		
SE081	Västernorrlands län (24)		
SE082	Norrbottens län (25)		

NUTS-områdenas
omfattning
—— NUTS 2
—— NUTS 3



In Gotland the single municipality was appointed regional self-government body and in Kalmar a statutory association was formed with the county council and the municipalities as members. After evalua-

tion of the experiment by a government commission (SOU 2000:85) government surprisingly proposed to Parliament a permanent system following, not the Scania and West Götaland model, but the Kalmar model, forming associations of county councils and municipalities (Prop 2001/02: 07). Following indignant protests from Scania and West Götaland, who would lose their status as executors of devolved central government tasks in regional development policies, those two regions were exempted from the new legislation and allowed to continue the trial for a second period.

In spring 1997 a non-statutory association with the city of Göteborg, the three county councils and the regional local government associations, was set up and called the West Board. The board's remit, on the initiative of the political parties in the region, was to prepare the new organization. It has thus been concluded that the West Götaland region was to a large extent a creature of the political parties (Johansson, 2003). In December the same year decision-making power was taken over by a merger delegation and the executive committee of the West Board transformed into the executive committee of the delegation. In September 1998 the new county council was elected and from January 1st 1999 the new county council (the regional council) took over all responsibilities from the old county councils and, within the regional trial, a number of tasks from central government.

The new political organization was constructed in two main components. For service provision in health care a purchaser-provider organization was established, while other operations, more development oriented, were given a seemingly traditional committee organization. To the committees, however, representatives elected by the associations of municipalities were added, the committees changing names to working groups (*beredningar*). This arrangement was an innovation in Swedish local government organization that was intended to strengthen the links between the two tiers, the municipalities and the regional council.

Following the elections in September 1998 a complicated Parliamentary situation resulted. The Social Democrats and their allies, the Left Party and the Greens, won 74 of the 149 seats in the regional assembly, while the right-wing parties together occupied 69 seats. The

regional party “The Health Care Party Will of the People” with its six seats had a pivotal position. Since neither the left-wing nor the right-wing bloc was prepared to form an alliance with the Health Care Party the left-wing bloc formed a minority coalition. Its life, however, was short. When the assembly in early December was to decide on the budget for 1999 the right-wing parties had reached an agreement with the Health Care Party, the non-socialist proposals were adopted and the left coalition’s budget proposal was rejected. Therefore, prior to assuming formally operational responsibilities from the old counties, the new ruling coalition was forced to resign.

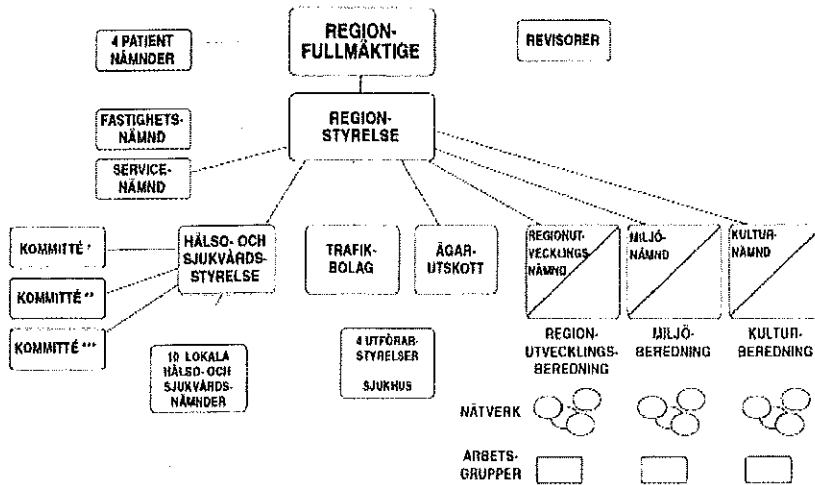
At the assembly meeting in February 1999 a new non-socialist ruling coalition under the leadership of the conservative Moderate party took office. By means of an agreement between all the parties in the assembly about resignations and by-elections it was possible to find a formula for a shift of government in a local government system that lacks rules and procedures for cabinet crises ²³⁸. As early as autumn 1999 the right-wing majority began to break down. The Christian Democrats threatened to defect from the coalition if they were not discharged from their responsibility for health care. The potential cabinet crisis was averted after mediation by the national party secretaries flown in from the capital ²³⁹. Less than a year later the coalition finally broke down. The liberal People’s party and the Centre party reached an agreement with the leading opposition party, the Social Democrats, about increased tax rates in order to inject more resources into the crisis-ridden health care sector. In early autumn a new ruling minority coalition of these three parties took office ²⁴⁰.

²³⁸ Swedish local authorities are not formally parliamentary systems. The Executive Committee consists of members of all assembly parties. There is in most authorities, however, another informal executive consisting of all committee leaders. These represent the majority party or coalition. I have labelled this system quasi-parliamentarism (Bäck and Johansson, 2000; Bäck et al., 2000). The absence of formal institutions for the formation and dissolution of governments opens opportunities for ruthless power games (Pedersen 1999).

²³⁹ The first crisis of the non-socialist coalition has been described by Johansson (2002).

²⁴⁰ The governmental crises in the region and how they were solved have been analysed by Norén Bretzer (2003).

Diagram 3. The original political organization of West Götaland region



Comments: Regionfullmäktige = the Regional Assembly; Regionstyrelse = Executive Committee; Hälso- och sjukvårdsstyrelsen (Health care committee) and the 10 local health care committees in the lower left side of the diagram constituted the purchaser organization, while four hospital provider boards (Utförarstyrelser) were responsible for health care production. The three combined committees and working groups to the right are the committees for Regional development (regional utveckling), Environment (miljö) and Culture (kultur). Source: www.vregion.se

In the local elections in September 2002 the coalition parties increased their share of seats in the regional assembly and the coalition obtained a majority of its own. As the increase in votes for the coalition parties exceeded their achievements in the parliamentary election in the constituencies in the region, the interpretation of the coalition was that its mandate had been strengthened by the electorate. The initial period of the new region had, compared to local politics generally in Sweden, been especially turbulent. After four years of existence the situation was clearly more stable in this respect. It is obvious both from answers in surveys among citizens and politicians that, before the turning point in 2000, confidence was low in the newly constructed regional political system. In these respects there has been a clear improvement since 2000 (Bäck, 2004a).

4. Indirect elections and fewer tasks?

In spring 2000 I conducted a postal survey with some 2.500 local politicians in the West Götaland region. The sample consisted of all di-

rectly and indirectly ²⁴¹ elected politicians in the regional organization together with all council members of the 49 municipalities. 70% of the respondents returned completed questionnaires ²⁴².

One of the survey questions is about how the regional assembly should be elected. Would the respondents prefer the regional assembly to be elected by the 49 local councils instead of by the electorate of the region? Table 2 shows the replies to this question. These are broken down according to four different dimensions:

- *Territorial level*: The respondents are subdivided into three categories: those with only elected (directly or indirectly) office at the regional level; those with only elected office at the municipal level; those holding office at both levels.
- *Sub-regional belonging*: the respondents are subdivided into five different sub-regions. For the extension of the sub-regions, I refer to the appendix.
- *Party affiliation*: the parties are grouped into three categories: Left (Social Democrats, Left party, the Greens), Moderates ²⁴³; Other parties (Centre party, People's party, Christian Democrats, the Health Care party).
- *Sector affiliation*: the office holders at the regional level are divided into three overlapping categories: Regional Assembly and Executive Committee; Health Care; other committees.

There is in Table 2 evidence of a clear overweight for the established system with direct popular elections, but there are at the same time important variations in the response pattern. Differences are especially large between groups when the respondents are broken down accord-

²⁴¹ In Swedish local government also non-council members can be elected to committees. These are elected by the council.

²⁴² The survey was repeated two years later with all region politicians and council members in eight municipalities. In this article only data from the year 2000 survey are reported. In Bäck (2004a) data from both surveys are used.

²⁴³ The reason for separating the conservative Moderate party from the other non-socialist parties is their scepticism, not to say outright resistance to the region reform.

ing to territorial level. Politicians who only hold positions at the local municipal level are considerably more critical towards the established system than those who hold office at the regional level (the difference is between 18 and 22 points on the scale used²⁴⁴). There are also quite substantial differences between sub-regions. The difference between politicians from the city of Göteborg and those from Skaraborg is 17 units on the 200 point scale. Residents of Göteborg are most in favour of a directly elected regional assembly. Party differences are moderate, while there are differences between politicians affiliated to different sectors in the regional organization. Politicians in the crisis-stricken health care sector are considerably less enthusiastic about a directly elected assembly than those in the “development sector” (others in the table). The difference between the two categories is no less than 27 points.

Table 2. Preference for direct election rather than indirect election by local councils (balance of opinion)

	Territorial level			
	Only local	Only regional	Both	Total
<i>Subregion</i>				
• Göteborg region	54	64	75	59
• Fyrbodal	51	59	82	56
• Sjuhärad	53	83	84	61
• Skaraborg	51	82	66	54
• Göteborg city	68	74	67	71

²⁴⁴ It follows from the construction of the scale that it varies from -100, where all are in favour of indirect elections, to 100, where all favour direct elections.

	Territorial level			
	Only local	Only regional	Both	Total
<i>Party affiliation</i>				
• Left wing	47	78	75	54
• Other parties	58	69	81	62
• Conservatives	60	50	70	61
<i>Sector affiliation</i>				
• Council/executive		90	85	88
• Health		62	66	64
• Others		85	94	91
<i>Total</i>	53	71	75	58

Comment: The opinion balance indicator is calculated as the percentage preferring direct elections to the regional assembly minus the percentage preferring appointment by the local councils.

In the responses to the proposition “There are tasks presently being managed by the region, but that advantageously could be managed by the municipalities” those who would prefer a changed allocation of tasks are predominant. The pattern emerging in table 3 resembles that observed in the question concerning the electoral regime. Purely local politicians are more enthusiastic than regional politicians (difference 6-9 scale points). Non-metropolitan politicians are more enthusiastic than politicians from Göteborg (4-14 points). Health politicians are more interested in revisions than development sector politicians (10 points). Unlike table 2 party-political differences are also visible here. The conservatives, given their reservations regarding regional reform, would not object to a reallocation of tasks (21-26 scale points difference).

Table 3. Reallocation of tasks from the regions to the municipalities (balance of opinion)

	Territorial level			
	Only local	Only regional	Both	Total
<i>Sub-region</i>				
• Göteborg region	48	51	61	51
• Fyrbodal	49	49	35	47
• Sjuhärad	60	45	49	57
• Skaraborg	56	22	35	52
• Göteborg city	42	40	56	43
<i>Party affiliation</i>				
• Left wing	47	40	33	44
• Other parties	52	34	48	49
• Conservatives	69	79	69	70
<i>Sector affiliation</i>				
• Council/executive		42	46	45
• Health		44	51	48
• Others		19	52	38
<i>Total</i>	52	43	46	50

Comment: The opinion balance indicator is calculated as the percentage agreeing with the proposition that there are tasks that could be managed more advantageously by the municipalities minus the percentage disagreeing with the proposition.

5. The threats against the self-governing status of regional authorities

All the characteristics and dispositions that have been discussed are inter-connected. The structural characteristics – the structure of political offices held, the type of regional authority offices held, sub-

regional and party-political affiliation – are in different ways inter-related with the attitudinal variables that have been measured in the questionnaire, but not reported in this article. In this section, I will try to combine all those elements – structural characteristics, mental dispositions and standpoints with regard to concrete proposals that would affect the independence of the regional authority relative to the municipalities – in one comprehensive analysis.

The analytical technique used is *path-analysis* (Asher, 1976) which aims to reconstruct causal chains. The starting point is that there are four important elements in our conception of causality – the idea that there is a causal relation between two characteristics or events, between cause and effect (Bennett, 1999). First, cause and effect should coincide – they should tend to appear together. Secondly, this co-variation should remain when controlling for other circumstances. It should not be possible to explain both cause and effect with some common underlying causal factor. Thirdly, there should be a relation in time – the cause should occur before the effect. Fourthly, and finally, we should have some ideas about the mechanisms intervening between cause and effect.

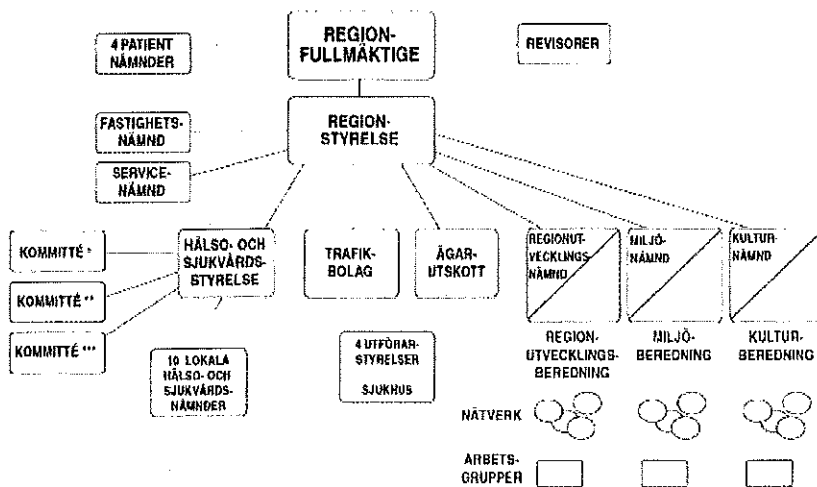
Path analysis starts with the time sequence criterion. On *à priori* grounds we must decide the relation in time between the variables included in the analysis. What emerges is technically called a *weak causal order* indicating the sequence in time between the variables that we consider reasonable were there a causal relation between them.

Thereafter a series of regression analyses is performed, starting with an equation where the final variable in the weak causal order is the dependent variable and all the prior variables are independent variables. In the next step the second-last variable in the weak causal order will be the dependent variable, etc. From each of the regression analyses we retain as causal links those relations that satisfy in advance specific determined criteria, in terms for instance of strength and/or statistical significance. The series of regression analyses is intended to investigate the first two causality criteria – co-variation that remains after control for third variables. The fourth criterion – the conception of mediating causal mechanisms – can be approached by dividing into

several steps the causal relation between an initial cause in the model and the final dependent variable.

With regard to the weak causal order I have assumed that structural variables appear first in the causal chain. Psychological dispositions ²⁴⁵ are in an intermediate position, the feeling of belonging to the West Götaland region, the opinion that the common interest ought to take precedence over the interests of one's own sub-region in case of a conflict situation, and finally the opinion that the formation of the West Götaland region is to the advantage of some and the disadvantage of other sub-regions. At the end of the causal chain are the more action oriented proposals to introduce indirect elections to the regional assembly and to re-allocate tasks from the regional authority to the municipalities. As the criterion for retaining a link between two variables in the model, I decided that the standardized regression coefficient must be greater than .10, irrespective of sign, and at the same time statistically significant

Diagram 4. Causal models of indirect elections and re-allocation of tasks



²⁴⁵ The distributions over these attitudinal variables are not reported here. It should, however, be mentioned that one of the more conspicuous results is the low degree of affinity with the West Götaland region. No more than 8% of the respondents feel a primary sense of belonging to the region when confronted with a number of territorial identification objects.

Comment: The graph builds on two series of regression analyses with “re-allocate tasks from the region to the municipalities” and “indirect election of the regional assembly by the local councils” respectively as final dependent variables. The links indicated are all statistically significant and represent standardized regression coefficients with an absolute value above .10.

The results of the path analyses are reported in Diagram 4. The causal chains can be summarized as follows:

- Party affiliation affects the opinion that tasks should be re-allocated from the regional authority to the municipalities. Conservatives more often than members of other parties favour such a measure.
- Sub-region affiliation affects, via the opinion that the construction of the West Götaland region is a disadvantage for some sub-regions, the opinion that the municipalities ought to take over the responsibility for some of the regional authority’s tasks. It is politicians from other parts of the region than from the city of Göteborg, who consider that the formation of the region leads to an unequal and unfair development of the region, and who, as a consequence, would like to slim the region’s task portfolio.
- Sub-regional affiliation is also related to whether a person holds positions in the regional authority, the municipality or both. This latter characteristic – the structure of one’s political positions – does, via the feeling of belonging to the West Götaland region and the prioritization between the common interest and the sub-regional interests affect the willingness to change the electoral system so that the regional assembly would be appointed by the municipal councils. The first link in this somewhat longer causal chain implies that politicians from Göteborg more frequently than politicians from other sub-regions only hold office at the regional level. This follows, almost mathematically from the fact that Göteborg is one single municipality while the other sub-regions as defined here consist of many municipalities. With a given probability that a municipal politician should also hold a position in the regional authority, there will be more people who combine positions at the two levels from other sub-regions than from Göteborg. The more interesting part of the causal chain for these reasons might be the effect of the territorial level on one’s position(s). Politicians who only hold positions at the regional level identify comparatively strongly with the region, while local level politicians, with or without regional level positions

and have a weak feeling of regional belonging. Those with a strong feeling of identification give greater priority to the common regional interest than those with a lower sense of belonging, who relatively speaking prefer more often the sub-regional interest. Finally, the idea of indirect elections is more popular among those with weak regional identification than among those with a stronger feeling of identification.

- Sector affiliation within the regional organization emerges in this analysis as an irrelevant variable. The correlations between sector affiliation and attitudes and opinions that we have seen in the earlier sections of this article (Tables 2 and 3) are in fact spurious, due to the fact that both sector affiliation and attitudes are dependent on a common underlying explanation, sub-regional affiliation.

If the argument is refined further, it could be proposed that the independence of the West Götaland regional authority in relation to the municipalities is threatened in two ways: First, hostility and suspicions between parts of the region – especially between Göteborg as the big city and the rest of the region – lead to demands for a functional stripping of the region. The party-political antagonisms are exacerbated by the hostility of the conservatives towards the regional reform. Secondly opposition between the two levels leads to ambition for municipalities to have more influence over decision-making in the regional authority, as reflected, in this analysis, by the proposal of indirect elections to the regional assembly.

6. Conclusions

In these final remarks I will summarise further the results of the path analyses. The dependent variables in the analyses concern how the lower level authorities (the municipalities) could gain a stronger position. One dimension discussed concerns *changes in the electoral system*: the introduction of an indirectly elected regional assembly would enhance the position of the municipalities by transferring the construction of the preference function of the regional authority to representatives of the municipalities. The second dependent variable concerns

task allocation. The transfer of tasks from the regional authority to the municipalities would strengthen municipal self-government and weaken regional self-government.

The explanatory variables in the analysis are structural and dispositional variables. The structural variables are *sub-regional affiliation* and *territorial level of political positions*. The dispositional variables are *identification* (feeling of belonging to West Götaland), *unfair distribution* and *gives priority to local particularistic interests*. If the party-political effects, also investigated in the article, are disregarded, the analysis can be summed up in two causal chains:

1. Municipal positions → Weak regional identification → Priority to local particular interests → Municipal councils appoint regional assembly
2. Peripheral sub-territory → Unfair distribution → Change task allocation in favour of municipalities

Changes in the electoral system (Chain 1) strengthening the lower level authorities can thus be seen as an expression of opposition between the levels – between the local and regional levels. In the introductory theoretical analysis the interpretation was that the conflicts concern operations that for reasons of economies of scale have been allocated to the upper level authority. Withdrawal from the common system implies that the municipality's own population will be lacking these services, or that the municipality will have to provide them itself locally at a higher cost. The most appealing alternative then will be to attempt to change the rules whereby the local unit and its citizens can influence the preference function of the upper level authority. The result that appears in Chain 1 is therefore very much in line with the conclusions of the theoretical analysis.

Conflicts between different sub-territories were supposed to be based on an unwillingness to contribute to the funding of collective services, the provision of which had been allocated to the upper level authority. It was predicted that this would express itself in attempts to deprive the upper level authority of these tasks. That hypothesis is confirmed by the result in Chain 2.

Finally, it can be concluded that inter-level and inter-sub-regional conflicts produce centrifugal and fragmentising forces implying a tran-

sition from a symmetrical to an asymmetrical relation with lower level authorities as principals. The initial assumption of the territorially fragmenting mechanism is thus supported. In the two-level system studied there are mechanisms at work that encourage the lower level authorities to aspire to a stronger position in relation to the upper level authority.

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Chapter 19.

Political Localism in Flanders

Ellen Wayenberg

Introduction

As far as the relationship between its central and local government is concerned, Belgium is considered to be a member of the group of the Southern European nations. Membership of that group implies – amongst other things – that a country's central-local relationship is assumed to be characterised by political localism. This characteristic prevails when local government has a high level of direct access to the decision-making of its central counterpart. This level is assumed to be high in Southern European nations because their central politicians need local support in order to continue to further their political career. Consequently, these politicians are expected to take local government's interests into account when they make decisions that affect the latter.

Is it correct to consider Belgium in this regard as a Southern European nation? In other words, is Belgium really characterised by political localism? This paper endeavours to answer that question, albeit only for Flanders as one of Belgium's regions. The reason for that is twofold: first, the successive rounds of Belgian State reform have turned the regional governments into the most important central governments from the local point of view. Therefore, it is preferable to focus upon a

regional government rather than the federal government in its relationship with the local level. Secondly, amongst Belgium's regional governments, the Flemish one has so far expressed the most clearly and repeatedly the intention to treat local government as its partner. That makes it all the more worthwhile to explore the prevalence of political localism in Flanders, because that intention of partnership means that the Flemish government wants to relate differently to its local counterpart than in case of political localism – as will be made clear in the next section.

1. Concept of political localism

The concept of political localism is used by Page in his book 'Centralism and localism in Europe: the political and legal bases of local self-government' (1991). This book is Page's follow-up to his earlier work with Goldsmith entitled 'Central-local relations: a comparative analysis of Western European unitary states' (1987). Together, those studies are recognised as a milestone in the development of European research on the central-local relationship. (John, 2001) That recognition is based on two arguments. First, each of those studies significantly enriched existing country comparative research since they both focused upon no less than seven countries i.e. Denmark, France, Great-Britain, Italy, Norway, Spain and Sweden. Secondly, their methodological approach clearly wants to go beyond the scope of the dominant approach of that time, which consisted in focusing merely on the central-local relationship from a legal point of view. Page's and Goldsmith's approach also included a legal perspective since they compared the seven countries under study according to the level of detail of their central government's regulation of its local counterpart. That required them to zoom in on the requirements that were imposed centrally via legislation in order to provide a steering framework for the actions of local government. The level of detail of those legal requirements differed between, on the one hand, Denmark, Great-Britain, Norway and Sweden and, on the other hand, France, Italy and Spain. In that order, those groups of countries were characterised by a low and a high level of detail from the point of view of the centre's legal requirements and, thus, the regulation of its local counterpart. In turn, those findings led

Page and Goldsmith to apply to those Northern and Southern European countries respectively the characteristic of legal localism and legal centralism.

However, those characteristics were not the only ones that both authors ascribed to the countries under review – linked to the fact that the legal perspective was not the only one in their methodological approach. Page and Goldsmith also approached those countries from a second perspective that had only been rarely used at that time. In fact, this perspective can be labelled political, since it involved comparing those countries on the basis of the level of direct access that their local government had to central decision-making over local affairs. That comparison did not jeopardise the earlier division of the seven countries according to their geographical location. Indeed, it turned out that the level of direct local access was low in all four Northern European countries and high in each of the three Southern European ones. In turn, those findings encouraged Page and Goldsmith to ascribe also to those groups of countries the respective characteristic of political centralism and political localism – as shown in table 1.

Table 1. Characteristics of seven Western European countries after approaching their central-local relationship from a legal and political perspective

<i>Approach</i>	Legal perspective	Political perspective
<i>Country group</i>		
<i>Northern European countries</i>	legal localism	political centralism
<i>Southern European countries</i>	legal centralism	political localism
<i>(Page and Goldsmith, 1987; Page, 1991)</i>		

The above elaboration on Page’s and Goldsmith’s work is important because it gives us reason to question its status as a milestone. As already pointed out, their work was ahead of its time because it went beyond merely approaching the central-local relationship from a legal point of view – as a typical feature of the studies of the so-called ‘first-generation’. However, Page’s and Goldsmith’s approach simultane-

ously highlights two other features that refute rather than underscore a clear break from that initial study work. A first one follows from the manner in which both authors made their so-called 'regulation' and 'access' –variables operational. They did that by assuming that each of those variables could have a maximum of two different scores: the level of detail of central regulation and the level of direct local access could either be high or low. Thus, making variables operational is another typical feature of those first-generation studies on the central-local relationship. A clear indication of this lies in the fact that – after having scored their variable(-s) – those studies were used to model that relationship in one of two ways. It was either an agency or a partnership-based relationship depending on the fact that either central or local government was judged as overpowering. (Carmichael, 1994: 243; Kingdom, 1991: 240)

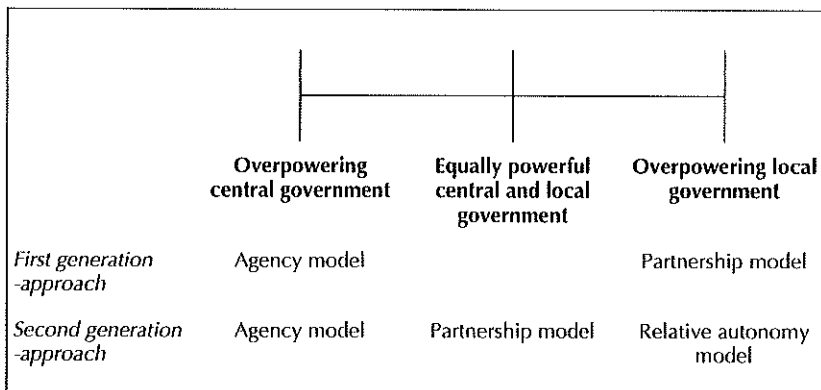
That same dualism is present in Page's and Goldsmith's approach, in that they respectively matched an overpowering central or local government with the characteristic of centralism or localism in the central-local relationship. Those matches were always made on country-level and therein precisely lies a second feature that undermines the milestone-status of Page's and Goldsmith's work because referring to 'the' central-local relationship of a country is also typical of the so-called first-generation studies. (Rhodes, 1992: 320)

With hindsight, it is rather striking that Page's and Goldsmith's studies do not represent a complete break with the first-generation ones. They were both carried out at a time when a second generation of researchers had already voiced its criticism of the initial studies for – amongst other things – the two above-mentioned features. The first feature was tackled by a series of authors, who all rejected the assumption of dualism that underlay the then usual method of approaching the central-local relationship. (Kjellberg, 1988; Rhodes, 1981; Wright, 1982). According to them, variables were insufficiently made operational by simply scoring them in a twofold manner. Rather, they needed to be scored in a threefold manner which in turn explains why each of these authors recognised a total of three instead of two models which could shape the central-local relationship.

Despite that criticism, none of them rejected completely the first-generation approach. Instead, their approach to the central-local relation-

ship contained just one addition to the first one, which boils down to the fact that apart from recognising that both central and local government could be overpowering in their mutual relationship, all of the so-called second-generation authors also recognised that in addition both governments could be equally powerful. Diagram 1 shows this addition by highlighting that the first-generation approach to the central-local relationship merely occupied the two endpoints of a power continuum between central and local government, whilst its midpoint has also been occupied since the rise of the second-generation approach. At the same time, this figure also exemplifies that this rise has brought about a change in the use of the partnership model. Initially, the partnership model was reserved for a central-local relationship that was typified by an overpowering local government. That changed with the publication of the second-generation studies because their authors tended to use the partnership model in cases where central and local government were equally powerful.

Diagram 1. Models of the first and second-generation approach to the central-local relationship set out alongside a power continuum



Apart from modelling the central-local relationship in a threefold instead of a twofold way, the second-generation authors also differed from the first-generation analysts in yet another regard. They all rejected the latter's practice of referring to 'the' central-local relationship

of a country. Consequently, their work did not include that other first-generation feature of simply associating a country with one central-local model. Rather, these authors assumed that all three of their models could simultaneously apply within the same country. They assumed that for two reasons. First, the central-local relationship could differ from one area of policy to another. Secondly, within each policy field, this relationship could also vary from one local government to another.

Specifying the assumptions that are applied by the second-generation authors is important because the current method of approaching the central-local relationship is still based upon them. Hence, the concept of political localism needs to be interpreted in the light of those assumptions, especially the last one – the assumption that points to possible variance amongst local governments in their relationship to the centre – is essential to grasp the essence of political localism. It is a characteristic that can only be attributed to a (region within a) country when the local governments on its territory are not mutually equal in their relationship with the centre. Some of them will overpower central government and will thus – in terms of diagram 1 – relate to the latter according to the relative autonomy model. Others, however, will simultaneously be powerless which means that their relationship with the centre will be based upon the agency model.

The partnership model does not appear in the above clarification of the concept of political localism. As shown in diagram 1, partnership prevails when central and local government are equally powerful, and this idea of equality does tally with political localism – nor does the other one which arises when central government treats all local governments as its partner. In this case, the local governments involved are not only equal to central government, but also to each other because they then all relate to the latter in the same equally powerful manner. Hence, the situation in which a country is characterised by political localism and the one in which its central government treats local governments as its partner clearly differ. Those differences are summarised in table 2 and underlie our choice of exploring political localism in Flanders, which is based on two contradictory expectations, that exist with regard to this region. On the hand, Flanders is

expected to be predominantly characterised by political localism. As part of Belgium, it is considered to be located in Southern Europe and according to several authors, such a location suffices even today for primarily associating a (region within a) country with political localism. (Andrew and Goldsmith, 1998; John, 2001; Wollmann, 2000)

On the other hand, the Flemish government has so far clearly and repeatedly expressed its intention to treat local government as its partner. That intention has been specifically advanced with regard to several policy fields, but also in general – thus indicating that the Flemish government wants to base each one of its relationships with the local level on the partnership model. (Vlaamse Regering, 1995; Vlaamse Regering, 1999; Vlaamse Regering, 2004). As a result, the expectation that this model will predominate in the relationship between central and local governments also applies to Flanders. So what is the situation now? Does the Flemish government treat its local counterparts differently so that some of them can be said to be all powerful in their relationship with the centre, while that is not the case for others? Or are all local governments equal for this central government because it relates to all of them in the same equally powerful manner?

Table 2. Differences between the prevailing central-local relationships in case of political localism and of partnership

<i>Base of comparison</i>	Model underlying the central-local relationships	Equality amongst different central-local relationships
<i>Prevailing characteristic</i>		
<i>Political localism</i>	relative autonomy or agency	not always
<i>Partnership</i>	partnership	always

In the remainder of this chapter, we will seek to answer these questions, albeit with the following reservation. Our answer will be selective because we have limited ourselves to focusing solely on one policy field. The underlying reason is obvious: exploring all policy fields in which the Flemish central and local governments interact – as a precondition for answering the above questions without any reserva-

tion – is not feasible from a practical point of view. Before elaborating upon the policy field that we have chosen to explore, further attention will first be given to the methodology used. What procedure has to be adopted in order to verify whether this field is characterised by political localism or by central-local partnership?

2. Method of exploration

Table 2 points to the obvious procedure in order to verify whether a field is characterised by political localism or by partnership: identifying the model(s) underlying the central-local relationships within that field. How can the underlying model be identified in case of such a single relationship? That is possible by examining the extent to which the centre has taken a specific local government's interests into account when deciding upon local affairs – as that extent differs according to the prevailing model. In the case of an agency based relationship, such an extent is absent. Central government will then have taken decisions that do have an effect upon that specific local government, but only in a negative or disadvantageous way. Indeed, those decisions will fully serve the centre's interests and thus reflect its overpowering position.

The situation is quite different when a partnership lies at the heart of a central-local relationship. The centre will then again have taken decisions that benefit its own interests, but only partially, as they will also be beneficial to its local partner. In theory, such decisions will even reflect to exactly the same extent the interests of the central and local governments involved – because they are equally powerful. The relative autonomy model is the third and last one that can exist in the framework of a central-local relationship. In such a case, local government dominates the centre, which will then reveal itself in the full extent to which the latter will have taken account of local interests in its decision-making. Diagram 2 shows this extent, as well as the prevailing one in case the central-local relationship is based upon the agency and the partnership model.

erence to some local governments over others by taking their interests into account in decision-making. Which local governments are likely to enjoy this preferential treatment in Flanders? Do they stand out in some way? Yes, there even seem to be three ways in which they can be characterised. Indeed, a case can be made that a local government has to fulfil (at least) one of three conditions before a central politician that is active on the Flemish level is likely to depend upon its support. A first condition arises from a feature that up to present still typifies only a select number of Western European countries – including Belgium: the practice of dual mandates. That practice is apparent in the fact that (certain) politicians with a federal or regional mandate can simultaneously hold (a certain) mandate at local level. In such cases, such a central politician is likely to take the interests of ‘his’ or ‘her’ local government into account when making decisions that effect the local level.

The underlying reason for this – and thus also for this politician’s dependence upon the support of that local government – has to do with that government’s location. It is (usually) located within the constituency in which that politician stands for election at the federal or the regional level. This same reason immediately leads to a second condition that – once fulfilled – is likely to make a local government’s support crucial for the future career of a central politician: its mere location within that same electoral constituency. After all, the better known a central politician becomes in a constituency by serving the interests of the local governments that are located there, the higher score he is likely to obtain in that area during a future round of central elections. In order to be able to stand for future elections, candidates need the support of a political party and that necessity points to a third condition that can explain why a central politician may treat a local government preferentially: the fact that it is governed by the party to which that politician belongs because its mayor and/or some of its aldermen belong to the same party-political leaning.

Have local governments that fulfil one or more of these conditions been given preferential treatment by the central decision-makers in the policy field under review? Or have those politicians treated all local governments alike by taking decisions that serve the interests of all of them as well as their own? As explained above, this first treat-

ment stands for political localism, whilst identification of the second one would mean that the Flemish government's relationship with its local counterparts translates the partnership model. Basically, we expect to identify rather the second treatment than the first treatment in the field under review. The reason is quite simple. After all, politicians at the Flemish level mainly regard this field as the one in which they have not only achieved their intention of central-local partnership the first but also to the greatest extent. Does this accomplishment tell us anything about their decision-making method? We have tried to ascertain that via a combination of a documentary analysis and a series of interviews with central decision-makers. The information thus gathered forms the basis of the following reconstruction of central decision-making in the policy field studied.

3. Central decision-making on social impulse policy

Basically, we will only reconstruct central decision-making with regard to one phase in the field studied: the phase that is centred on the social impulse programme. Previous phases were concentrated on other central-local programmes that were all aimed at fighting poverty at the local level. (VICA, 1990; Vranken, Geldof and Van Menxel, 1995) Today, a new phase has already started with the launching of the city programme that aims at local revitalisation and thus exceeds that simple objective of fighting poverty. (Anciaux, 2000; Keulen, 2004) The social impulse phase served as a kind of bridge, since the prevailing central-local programme did not only stimulate the ongoing local investments in 'people' but also triggered some major ones in 'stone' as the other part of current city revitalisation. Hence, the difficulty of finding a suitable name for the policy field in which the social impulse programme has been launched.

That launch took place in the middle of 1996 – almost a year after the Flemish elections of 21st May 1995. The result of those elections pointed to further progress by the extreme-right party of the (then) Vlaams Blok and thus concerned the Christian Democratic and Socialist Party that jointly took power. Consequently, those two parties made the fight against the so-called 'acidification of society' one of the major themes of their coalition agreement. (Vlaamse Regering, 1995) From

the beginning, they clearly announced that they did not want to enter into this fight on their own but in partnership with local government. The reason was obvious: local government's closeness to the citizen made it into the ideal partner to combat jointly societal acidification.

However, that partnership announcement did not prevent the initial round of decision-making about social impulse policy from taking place privately amongst a select number of central decision-makers. In particular, only four ministers and members of their respective cabinets were involved at that time. Those ministers were: the Minister-President of the Flemish government who also acted as Minister for Foreign Policy, European Affairs and Science and Technology; the Vice-Minister-President who was also responsible for Education and Civil Service Matters; the Minister of Finance, the Budget and Health Policy and the Minister of Internal Affairs, City Policy and Housing. In line with table 4, those ministers belonged alternately to the CVP and the SP – as the respective abbreviation of the then ruling Christian Democratic and Socialist Party. So from the beginning, ministers of the two parties in power were involved in the decision-making about social impulse policy. In turn, that explains why this policy has been labelled as a compromise between the government parties by every member of cabinet that we have interviewed. In what follows, we will try to unravel the different elements of this compromise.

3.1. Number and type of local partners

A first element had to do with the number and type of local governments that would be the centre's ideal partners in the fight against societal acidification. The members of both government parties involved clearly had diverging views in this regard. The representatives of the SP were in favour of focusing this combat on a select number of cities, while the CVP representatives had a completely different stance as they favoured carrying on the combat at the level of all local governments – urban as well as rural ones. Our interviewees all explained this divergence in the same way: by referring to the local strength of both government parties. At that time, the SP should have been strong in cities and less on the countryside. That pattern should have been less clear-cut in the case of the CVP – thus making it less likely that the

CVP would simply defend the interest of 'its' urban local governments. Are there any grounds for this explanation? Did the local strength of the SP and the CVP really differ as ascribed above? In order to determine the situation, we have calculated the relative amount of votes that both parties had obtained in Flanders' typical rural and urban constituencies during the Flemish elections of the 21st of May 1995 ²⁴⁶. (IPOVO, 1995) Table 3 shows those vote percentages. In turn, they confirm that the local strength of the SP was indeed more urban than rural in character, whilst that characteristic was less clear-cut in the case of the CVP.

Table 3. SP's and CVP's vote percentage in Flanders' typical urban and rural constituencies during the Flemish elections of 21st May 1995

<i>Vote percentage</i>	Urban constituencies	Rural constituencies
<i>Government party</i>		
<i>SP</i>	20 %	16 %
<i>CVP</i>	21 %	29 %
(Ministerie van Binnenlandse Aangelegenheden, 1995)		

Does only the difference in local strength explain the diverging views of the SP and CVP decision-makers about the number and type of local governments that were best involved in social impulse policy? No, another difference seems to have contributed also. According to our interviewees, the decision-makers of both parties also had another approach to the different elements of the social impulse compromise – including the number and type of local partners. The CVP style was quite open: the ministers of that party and their cabinet members usually adopted a position after having consulted the Christian Demo-

²⁴⁶ Flanders' typical urban constituencies are: Aalst, Antwerp, Bruges, Genk, Ghent, Hasselt, Kortrijk, Leuven, Mechelen, Oostende, Roeselare and Sint-Niklaas. Its typical rural constituencies are: Arendonk, Assenede, Avelgem, Brakel, Bree, Diksmuide, Gistel, Glabbeek, Herk-de-Stad, Herzele, Hooglede, Hoogstraten, Horebeke, Kaprijke, Lochristi, Mesen, Oostrozebeke, Peer, Riemst, Sint-Gillis-Waas, Vleteren, Westerlo, Zandhoven, Zonnebeke, Zoutleeuw.

cratic group in parliament. That helps to explain why the former favoured the involvement of all local governments rather just that of cities in social impulse policy. After all – as one of our interviewees explained – “this [parliamentary] group was full of mayors and aldermen of [all types of] local governments but mainly of the smaller ones”. Our investigation regarding its composition confirms this: out of its 37 members, no less than 30 also held a local mandate, and in 24 of those cases, that mandate was concerned a local government that did not fall in the category of ‘cities’. The style of the SP decision-makers at that time was considered to be quite different. In the words of the same interviewee: “it was more like: once it was decided at the top, it was decided”.

At first sight, the decision-makers of the CVP seem to have got their way with regard to the number and type of local governments to be involved in social impulse policy. After all, the decision that was finally taken on this matter implied the involvement of all 308 of them. However, the socialist decision-makers had not entirely given in because that final decision did not completely escape them. It also involved preferential treatment for certain local governments i.e. the ones where societal acidification was the worst. Cities were supposed to be in such a situation so they would be given preferential treatment, which was ultimately in line with the socialist view. That preferential treatment boiled down to the fact that those specific local governments would be more centrally funded than others to fight the societal acidification on their territory. In turn, this brings us to a second element on which the decision-makers of both government parties needed to compromise: the way of selecting the preferentially treated local governments.

3.2. Preferentially treated local partners

According to our interviewees, one fact was indisputable in this regard: the fact that Mechelen, Antwerpen and Gent needed to be part of this group of preferentially treated local governments. Table 4 helps to explain why: it contains the names of cities that are located in a constituency in which three of the four deciding ministers stood for office.

The Minister of Internal Affairs was not said to have defended the interest of a specific local government – although he was the only one who simultaneously held a local mandate. In the words of one of our interviewees, this minister’s primary aim was “getting his project [of creating a social impulse policy] realised”. In its turn, that aim clarifies why table 4 contains the name of a fifth ministerial decision-maker: the Minister of Culture, Family and Welfare. In order to develop a social impulse policy in which all 308 local governments were centrally funded, there was a need for additional financial means. It was just not sufficient to fill up the so-called Social Impulse Fund with money that used to be allocated to previous central-local programmes against local poverty. Accordingly, additional financial means needed to be sought and they were found in the BFMW – a fund that was created on behalf of the so-called Public Centers for Social Welfare. Such a centre is active on the territory of each one of the 308 local governments and often is regarded as another type of local government next to the ‘gemeente’. In any case, the BFMW was attached to the Minister of Welfare so that the latter became involved in social impulse decision-making after it was agreed that this fund would be incorporated in the Social Impulse Fund ²⁴⁷.

However, being involved did not mean that this minister was immediately regarded and treated as an equal by the other decision-makers. In the words of his head of cabinet, this became “painfully clear when the issue at stake concerned selecting local governments [that would be subject to a preferential treatment]”. A first step in this selection process concerned the establishment of a list of criteria to be used to measure the degree of social deprivation on the territory of each of the 308 local governments so that the available money could be divided amongst them accordingly ²⁴⁸. All interviewees agreed that this step

²⁴⁷ This has been explained to us as an element on which the CVP decision-makers gave in to the SP ones. The CVP was said to be quite strong in the Public Centers for Social Welfare. However, we have limited our analysis of local party strength so far to those other local governments i.e. the ‘gemeenten’.

²⁴⁸ The degree of social deprivation served as an indicator for the need to combat locally societal acidification.

was accomplished in a manner that was free of mediation on behalf of specific local governments. The task of establishing that list had been given to the administration which – as stated by one interviewee – “came up with 10 criteria that were scientifically based and accepted by all of us”. Once that step was taken, it was time to determine the weight that would be given to each of the 10 criteria. Apparently, the Minister of Welfare was not treated equally by the other decision-makers during that second step of the selection process – as becomes clear from the words of the head of his cabinet: “At one point, there was a meeting with us about the weight of the criteria and very good arguments were put on the table by [members of cabinet of the other ministers] as to why some criteria had to be given more weight than others. Only, I did not know what impact such a change in weight would have upon the final list [of local governments that would be preferentially treated.] It was very difficult to have a conversation with people who were perfectly well informed beforehand. They knew with which cards they were playing and I did not. ... Later, at an unguarded moment, they acknowledged that this had indeed been the case”.

The Minister of Welfare was not the only one who was left in the dark about the impact that a certain weighing of the social impulse criteria had on the list of local governments that would be given preferential treatment. The same applied to the members of the Parliamentary Committee for Internal Affairs, City Renewal and Housing. They needed to give the green light to the ministerial proposition on social impulse criteria and their weight before this could be finally approved in parliament. One of our interviewees justified this way of working on the ground that “these members would only reflect in the following terms: how does my local government benefit from all this? Will it be a part of [the list of preferentially treated local governments] or not?”. The reason for this reflection was thus ascribed to the dual mandate of those members. All 15 of them, except for one, were in addition to MPs also mayors, aldermen or members of a local council. Therefore, on the one hand, those members of parliament were not given an insight into the exact impact of a certain weighing of social impulse criteria on the list of preferentially treated local governments. However, on the other hand, they were given the opportunity to ask questions about the criteria selected and their respective weight. On their behalf,

a hearing was organised at which they could question (certain) ministerial decision-makers as well as civil servants that had been involved in the matter.

Apart from that hearing, the members of the Committee of Internal Affairs, City Renewal and Housing were also invited to attend a second one. Its main guest was the VVSG – the organisation that defends the interest of Flanders' local governments. According to our interviewees, the VVSG played the role of the defender of local interests in social impulse policy, but not in the sense that it managed to alter significantly the social impulse bill via that committee hearing. It was believed to have defended local interests in another way, i.e. by its support for the renewal local policy-method that was also incorporated in that bill. In particular, the VVSG expressed its support for such renewal during that committee hearing, but also during the information sessions organised about social impulse policy once it had been approved by parliament. As a result, interviewees of both government parties regarded the VVSG as their partner because it helped them to promote renewal at the local level – even though they might themselves not have been entirely happy with such renewal as it was another element of their mutual compromise.

3.3. Renewal for local partners

The social impulse decree led to considerable renewal at the level of local policy-makers. It seems that this can be ascribed to the way in which a compromise was reached on this matter between both government parties. In effect, that boiled down simply to filling up the 'renewal basket' with the demands of each party. The CVP had three demands that thus ended up in the social impulse decree ²⁴⁹. A first one was strategic planning. This renewal was advocated by the Minister of Finance who had already introduced it at the central level.

²⁴⁹ The CVP still had some other demands after the decision was taken to incorporate the BFMW in the Social Impulse Fund. Those demands concerned safeguarding its strong position within the Public Centers for Social Welfare. We will not elaborate on those demands since our analysis focuses on 'gemeenten.'

Thus planning was a task that local politicians and civil servants did not have to fulfil in isolation. The social impulse decree required them to set up a steering group to that end. That group had to be composed of (semi-)private actors that were active locally in the fight against social deprivation. Its establishment was a second demand of the CVP – resulting from the fact that many of those local actors had clear Christian-Democratic leanings. As a result, it was interesting for that party to advocate steering groups because – as one of our Socialist interviewees stated – “the fact that [these groups] included local actors meant that the CVP could still weigh a lot on the [social impulse] policy of local governments in which they were part of the opposition”.

The third and last CVP demand concerned only local governments that had a high number of foreigners on their territory according to the criterion in question. The Minister of Welfare believed that those governments then needed to pay specific attention to that target group within their social impulse policy. Consequently, the social impulse decree obliged them to do so. That decree contained another obligation, which resulted from an SP demand and only applied to governments that had several deprived neighbourhoods on their territory – again according to the criterion in question. Those governments then had to allocate a part of their social impulse money to fighting that deprivation and were thus also somewhat restricted in deciding in a completely autonomous way how to spend that money. In fact, it is somewhat surprising that such a restriction was defended by the Socialist decision-makers. After all, they also tended to be the main advocates of central government’s respect for local autonomy. That manifests itself in the fact that it was their demand to use covenants in social impulse policy, i.e. agreements that the centre would reach with every single local government after the latter’s strategic plan had been discussed between the two of them.

As mentioned above, the aim of the social impulse decree was to renew significantly local policy-making. Given that fact, it is rather striking to observe that such a renewal was not a priority topic of discussion in parliament – not when the bill was discussed by the Committee for Internal Affairs or when discussed in the plenary session. The explanation given by our interviewees all pointed in the same direction:

MPs were primarily concerned with the bill's financial implications at local level – despite the fact that its renewing impact on local policy-making was also said to be rather vague and unclear at that time. In any case, MPs approved the social impulse bill on 14 May 1996. The first social impulse term ran from 1997 to 1999²⁵⁰. All 308 local governments received central funding via the Social Impulse Fund during that period but 32 of them were given preferential treatment in this regard, including all of Flanders' regional cities – except for one: Roeselare²⁵¹. As shown in table 4, that city happens to be the one which was of particular interest to the Minister of Welfare. More so, Mechelen, Antwerpen and Gent belonged to the ones that corresponded the most closely to that group of preferentially treated local governments, and those cities just happened to be located in the constituency of three of the four ministers who were from the beginning involved in the decision-making on social impulse policy. That is clear from table 5 which ranks the preferentially treated local governments in descending order according to their relative share of social impulse money for 1997.

In sum, the 'core' decision-makers of CVP and SP agreed on a social impulse policy that was beneficial for their respective party. After all, that policy funded all of Flanders' local governments as well as cities, and thus served the local interests of both government parties. However, that policy was also specifically advantageous for the city that was part of the constituency in which three of the four initially involved ministers stood for office. In order to create such a policy that was simultaneously beneficial for the local interest of their party and for their own (minister), those decision-makers had to integrate an element of treating local governments equally. That concerned the way of dividing locally the social impulse money as the primary manner of serving the local interest of their party and their own (minister). The equality in this regard boiled down to the fact that the chosen criteria

²⁵⁰ 1996 was a transitional year for social impulse policy. The second and last social impulse term ran from 1999 to 2002.

²⁵¹ Those regional cities are: Aalst, Antwerpen, Brugge, Genk, Gent, Hasselt, Kortrijk, Leuven, Mechelen, Oostende, Roeselare and Sint-Niklaas.

of social deprivation that supported the division of that money needed to be similarly applied to all local governments. Consequently, the ones that turned out to be suffering from equal or even worse social deprivation than the ones those decision-makers wanted to benefit, needed to be given more social impulse money and thus be treated (more) preferentially.

In turn, that explains why that group of preferentially treated local governments contained several ones that were not or not exclusively governed by CVP and/or SP – as is shown in table 5. It can also explain why Mechelen is only ranked sixth in that table. This indicates that the Minister-President – who had a local interest in that city – went along with the fact that besides Gent and Antwerpen three other cities would get a higher share out of the Social Impulse Fund than ‘his’ own. As expressed by one of our Socialist interviewees, building in this element of equality amongst the local governments meant that “we had to go and explain that [final list of preferentially treated ones] to several people because [the local government] they [represented was] not on it or [was on it but] did not get much [social impulse] money. And our colleagues [of the CVP] had to do the same”. Nevertheless, integrating that element of local equality was indispensable according to all our interviewees because it was seen as the only way of “getting the social impulse bill through Parliament which was full of mayors and aldermen [that represented local governments] of all party-political colours and sizes”.

4. Conclusion

What does the above reconstruction of central decision-making on social impulse policy now tell us about the relationship between the Flemish government and its local counterparts? Was that relationship characterised by partnership? Or did political localism prevail? As explained, there is central-local partnership when the centre treats all local governments equally and grants them all equal access to its decision-making. On the other hand, political localism exists when some

local governments have full access to the centre's decision-making and others do not have such full access. Which one of those characteristics now typifies social impulse policy? Both of them, it seems, despite the fact that political localism clearly outweighed partnership. As illustrated, the involved decision-makers endeavoured to create a social impulse policy that was beneficial for local governments that were of interest to both their party and their own (minister). So, at the beginning, members of the Flemish government have indeed granted full access to their decision-making to some local governments but not to others. However, in order to create such a beneficial policy, those decision-makers had to obtain parliament's approval and that required them to integrate into their decision-making an element of treating all local governments equally and thus as partners. Why? Because that was the only way to overcome the prevailing political localism within parliament. So, were all local governments equal for central government in this case? No, but precisely their inequality due to political localism made sure that the Flemish government has at least treated them equally to some extent.

Table 4. Local interest of the Flemish ministers that were involved in social impulse decision-making

<i>Local interest</i>	<i>Local mandate</i>	<i>Constituency during the Flemish elections of 21st May 1995</i>	<i>Political Party</i>
<i>Flemish minister</i>			
<i>Minister-President of the Flemish government</i>	–	Mechelen-Turnhout	CVP
<i>Vice-Minister-President of the Flemish government</i>	–	Antwerp	SP
<i>Minister of Finance, the Budget and Health policy</i>	–	Ghent-Eeklo	CVP
<i>Minister of Internal Affairs, City Policy and Housing</i>	Council member of Kapelle-Op-Den-Bos	–	SP
<i>Minister of Culture, Family and Welfare</i>	Council member of Roeselare	Kortrijk-Roeselare-Tielt	CVP
<i>(Ministerie van Binnenlandse Aangelegenheden, 1995; Ysebaert, 1996-'97)</i>			

Table 5. Preferentially treated local governments during the first term of social impulse policy ranked in descending order according to their relative share of social impulse money

Local government		Relative share of social impulse money
Name	Party-political majority	
Antwerpen	SP/VLD/ANT/AGALEV	37.2 %
Gent	SP/PVV/VLD/MU	19.6 %
Genk	CVP	4.9 %
Oostende	CVP/SP/VU	4.5 %
Turnhout	CVP/VLD	4.3 %
Mechelen	CVP/SP/AGALEV	3.9 %
Leuven	CVP/SP	3.1 %
Kortrijk	CVP	2.7 %
Brugge	CVP/SP	2.5 %
Maasmechelen	VLD/SP	2.3 %
Sint-Niklaas	VU/VLD/CVP	2.1 %
Ronse	SP/CVP	1.7 %
Aalst	VLD/SP	1.6 %
Hasselt	VLD/SP/AGALEV/VU	1.5 %
Menen	CVP/VLD/GB	1.4 %
Vilvoorde	VLD/CVP	1.2 %
Dendermonde	INZET/VLD	1 %
Tongeren	SP/VLD	0.9 %
Blankenberge	VLD/CVP	0.9 %
Willebroek	SP/CVP	0.8 %
Eeklo	CVP/SP	0.7 %
Geraardsbergen	VLD/SP	0.7 %
Tienen	SP/CVP	0.7 %
Wetteren	CVP/SP	0.6 %
Zelzate	SP/VLD	0.4 %
De Panne	PRO/VDA	0.3 %
Diest	DDS/SP	0.3 %
Lier	VLD/CVP	0.3 %
Nieuwpoort	SP/CVP/VP	0.3 %
Bredene	SP/VLD	0.2 %
Ham	VLD/SP	0.2 %
Spiere-Helkijn	LB	0.2 %
		100 %

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Chapter 20. Institutional Deficit and Second Wave Reforms in Hungary: Capacity-building at the District (NUTS4) Level

Attila Ágh and Krisztián Kádár

1. The conceptual framework: types of democracy and reform waves

The map of democratisation in East Central Europe (ECE) has shown that these new democracies have achieved both great progress but have also encountered serious difficulties. Accordingly, in order to evaluate the new democracies, international political science has developed the twin analytical terms of defective and deficit democracy, the main difference being that deficit democracy has to be considered as a normal transitory stage in before the full accomplishment of democratic institution-building in an evolutionary process, while defective democracy – or, in other words, democracy with defects - means the distortion of democratisation and indicates the deviation from this evolutionary process or progress. In reality, the two often co-exist, since deficit democracy, marked by the lack of certain institutions leads, to distortions by creating an imbalance in the system of institutions and interest representations.

Yet, such a balance is very important, since at the other extreme the institutions that already existed and functioned correctly may be distorted subsequently in a way that is totally unrelated to the institutions that are lacking. The political analysis of ECE democratisation was more optimistic until the early 2000s, adopting almost exclusively the deficit democracy approach, arguing that the institutions were in the process of being established and that the institution-building would soon be completed and that the deficit democracy, with certain institutions lacking or not fully established, was responsible for the emergence of various negative features, since in fact the asymmetrical character of the institutional system generated certain distortions, e.g. in the representation of interests. However, in the mid-2000s the increasing emergence of defective democracy in addition has become undeniable. As these negative features have become more pronounced and deeper, it is clear that they are not solely the effect of institutions that are lacking, but much more the result of the distortions in the existing institutions because of the authoritarian past and/or the majoritarian drive of the new actors.

Therefore it is important to understand that the new democracies as new EU Member States have developed both deficit and defective democracies and the aim of this paper is to determine their particular mix in Hungary, in the East Central Europe (ECE) context. With EU accession it has become evident that the new Member States are deficit democracies, since EU requirements include the accomplishment of institution-building – the NUTS system in particular and multi-level governance in general – that has been carried forward into the post-accession period. The “missing middle” or the missing or very weak institutional meso-structure is a historical tradition in ECE countries that has not yet been reversed in the democratisation process. What is more, the rapid growth of the institutional macro-structure has aggravated it and created an imbalance. In general, the ECE countries still have a weak institution-density and only a half-developed “civicness” (Robert Putnam’s term) as organised civil society at the micro-level. No doubt, that they are also defective democracies to some extent because of their in-built weaknesses - described as representation and participation paradoxes - in addition to the destabilisation and deconsolidation processes that produce the main negative features of defective democracy. This paper will analyse mostly the institutional deficit

originating from the unfinished institution-building process, but also from the perspective of those defects resulting from the unfinished democracy project as “polity building”²⁵².

In order to achieve a more accurate view of deficit and defective democracy types, it is necessary to consider briefly the impact of transition costs and accession costs in the democratisation process of the ECE countries. As to the transition costs, the economic deficit was regularised in the mid-1990s by converting it into the social deficit, since the economic crisis management was based on drastic reductions in public services. That produced serious defects in the public service institutions, as well as in the newly emerging local and county self-government units with the increasing fiscal recentralisation. So the meso-structure was mostly lacking, but even the newly developed institutions were distorted and not functioning fully at the local level because of the fiscal pressure required by the economic crisis management.

Without going into details here, something similar has happened in the new Member States quite recently as a result of the convergence criteria imposed on them. The accession costs have resulted in new fiscal pressure, which prevents them from developing their public service system and properly financing their local self-government sector. Some domestic processes have also provoked serious defects, namely privatisation which has led to a system of clientelism and corruption around the political parties and a shadow economy and society in general, at the local level in particular (see Kudricka, 2004). Thus, organised civil society has developed in these distorted forms to a great extent. Although many interest representation groupings have emerged

²⁵² I have described the accession process in its entirety (see Ágh, 2003a) and analysed representation and participation paradoxes as well as destabilization and deconsolidation processes in former papers, see e.g. Ágh, 2004a. I have taken the term of defective democracy from Wolfgang Merkel (2004) but I have modified it to some extent by introducing the term of democracy with defects meaning a consolidated democracy with some emerging defects instead of a non-perfect stage before consolidation.

– such as the business interest associations – some of them have numerous negative features. Above all the asymmetrical social and territorial structure of interest organisations threatens the normal workings of democracy.

This paper tries to show first, to what extent this institutional deficit still exists, and secondly, to what extent the distortion has taken place when the deficit has decreased, and finally what this particular mixture of deficits and defects looks like in the new ECE democracies, first of all in Hungary. The main message is that the Hungarian system of institutions is EU-compatible but not yet EU-conform. It means that the institutions are basically democratic and they fit into the EU system of institutions, but they are not yet effective and competitive. Efforts to reform further public administration institutions have focused on creating a competitive system of institutions, and a large social capacity beyond the administrative capacity. Therefore, the key word in this paper is capacity-building, first of all at NUTS4 level, i.e. in districts or “small regions”.

It can be said, without fear of exaggeration, that among all macro-regions of the world, the greatest transformation of the public sector has recently taken place in ECE countries. The great transformation in ECE countries can be considered as a ‘reform’ or a government strategy - that is to say, a purposeful and focused action for change - only to some extent. It has mostly been just transformation, since initially the processes of socio-political collapse dominated, and subsequently Western external pressure has prevailed in the form of the mandatory EU requirements. Due to both the external pressure and the internal economic crisis, the entire structure of the public sector changed beyond recognition in the early 1990s.

The major aim of the public sector reform was, in its shortest formulation, the drastic reduction of the overwhelming and omnipresent former public (or State) sector with an essential differentiation of its three major components. In general, there have been three dimensions to the ECE public-sector reform and transformation. In the first, narrowest sense (Public Sector I, PS-I) public sector means the central, functional and local governments, the State as well as *public administration* with civil servants. In the second, wider sense (PS-II) one finds the State and/or *public service* sectors such as education, health care

and social security provided by public employees. The third dimension is the widest one and concerns State-owned enterprises (SOEs) turned into *public enterprise* sector (PS-III). In a nutshell, the administrative reforms, strictly speaking, that is to say public sector transformation in the narrowest sense (PS-I), has been lagging behind compared with the depth and width of public sector transformation in the widest sense (PS-III), that is to say privatisation, whereas its scope has been very important.

The actual transformation of the public service sector (PS-II) has also been much larger than that of public administration (PS-I) on the one hand, but it has been smaller than that of the public enterprise sector (PS-III) on the other hand. Basically, however, we can speak about *reform* - as a purposeful, intentional change or strategy of redesigning the public sector - mostly in the case of public administration, since the two other kinds of public sector have been *transformed* with great spontaneity and improvisation, i.e. without a detailed action plan, which is very characteristic of administrative reforms in ECE countries. However, these transformations have been drawn up and implemented in the framework of so many partial and improvised programmes that the final result of these cumulative changes in all the three fields taken together is a comprehensive reform of the public sector (see Ágh, 2003b for details).

The great transformation of the ECE countries has also had to contend with numerous difficulties. It has not been an evolutionary process, since it has had to address many contradictions and setbacks, that is to say, it has been full of paradoxes. The major paradox has been the active role of the State in its own 'destatisation' process in general and that of civil servants and public employees in the reform of the administrative and the public service sector in particular. Given the fact that the great transformation began as 'original institutional chaos' and has been itself a very chaotic process with too many changes at the same time, it requires an analytical and conceptual framework for the institutional design and strategy for good governance. Therefore, this paper attempts to present a short systematisation of all major transformations in ECE countries in all public sector areas, but also with drastic self-limitation, i.e. not dealing with the socio-economic crisis and the

ensuing economic reconstruction, and focusing only on the political - or policy as well as administrative - side of public sector transformation.

Beyond the paradox of over-politicisation in the early 1990s emerging from the over strong party dominance, there were also various specific political and policy problems during the great transformation, namely (1) system *overload* and (2) the lack of *intermediary* levels. The lack of middle levels means 'institutionalisation deficit' (or simply institution deficit) in meso-politics both at local self-government level and in the organisations representing specific interests. The system overload occurred because too many changes took place at the same time. Those changes required an important regulatory framework, involving numerous dimensions and legal forms. The intermediary levels of territorial and functional organisations, however, were largely lacking or very weak and, therefore, they were not able to deal with the constantly emerging conflicts of socio-economic and political transformations as they occurred. The half-completed functional and structural differentiation with weak or no coordination has also increased the system or decision-making overload. Hence, these unsolved issues overburdened macro-politics which, otherwise, had a claim to a quasi-monopoly of socio-political regulations, or at least inertia of omnipotence stemming from the former regime in a tendency to dominate society as a whole.

Regarding the internal relationships within public-sector reform, in the great transformation there was an important difference between the reform of the *administrative sector* (PS-I) and the *public-service sector* (PS-II) in many ways. The public administration *reform* involved an area that was quite well managed and functioned relatively efficiently in ECE countries. The public service sector was lagging behind very much in this respect, since its meaningful reform would have necessitated a series of socio-economic transformations, but the deep budget cuts in related fields, ranging from health care to education hurt many interests and, therefore, met growing social resistance. Nevertheless, we can describe the actual *transformation* of the administrative sector as 'big projects - small results' because it slowed down after the original great transformation of public administration and central government. In the early 1990s big and ambitious projects were launched in

ECE countries, with special governmental agencies set up to design and monitor the reform of public administration.

In 1992 Public Administration Reform Committees were established in the Czech Republic, Hungary, and Poland. However, those major projects were dropped everywhere in ECE countries and did not produce the expected ambitious results. However, the public-service sector had no major projects or reform ideas; on the contrary, the opposite principle of ‘small projects - big results’ can be applied here. With the privatisation of SOEs, the entire public-service sector was transformed. Step by step some public services were also ‘privatised’ to a great extent, health care, education, social policy (e.g. retirement schemes), etc. Radical transformation mostly took place without a great plan or conscious reforms, simply by socio-political erosion and under budgetary pressure, and through partial projects as improvised reactions to the above changes. The main questions, however, still remained basically unanswered: (1) how to define the public-service sector and basic public services, and (2) how to improve their performance.

The great transformation as the initial stage of systemic change was the first wave of institutional reforms. The ECE countries experienced a first wave of democratic institution-building in the early 1990s. New constitutions were adopted and political systems were radically reorganised until the mid-1990s, or until the early 2000s at the latest. What seemed to be, however, a major achievement as the great transformation, proved subsequently to be more and more imperfect and unfinished. The first wave of institutional reforms completed the basic institutional changes, but was at the same time insufficient and some measures evidently needed to be rectified. At this stage, I will simply refer very briefly to the main concern of this paper, which is that, as a result of the first wave of reforms, an over-fragmented system of local self-government emerged, which has been unable to provide the fundamental public services that will be discussed later.

In addition, in the mid-1990s reforms slowed down and were discontinued. Therefore, the idea of the second wave of reform has been elaborated step by step. This is an ongoing process and it is much more prolonged, complicated and controversial than the “heroic” first wave of reforms, when not only the climate was favourable but also

the political actors were more receptive to the profound changes on a consensual basis. The second wave of reforms has been implemented in much less favourable circumstances and, accordingly, it has been less successful. In addition this process has to be completed within the EU in the framework of the post-accession period. Nowadays the ECE countries have already entered the period of democratic consolidation and their problems stem from the specific nature of consolidation process. Given the fact that they have to continue their recent democratisation process already in the framework of European integration, the new reforms have to meet the specific and detailed EU requirements.

Consequently, the public sector transformation has proceeded in two waves or stages according to the internal nature of the institutional structure. By creating the initial and contradictory forms of the 'effective State' and the 'service State', the great transformation in the public sector in ECE countries produced, and was conditioned by, the greatest change in the institutional-constitutional structure (see Galligan and Smilov, 1999). The period up to the late 1990s saw unprecedented change in all the ECE institutions. Because there were so many and contradictory changes in a very short period of time in ECE countries, in order to cope with this chaotic complexity, it is necessary to introduce a clear classification and identify by period these major processes with clearly defined stages of development, although the reality was much more multidimensional. These two stages are somewhat artificially constructed, but merely because the great transformation was chaotic does not imply that it should be described in a chaotic way.

The concrete path of institution-building was determined by the internal nature of the institutionalisation process, involving necessarily the transformation of macro-politics through meso-politics to micro-politics. The major outline of this process was identical, but different in forms and speed, in the various ECE countries. Democratic institutionalisation has involved two major stages, above all analytically and conceptually, but also chronologically. The first one concerned the most decisive parliamentary and constitutional changes, including a major reform of central government, State administration and 'functional governments', that is to say nation-wide interest organisations. The second stage involved the detailed elaboration of the sub-national level, first of all, local and regional self-governing units. In the first

stage, the focus was on the constitutional arrangement of the major power sub-centres through the constitution-making process of parliament, president, and government, and on the regulation of parliament itself as the governing and model institution of 'parliamentary' democracy. It was the transformation of government as the reorganisation and modernisation of the central government machinery (ministries) with the entire State administration, also in its relations with the functional or 'private' governing bodies of the major interest organisations.

In the second stage, however, the previously relatively neglected or just abstractly regulated sector of public administration and civil society associations come to the fore, as the democratic institutionalisation of micro-politics with their specific and detailed regulations for various associations and local self-government units. These stages, of course, can be separated only analytically. In reality they run parallel and/or overlapped to some extent, but the focus of institutionalisation has been clearly changing between them, thereby delineating democratisation unambiguously. The obvious internal logic of democratic institutionalisation is that the macro-political institutions can and have to be shaped first, before those in meso- and micro-politics, since the latter can only be articulated in a political space more or less already shaped by the macro-political institutions such as the parliament, president and government.

The major trend of the reform of central government and State administration was the decentralisation of power and competences. For devolution, State administration and public administration were separated. Altogether, a very complex and articulated structure of intergovernmental and public-private relations was established in ECE countries (see e.g. Horváth, 2000). During this structural differentiation, the ECE central governments have had to face increasing pressure, both externally and domestically; external pressure from the EU authorities to make the ECE central administrations more Euro-compatible as part of "political harmonisation" going beyond simple legal harmonisation and internal pressure generated by the growing need for financial efficiency as well as civilian control of the State bodies and easy access to State bodies by the population. However, developing Euro-capacity and democratic civilian control, that is to say an effective and service State, falls within the scope of the second period

in the early consolidation, but the first period has to outline the institutional design as a dialogue between State and civil society. The constitutional precondition of this 'dialogue' was the separation of 'State' and 'public' administration, which has only produced its full-blown functional differentiation in the second stage. This second stage of democratic institution building is much more policy and pragmatism oriented than the previous stages.

The transformation of the public sector has been much more profound in the field of public administration and local self-government units and, hence, this stage has focused in particular on grass-roots democratisation and on the efficiency of the entire polity. Consequently, the major step of functional differentiation is the emergence of an independent public administration managed by local self-government units. Furthermore, the internal reform of this new public administration, with its further functional differentiation between territorial levels, and according to various public functions, has also appeared as genuine modernisation and not only as democratisation. Public administration based on local self-government has become a separate branch of power and, therefore, the first local self-government elections had a special political significance in changing local elites, composed of tens of thousands of mayors and members of municipal councils.

2. The emergence of local self-government units (NUTS5) and their deficiencies

The creation of local and regional self-government units has been an organic part of the emerging constitutional State in ECE countries. Thus, the new democratic constitutions in ECE countries, evidently already contained some provisions for self-governing functional and local units, but these provisions initially were only abstract and general in nature, and lacked the detailed, specific regulations, as fine-tuning, for the workings of local self-governments. In Hungary the further – but still unfinished – specific legislation was introduced in two steps. First, in 1990, the Act on Local Self-government was passed as a general framework. Secondly, in 1994 a second legislative package, including the amendment of municipal electoral law and with ex-

tended competencies for the directly elected mayors. Yet, above all, the ECE countries have constitutionally acknowledged local self-government units as an independent branch of power. That was a major historical turning point, as Joanna Regulska puts it: "In all the countries of Central and Eastern Europe, local government reform was launched as a deliberate move from the centrally controlled system in which hierarchical dependencies and the unity of power were at the core of the administrative structure. In the period of 1989-90, most countries in the region put in power new, independent central governments. The speed with which new political leaders attempted to move toward the establishment of principles of self-governance was remarkable" (Regulska, 1993: 137).

In the early 1990s the independent workings of local self-government became an everyday practice, supplementing the constitutional State at the formal legal level. This situation, however, created a new contradiction in the form of the extreme fragmentation of the polity. With some exaggeration, it can be said that with the full autonomy of "small-size" local self-governments, Hungary and the Czech Republic, and to a lesser extent Poland, are close to some kind of a confederation of 'thousands of independent republics', i.e. legally independent local self-governments which have not as yet found completely the ways and means of cooperating, either with each other or with the central government.

On the side of 'public' administration, a large fragmentation of local self-government in all ECE countries has taken place - except for Poland with its 2,452 units -, since in 1995 there were already 6,230 local self-governments in the Czech Republic, 3,145 in Hungary, and 2,835 in Slovakia. In Slovenia three quarters of the population live in 50 towns, yet there are a large number of (nominal) local self-governments (2,654). In fact, broadly speaking, more than half of the Hungarian settlements (NUTS5) have less than one thousand inhabitants and 90 percent of settlements have less than five thousand inhabitants. As Hughes and his co-authors note: "With the passage of local self-government legislation across the region, the number of self-governing units at local level mushroomed in a direct riposte to the communist era practices of extreme centralisation, disenfranchisement and forced amalgamation of local government units. (...) The extremely small size

of many of these local self-government units made for a high degree of dysfunctionality as they lacked the sufficient tax base to fund service provision" (Hughes et al, 2004: 39-40) (see *Table 1*).

This settlement structure is very divergent from the EU standards as well, if they exist at all. Supposedly the NUTS4 level is between 20,000-60,000 inhabitants and the NUTS5 level is anything below 20,000 inhabitants. There has undeniably been a process of soft, indirect regulation of the NUTS4-NUTS5 levels after the Maastricht Treaty in the spirit of the subsidiarity principle. As the Committee of Regions' analysis notes, "The Maastricht Treaty has changed the scope of regional and local government in the EU Member States (...) Community initiatives increasingly will influence regional and local authorities in the Member States" (CoR, 1996: 10). At the same time, this CoR analysis has emphasised that "The enhanced efficiency of the Union's initiatives will increasingly depend on the possibility of regional and local governments to implement decisions of the EU" (CoR, 1996: 7). This message is clear for the new Member States as well. More autonomy is given, more efficiency is needed – this is the new frame for the sub-national units, "increasingly". The description of the institutions, however, was not complete in 1996, since the NUTS4 level was missing. Better to say, only three sub-national levels were mentioned (regional, intermediate local and local government), therefore in the term of "intermediate" local government mostly the counties or provinces were identified. Although there was one reference to the fact that "some countries have merged smaller municipalities to establish local government entities with the minimum staffing and financial capacity necessary to provide the needed public services in the local communities" (CoR, 1996: 18), the term and the idea of the real "intermediate" local government appeared only later. However, the above remark is the good "definition" of districts and provides the key for understanding the reason of its creation.

Moreover, in the ECE States not only the settlements have become fragmented, but usually the poor and/or asymmetrical interest representation system has also been fragmented. In Hungary this settlement fragmentation has been reproduced at "second power" level by the territorial interest representation organisations. The seven Hungarian organisations (see *Table 2*) have also been hopelessly over-competi-

tive and non-cooperative along the levels of settlements from small villages to the big cities, and also along the lines of the party divide. Therefore, in most cases, they have not been able to adopt a common position in the defence of the interests of self-government units versus the central government. The Committee of Regions suggested as early as 1996 that the NUTS5 level organisations should form bigger units (NUTS4) for providing services and, beyond this recommendation, noted that "In countries with the most elaborated cooperation models, local governments are represented at negotiations by their central associations" and some Member States have established "fixed routines for negotiations between central government and regional and local governments". This would be the preferable EU model for the Hungarian territorial actors as well ²⁵³.

Fragmentation as a major trend has been caused by the previous long-term democratic deficit at the grassroots level. Even now, local communities do not trust higher bodies, including bigger settlements, so there has been an ongoing process of further splits within units of bigger size as part of a struggle for freedom and autonomy by some smaller units. Living traditionally under the conditions of vertical hierarchy, ECE populations have their own idea of good governance and they push for small units where the decision-making process is closer and more transparent, where the specific interests of these small communities can be better elaborated and served, and where the ambitions of active citizens for a public role can be achieved and tested (*see table 3*).

This fragmentation of the settlement structure has left about one million people in Hungary in a state of poverty linked to their freedom, since they live in villages which mostly have far less than one thousand inhabitants and where the level of education, income, public services and infrastructure is low and only the age level high. Their capacity for interest representation is particularly low, and that can be extended to a lesser degree to settlements with a population of less than ten thousand, since they form together one unit for the municipal

²⁵³ See CoR, 1996: 25-26. The CoR has published several reports of this kind in 1999, 2001, etc.

electoral law (with a “small list”). In total, there are two major problems that would have needed a strong interest representation of the self-governments units against the centralised State. The first one can be described in terms of politics-policy or institution-policy that is the incapacity of the small settlements as politically independent institutions to provide the necessary public services. The second major problem is the increasing under-financing of local self-government units, which has aggravated the above mentioned problem and has also led to an actual loss of political independence because of financial dependence.

As to the “functional” problems, this fragmentation process, as a push for smaller units, has produced negative effects in terms of efficiency, for technical reasons. Obviously, these small units cannot provide all the functions they are supposed to provide, not only constitutionally, but also in response to the demands of their citizens. The price paid for fragmentation is high ‘poly-technically’, i.e. administratively and organisationally and a great deal has been written about these inefficiencies and malfunctioning. On the other hand, however, this process is positive as a transition and learning process, since it gives all citizens at the grassroots level a feeling of freedom. They feel that they can be politically effective, that is to say they can decide their own fate and organise all local issues appropriately; hence, they learn democratic behaviour with regard to the issues that concern them the most. This democratic experience provides a basis for cooperation and - partial or complete - integration between and among the smaller settlements, supported also by central governments by direct (financial) and indirect (optional participation in some bigger administrative organisations) measures.

However, this trend towards integration can be seen first of all as an organic and spontaneous process creating small regions of cooperation voluntarily by these smaller units still enjoying “independence and freedom” and establishing contacts with other settlements on their own initiative. In this way, some kinds of the NUTS4 level districts emerged in Hungary spontaneously even before and/or without EU pressure, but they were rather weak, heterogeneous and did not cover the country as a whole. This spontaneous trend has been supported by

the conscious reform actions of the incumbent government, which will be analysed later in detail.

As to the “financial” problems, in all ECE countries there has been a gap in legislation between, on the one hand, the legally formulated rights and duties at the local government level and, on the other hand, the regulation and provision of funding. This has led to financial dependence on the central government instead of the former legal-political dependence. Central governments have even used local government units to transfer the social costs of transition from higher and more transparent national levels to lower and less visible levels, by delegating many public functions and social policies to local self-government units, without providing the proper resources. Local self-governments have become a kind of ‘garbage bin’ or ‘conflict container’ where these cumulated social conflicts (increasing unemployment, decreasing social benefits, declining education and health services, etc.) have appeared in a decentralised way. They are no longer the responsibility of central governments; therefore, decentralisation defuses social tensions to a certain degree at the national level, but exacerbates them at the local level. The trend from the early 1990s to the present time has shown clearly the decreasing share allotted to local governments from the central budget that has recently become the biggest bottleneck and the main obstacle to the creation of social capacity, or otherwise, to the absorption capacity of the Hungarian public administration (*See tables 4-7*).

Consequently, although the dominant trend in the administrative reform has been decentralisation, with increasing autonomy granted to local self-governments, the ECE countries have made great re-centralisation efforts since the mid-1990s. In the 1990s it was usually under the banner of economic crisis management and in the name of greater efficiency in the case of a bigger administrative-institutional centralisation. In the case of the “missing middle” or the weak intermediary organisations a vacuum emerged between the central and local governments that was filled by the decentralised bodies of sectoral ministries (“decos”, branch offices) that represented an overwhelming power against the weak counties (NUTS3) and small settlements (NUTS5), with the district level (NUTS4) completely missing. These re-centralisation efforts clashed with the autonomy of a resurgent civil

society in general and that of local self-government in particular, which indicated that the national system of public administration was the least developed or established and most “defenceless” part of the entire democratic institutionalisation process. While ECE local self-government gained genuine legal independence in the early 1990s, because of the very real problems of administrative fragmentation, very serious problems were generated by the re-centralisation or the “financial dictatorship” of the central government²⁵⁴.

Elander gives a good summary of these neo-centralist efforts: “However, trends of re-centralisation in post-socialist Europe now appear in various forms. One example is the creation, by the central level, of new institutions at regional and local level: there has been an increased tendency on the part of individual ministries and branches of central government to establish their own branch offices at the lower level as opposed to building self-government representation from the bottom up. Another example is a tendency towards increasing central government supervision of local government. The central level has increased its fiscal control of local government resources, and new responsibilities have been delegated to local government without allocation of appropriate financial resources to fulfil them. (...) The centralist plea takes, as its point of departure, the fact that communal fragmentation seems to be growing, this in terms of an increasing number of smaller units coupled with weak and divided middle tiers of government. Through strengthening State administration at the meso-level (in Polish: the voievodship level) centralisation of tasks and powers develops, and local self-government finds a narrower scope for action. Lack of financial resources and professional competence makes it still more difficult for local governments to challenge middle-tier State power. Facing this dilemma, proponents of self-government argue for regional government reform, which would help overcome fragmentation without giving the central State excessive powers; indeed, such a reform

²⁵⁴ In Hungary there is a kind of financial support system for local governments that, through no fault of their own, find themselves into a critical financial situation.

would involve the abolition of the existing State administration at the meso-level, and thus provoke intensified conflict between centralists and decentralists" (Elander, 1996: 6-7).

These negative features of the first wave of reforms were already apparent in the early 1990s. For instance, Joanna Regulska has identified five problems concerning local government reforms, which can be extended to the problem of the whole reform: "conceptual weaknesses of local government reform; increasing tendency toward centralisation; politicisation of the local level; alienation of society and of local self-governing bodies; and inertia of the old administrative system" (Regulska, 1993: 139).

This overview of the re-centralising tendency clearly points to the two main problems of public sector reform concerning local self-government. The first problem is the weakness of the meso-level in both ways, i.e. both in State and public administrations, the 'missing middle' under the new conditions. Thus, the central governments in many countries, as indicated above, faced with the 'vacuum' in the intermediary structures, tried to fill this gap with new State bodies or by extending the competences of the former ones as a means of controlling local self-governments. As the often quoted book of Robert Putnam (1993) demonstrates in this regard, the consolidation of democracy is possible only through the development of a democratic culture rooted in local civil societies, or, as the Spaniards formulated it, through "the invention of a democratic tradition". Still, it would be a great mistake to underestimate the width and depth of the changes in public administration and local self-government. It is only through such radical transformations that systemic change has reached society as a whole and civil society as the population groups organised voluntarily in their own institutions and associations. Thousands of local units have become modernised and professionalised within a matter of years. Tens of thousands of local administrators and politicians have turned up as 'policy entrepreneurs', since both local careers have proven to be rewarding in terms of power and influence, as well as income, even interwoven too closely with given local business interests and entrepreneurship. The bottom line is that democratic institution building

and public sector reform have been implemented in most of the ECE countries at an incredible speed ²⁵⁵.

Thus, after this short discussion of the first generation reforms, we are faced once again with the problem of balancing advances and setbacks, major accomplishments and the newly created contradictions. The major advances of administrative modernisation can be summarised as follows: (1) Structural-functional differentiation of institutions at all levels, but above all in intergovernmental relations and intermediary or meso-level structures. (2) Separation of political and administrative powers through the creation of a body of civil servants - and public employment - who have been professionally trained and are morally committed to public affairs. (3) Professional-technical modernisation with important transformations in the fields of organisation, management and technical appliances, pre- and in-service education etc. for the optimisation of human resources. The main structural goal of public-sector reform in ECE has been attained, now it is necessary and important to focus on completing the second generation of reforms, or the second wave of institutional reforms from the point of view of efficiency, performance and social capacity. In the first wave of reforms, among other things, the public and private spheres were separated rather unambiguously and both could develop according to their own rules. However, the ECE public-sector reforms have created a number of contradictions as well ²⁵⁶.

Obviously, with the near completion of democratic institution building in ECE, people have with justification greater demands in terms of the efficiency of the new public sector. The new democratic institu-

²⁵⁵ The territorial structure of State administration in most ECE countries is still to be decided and that decision has been postponed several times for political reasons, as for example in the Czech Republic. What is more, in some other countries the meso-level territorial reorganisation definitely violates the interests of ethnic minorities, e.g. the territorial structure of the counties (kraj, NUTS3) does not allow for the Hungarian minority to form their own county, which is obviously against the EU norms and the Europeanization process.

²⁵⁶ Legislation was enacted in Hungary in 1992 on Civil Servants and Public Employees.

tions, however, have failed to meet these expectations; first of all at the level of local self- government (NUTS5) because given their extreme fragmentation they have not been able to provide the necessary public services or at least not in an efficient way. Paradoxically, this is a fair demand for efficient public services, since the new democratic institutions have to work more efficiently, but the high expectations are also elusive and excessive. These institutions have had to work in a highly complex and unpredictable social environment, with too many transformation processes that need to be coordinated at the same time, and in an uncertain international environment. These external and internal pressures have to great extent interacted. The external economic and political pressures have resulted in a rapidly shrinking State budget, with diminishing resources for basic public functions. For instance, the police have had much smaller resources to deal with increasing international crime, while less money has also been allocated for social policy at a time of growing unemployment and poverty at local level. Although budgets may be higher in absolute terms, they are inadequate to meet increasing demands, or represent a higher percentage of the decreasing GDP.

The rapid adaptation to the changing environment has produced a lack of coherence in the transformations imposed and contradictory regulations have also been one of the major reasons responsible for the low capacity of State and public administrations. The spill-over effects of one area of transformation on the others were at first negative as part of a vicious circle. A shrinking State budget and disintegrating SOEs (PS-III) drastically limited the resources available for both State administration (PS-I) and public services (PS-II). From the mid-1990s on, however, increasingly as part of a virtuous circle, they have chiefly been positive, i.e. a change in one field of public sector has generated positive changes elsewhere. Not only have the resources available at the national level become relatively more important, but above all the increasing efficiency in these sectors enabled them to be used more productively. Nevertheless, the diffusion of reform ideas from the West has also been counterproductive at times, since this has created a demand to follow Western models without the proper resources and institutional environment, and without their application being adapted to specific ECE conditions.

3. “Big” regions and “small” regions (districts) in the Europeanization process

As the 4/5 November 2004 Presidency Conclusions above have indicated – “recognising the key role social partners play at all levels” – there has been a need for representation and partnership at all levels. This statement is the key for understanding EU regulations at subnational levels. All actors have to enter into partnership triangles that regulate the workings of the EU political system as a whole. The first partnership triangle is between the EU transnational institutions, the national State institutions and the subnational institutions of that given State as a vertical Europeanization mechanism. The second partnership triangle appears at the national State level as a tripartite relationship between the State and the representatives of the two main social actors (employer and employee organisations) and/or other political actors. The second triangle has developed several additional variations, in which actors of all sorts form in general a policy community that negotiates with the government.

The third partnership triangle has been built at subnational level between regional governments, of any kind on the one hand, and the regional social and political actors, also organised in policy networks, on the other hand. Thus, at the subnational level, the regional government – social actors – political actors (or organised civil society) relationships constitute the third triangle. The traditional approach in political science acknowledges only the unitary states as the main actors, and social actors exist only in this political space as opposed to the centralised State (government). In the new approach the regionalised States create a wider and differentiated, multilevel political space where partnership (or governance) is the rule. At the current time the most complicated set of actors exists at the NUTS4 level, since these actors have only been institutionalised in a soft way and their strength is their close connections with the basic units of organised civil society.

The ECE social and territorial actors have already reacted to this partnership challenge that will change their situation beyond recognition. First, the introduction of this “territorial acquis” into the cohesion or structural policy has established a very powerful partnership triangle

between EU, national State and subnational units that has fundamentally changed the political landscape: “The most important policy framework has been the EU cohesion policy, with its notion of a partnership between national, regional and local government” (Brusis, 2002: 4). The turning point in this respect was the NUTS regulation (1059/2003/EC, 26 May 2003) as the first binding regulation for Member States about the subnational actors. This regulation has defined the NUTS1-3 levels, but it has not yet been extended to the NUTS4 and NUTS5 levels, since those levels have too large a variety of administrative and statistical-territorial formations in the EU Member States. However, some conclusions may be drawn from the analysis of the NUTS2 regions for the development of the NUTS4 “small regions” or districts, *mutatis mutandis*. Of course, districts have their own idiosyncrasies, but one of the most interesting theoretical and practical issue is, at least in Hungary, how the “big” and “small” regions “meet”, that is to say, how the NUTS4 level organisational and representation forms can be integrated “bottom up” into the NUTS2 structures to which we shall revert later (see table 8).

The NUTS regulation has given a concrete “territorial” content to the partnership principle in the allocation of Structural Funds that has widely been advocated by the EU since the late 1990s. The partnership principle was first introduced in 1988 and completely elaborated in *The Tavistock Report* (see Kelleher et al, 1999). This Report defines the main outlines as follows: “The principle of partnership underlies the operation of the Structural Funds and, indeed, forms one of the four guiding principles of the Funds. Formally introduced as part of the 1988 reforms the principle was strengthened in 1993 and has played a fundamental role in EU cohesion policies. (...) Specifically partnership responds to changes in regional policy and a trend towards ‘regionalisation’ in the Union which is in turn a response to the phenomena of globalisation and consequent industrial restructuring, growing social exclusion, and attempts to respond to these through territorially based policies. (...) decentralisation to the regions and localities in order to deepen democracy has been given a growing emphasis (...) the term *regionalisation* refers to the development of regional governance, a phenomenon which is increasingly important in many States across the European Union today. Regionalisation is essentially a process of

decentralisation which entails the devolution of competencies and powers to the lower levels of governance" (o.c.,: 15,20,21).

Although the "territorial *acquis*" has not yet been completely elaborated, the basic EU requirement is still clear as "the institutionalisation of the partnership principle, which empowers sub-national actors as well as social partners" (Heinelt et al, 2003: 135). The establishment of the first partnership triangle has resulted in profound changes in all EU national systems and, as a result, it has also basically transformed the second triangle with decentralisation and regional competition. Paradoxically, because of the resistance of the nation States and the national traditions of public administration, it has produced a much more limited convergence effect at sub-national levels, than was predicted and advocated by the representatives of the "new regionalism" approach. At the current time, the EU has been split into two parts with "fast track" and "slow track" developments depending on the establishment of autonomous regions that could optimise the development of factors of competitiveness. In addition, regarding to the resistance of the old Member States, the European Commission has also hesitated to issue clear detailed instructions to the new Member States: "The divergence of institutional arrangements also shows that the EU Commission did not seek to homogenise the status of these envisaged partnership structures" (Brusis, 2002: 23), that is to say "no explicit benchmarks were set for measuring progress toward an appropriate level of 'regional administration'" (Hughes et al, 2003: 75).

Given the asymmetrical relationship in the accession process, the new Member States represent a good "laboratory" in this respect, in which the European Commission could exert pressure upon national States to organise the second partnership triangle. In a nutshell, in the accession period the vertical Europeanization can be described as a process domesticating the EU regulations as both an institution and policy transfer: "EU enlargement is widely seen as involving a process of Europeanization, whereby EU regulatory norms, practice and capacity is infused into governance systems of the CEECs" (Hughes, 2003: 184). The EU has warned the ECE governments several times that they should pay attention to the institutionalised partnership with regional and local partners, and genuine partnership structures have to be established at sub-national level. The European Commission's attempts to encour-

age decentralisation have been rather ambiguous so far and only led to a superficial regionalisation. Obviously competitiveness constraints within the EU will force the new Member States to take the next step in regionalisation, i.e. strengthening the regional partnership structures through a genuine decentralisation in the “big” regions, at the same time as functional recentralisation in the “small” regions, and connecting the two levels (NUTS2 and NUTS4).

Thus, “the opinion of the Commission in the form of Regular Reports as well as separate communications have earned unprecedented prominence in the domestic politics of the accession countries” and “the external – European – influence acted as a catalyst of change”, Csaba, 2004: 339,340). In the third triangle the EU instructions are prevailing; however, there is still a large variety of institutions, but with two main types of arrangements as strong and weak units as the interaction between historical traditions and the recent answers to the new production challenges. For the new Member States there has been a stronger common imperative to improve their administrative capacities at all subnational levels in order to manage and administer Structural Funds.

That has not led to a full convergence either, but has also produced socio-economic polarisation between strong regions – usually around the capital cities – and weak regions, mostly in the Eastern part of the ECE countries concerned. The strong regions have well-organised regional policy communities advocating an entrepreneurial approach to regional development. In most cases, however, only weak regions have emerged behind the thin façade of territorial-statistical units, since the political and social preconditions for effective regionalism have been missing, and therefore, the regional disparities have increased and threaten to increase further unless substantial institutional reforms are implemented. There has been a similar polarisation process at the district level.

The new members have a tradition of centralised States and the regionalisation process has had to contend with important political and administrative resistance at the level of central government. In addition, even unwillingly, the accession process actually strengthened the central governments versus the other actors at national level (see Brucis, 2004). This has further distorted the second triangle in favour of

central governments, although the formal institutional system has become more and more deconcentrated – sometimes decentralised – in an emerging NUTS multilevel structure, so the paradox has become even bigger than in the old Member States. Central government bodies – despite all reform rhetoric on their part – have not been ready to decentralise the political decisions and the proper resources, i.e. to “empower” the sub-national actors.

In addition, the ECE governments in the 1990s had a centralist approach to economic crisis management, combined with neo-liberal economic policy and fiscal dictatorship. Thus, in principle, while advocating the independence of the territorial actors, they have allocated insufficient or minimal resources for their genuine and complete autonomy. Some analysts have stated that “Apart from EU funding, the RDCs (Regional Development Councils) had a weak resource base and, as unelected quango-like agencies, have had difficulties in establishing themselves as effective and credible organisations” (Hughes et al, 2003: 81). This reference means that the ECE central governments have preferred a form of deconcentration called decentralisation, which is not a real devolution, only more independence in the implementation of the decisions made at a higher level. This situation has only slightly improved since accession to the EU.

Beyond the political prerequisites in a top-down approach, also their social counterparts for effective regionalisation have been largely lacking at regional-local levels in a bottom-up approach. The ECE countries have weak capacity to promote sub-national governance, given the fact that organised civil societies have always been weakly developed historically. Where the civic associations have been relatively well developed with a dense network of local institutions, those units have established strong sub-national governments that have created and further deepened the local-regional disparities.

This situation has also weakened the impact of vertical Europeanization on the ECE subnational actors, since the intensive EU contacts are decisive for the emerging local-regional elites: “There can be no doubt that the institutional configurations, capacities and attitudes which prevail at the regional level will have a crucial impact not only on the management of EU funds, but also on the connectedness of regional and local elites to EU norms” (Hughes, 2003: 190). Hence, the main

bottleneck is the weakness of the organised civil society at the local-regional level, albeit as the case of successful actors has proven, “it is possible for regions to exert strong capacity building powers through the creation of a dense network of institutions” (Sadler, 2003: 107). The middle level governance structures require new institutional capacities such as planning, programming, leadership and management beyond those needed for the daily operations of big and “small” regions, which presupposes, however, the strength of the social and political actors at that level ²⁵⁷.

In the present period the polity-building, the organisation of a new complex institutional system has come to the fore as an optimisation of local-regional – mostly human – resources to enhance regional performance in terms of competition. Whereas the low institutional density or institution-deficit has existed in all partnership triangles in ECE, it has taken a special “post-communist” form in the second, “state-centric” triangle. Given the important institutional deficit in the ECE countries, due to historical reasons and the overload of urgent tasks in the democratic transition process, the main issue has been the complex capacity-building – as polity-building - at all levels or in all the three partnership triangles. Basically, there are three kinds of institutional capacities, namely (1) capacity for vertical Europeanization as a capacity for the external representation of interests, (2) the internal effectiveness of institutions and (3) the horizontal capacity for the representation of interests along the lines of Europeanization. Out of these three relationships, usually only the internal capacity has been analysed to some extent, the external and horizontal capacities have been neglected or hardly tackled (see Hughes et al, 2004: 71-74).

Again, for both big and small regions it is important that the internal capacity and/or institutional performance presuppose the effective ability (1) to respond to the social demand, (2) to formulate objectives, (3) to make decisions and (4) to implement agreed policies. This concerns the following dimensions: (1) the quality of administrative services, (2) the fairness of treatment of citizens by authorities, (3) the

²⁵⁷ The Alphametrics Report for the European Commission discusses the necessary administrative capacity at length – actually including the NUTS4 level as well, so that they refer to the problems of dispersed settlements (2004: 155-158).

ability to introduce and implement strategic decisions, (4) financial planning and management, (5) the quality of local-regional legislative process, (6) political stability and (7) local-regional policy to stimulate economic growth. Modernisation can be analysed as a complex phenomenon that can be measured as GDP per capita, local-regional revenues from own sources, proportion of agricultural population, household revenues per capita, proportion of those with university degrees. But another indicator for local-regional development is the level of "civicness": (1) the number of voluntary social organisations, (2) the existence of local media, (3) the participation in voluntary associations, (4) the intensity of international contacts of local-regional governments and (5) the political history factor. Finally, if asked whether the local-regional capacity or performance depends on modernisation (level of economic development, education, infra-structure) or civic culture (a well-functioning civil society, including local press) the answer is that the civic traditions and dense network of local institutions may be as important as the formal socio-economic data of modernisation ²⁵⁸.

4. The EU accession and the new drive for second generation reforms

After having discussed the reform of public administration in two major stages and its broad outlines, followed by the EU partnership principle and the capacity building for accession, it is pertinent to examine on a wider basis the problems of the performance crisis caused by EU accession. In fact the EU requirements for administrative capacity have changed the external environment of the sub-national governments beyond recognition. In this regard, we have defined the second-generation reforms or the second wave of institutional reforms as the way of coping with two new challenges, accession to the EU and early consolidation (Ágh, 2003a and 2003b). The historical experience of

²⁵⁸ In an innovative analysis of the Polish regions, the authors provide a similar description of capacities and they state that "Civicness may be somewhat more important than modernisation" (see Baldersheim and Swianiewicz, 2003: 132,138,140,145).

following and importing the Western European model once again became of particular importance in the late 1990s. In fact, the great transformation in the early 1990s meant 'only' a structural adaptation to the EU constitutionally in general terms. It was above all a political way of choosing from among the West European constitutional solutions with a proper transfer of institutions, in the case of Hungary, and later Poland, it meant for instance importing the (West) German construction of prime-ministerial government.

The macro-level democratic institution building was at that time a very difficult issue, but it depended more on political will than on administrative capacity. However, as full membership came closer, the Europeanization process became more detailed and more sophisticated, and institution building was much less dependent on political will and political decisions, and much more on administrative capacity, i.e. on the strength of the organisations involved and the maturity of the sub-cultures concerned. In addition, although at the beginning, the reform process was thought to be easier and quicker even from an administrative or feasibility point of view, it has proven to be much more difficult and has generated many social conflicts among winners and losers.

In the period of democratic transition the impact of Europeanization on the public sector reforms mainly took the form of institutional transfers from government structures through the constitutional court to market regulation institutions. With the 'detailed' Europeanization, administrative reform has taken the form of policy transfers or the transfer of the "regulative State". It is no longer enough to 'import' an institution from the West, the major issue is how it can work properly or efficiently. For the full implementation of the *acquis communautaire* it is above all the administrative capacity that is missing to transpose and implement them properly, although in some cases the political will has also been missing. Thus, the present stage of public-sector reforms has a pragmatic style 'European' imprint, but in the case of the NUTS4 level there are no EU "models" for an institutional transfer. There has been a large variety of institutional solutions in the "East" and West, and it can be argued that this "intermediary" local level has not been so important for the EU adjustment and for the Structural Fund absorption. However, it has become crystal clear that this insti-

tutional level is crucial for the effectiveness and efficiency of the basic level of settlements and those districts also provide in many respects the “pillars” for the big regions. In fact, only they can be the real “partners” for the NUTS2 regions, since the optimisation of local resources and opportunities is only possible “above” the settlements’ level (NUTS5), but below the county level (NUTS3), that is to say at the NUTS4 level²⁵⁹.

At the current time, in Hungary the NUTS4 level has been the most important space for public administration reforms to enhance effectiveness of the local government and “Europeanize” them, in both ways, to increase their capacity to absorb EU Structural Funds and provide public services. The very fragmented NUTS5 level with so many small settlements cannot be Europeanized directly, only through the NUTS4 level “superstructure”. Again, the settlement level is too weak to have any kind of meaningful connection with the NUTS2 level, but the districts (NUTS4) have already begun to organise their county (NUTS3) and regional (NUTS2) level associations and interest representation groupings. No doubt the existing informal and semi-formal institutional structures will soon be formalised and district representations will be integrated into the Regional Development Councils or future regional governments. In Hungary we have 176 voting districts for the parliamentary elections and 168 functional districts. The two systems do not overlap in many cases; the borders of the parliamentary electoral districts are the product of a political compromise and the borders of the functional districts have been recently formed according to the facilities of the public services. In the near future the two systems may be harmonised; merging them will solve the problems of both the political representation and functional supply of public services.

²⁵⁹ The Tables of the Committee of Regions (Devolution in the Member States of the EU, updated in September 2003) usually describe only three levels (national, regional and local levels) in ECE, i.e. still not indicating the NUTS4 at all, except for Poland (308 powiats and 64 cities as NUTS4 level units), although for example Slovakia also claims to have 79 units at the NUTS4 level, etc. (www.cor.eu.int/en/documents).

In general, this complexity of structural adjustment is a very difficult task for the administrative reform of both central and other levels of government. In addition, structural adjustment is not only a requirement for the State, as well as public administration in itself, it is also a complex process concerning all walks of life which has to be designed and implemented in society as a whole by the administration. The ECE countries coped effectively with the major problems of democratic transition, but they lost their effectiveness to a great extent by the late 1990s in coping with the dual challenge of Euro-capacity and early consolidation; this can only be achieved through an important and concentrated capacity building effort. It is to be noted here that only the new Member States have gone through an accession crisis and it has been very difficult for them to continue the second wave of reforms, such as the public administration reform, in such difficult conditions. Yet, they have been forced to take some steps forward with this reform and the “fuzzy” political conditions have are still more favourable to promote reforms on the NUTS4 than on the NUTS2 level.

Thus, the incumbent Hungarian government has drawn up a programme for wide-ranging public administration reform as part of the EU adjustment process in the post-accession period (see Ágh, 2004a). Its aim is to build the entire structure of the NUTS system, first of all the NUTS4 level as small regions and taking serious steps towards creating strong and effective regions (NUTS2). Given the focus of this paper on the NUTS5 and NUTS4 levels, we can conclude that the second wave of institutional reforms has almost been completed with the legislation of 2 November 2004 on districts and may be completed by the end of 2005 by actually organising all of them. It has also been accompanied by proper financial measures to promote these districts by assisting their efforts to provide common public services at the NUTS4 level, while preserving the political-legal independence of local self-government (NUTS5). With this legislation and the ensuing socio-economic and administrative-political transformation, the major tensions between the political independence and the functional incapacity of the Hungarian settlements has to a large extent been solved. The future will show whether this combination of “freedom” and efficiency, politics and policy, institution and functions will work properly as a dimension of institutional adjustment to multilevel governance in the EU.

Table 1. Average size of (municipal) local self-government in Selected European Countries

Country	% of Municipalities Below 1000 citizens	Average Population
Lithuania	0	66 000
Yugoslavia	0	49 500
Bulgaria	0	35 000
Poland	0	16 000
Macedonia	3	15 800
Slovenia	3	10 300
Albania	0	10 000
Croatia	3	8 800
Romania	2	7 600
Estonia	9	5 700
Ukraine	NA	4 600
Latvia	32	4 300
Hungary	54	3 300
Slovakia	68	1 900
Czech Republic	80	1 700

Table 2. Territorial interest representation organisations

Organisation	Members	No. of members	Date of establishment	Coverage
Hungarian National Association of Local Authorities (TÓOSZ) www.toosz.hu	local self-governments	1700	10 March 1989	53%
Association of Cities of County Rank (MJVSZ) www.mjvsz.hu	cities with county rights	22	19 December 1990	100%
Association of Local Governments of Small Municipalities (KÖSZ) www.koesz.helyinfo.hu	small settlements' self-governments	500	24 November 1990	17%
Association of Hungarian Villages (MF) mfsz@faluszovetseg.hu	small settlements	222	October 1989	10%
Association of Hungarian Local Governments (MÖSZ) mosz@godollo.hu	local governments and their mayors	150	18 November 1990	5%
National Association of County Local Governments (MÖÖSZ) moosz@bacskiskun.hu	County self-governments	19	March 1991	100%
National Association of Small Town Governments (KÖÖÉSZ) www.kisvarosok.hu	local self-governments in small towns	113	21 November 1991	40%

Table 3. Changing size of settlements between 1990-2003 in Hungary

Settlement types	Settlements					Population				
	1990		2003		Changing %	1990		2003		Changing %
	Number	%	Number	%		Number	%	Number	%	
Under 499	965	31.4	1 023	32.5	+ 1.1	269 458	2.6	283 365	2.8	5.2
500-999	709	23.1	691	22.0	- 1.1	517 670	5.0	501 217	5.0	- 3.2
1000-1999	647	21.1	647	20.6	- 0.5	927 841	9.0	942 841	9.4	1.6
2000-4999	479	15.6	506	16.1	+ 0.5	1 421 419	13.7	1 448 999	14.4	1.9
5000-9999	130	4.2	135	4.3	+ 0.1	886 272	8.6	959 069	9.5	8.2
10000-49999	120	3.9	122	3.9	0	2 317 883	22.4	2 204 851	22.0	- 4.9
50000-99999	12	0.4	12	0.4	0	785 278	7.6	749 687	7.5	- 4.5
Over 100000	9	0.3	9	0.3	0	3 229 021	31.2	2 953 310	29.4	- 8.5
Total	3 071	100	3 145	100		10 354 842	100	10 043 224	100	- 3.0

Table 4. Central budget and expenditures of local self-governments as a percentage of GDP

	1991	1993	1995	1997	1999	2001
Total Annual GDP (HUF billion)	2 498	3 548	5 614	8 542	11 750	15 825
Share of the central budget (%)	33.2	35.0	35.4	25.9	31.3	28.9
GFS based share of the local governments as a percentage of GDP	15.2	17.2	14.6	13.3	13.0	12.3

Source: National accounts of Hungary, and final accounts of the annual budget, respectively

Table 5. Structural composition of and annual changes in current year revenues of local self-governments*(Unit: percentage)*

	1991	1993	1995	1997	1999	2001	2002	2003
Own revenues	18,3	17.3	18.0	23.4	28.8	28.2	27.1	25.4
<i>of which: local taxes</i>	2.3	4.4	5.7	9.2	12.9	13.4	12.8	12.4
Split revenues	11.9	10.4	11.8	12.0	13.3	15.2	15.1	16.8
Capital-type revenues	1.4	8.0	11.2	15.5	8.9	10.1	9.0	8.2
Normative state benefit	36.4	34.1	29.0	21.6	18.7	15.3	14.2	14.4
State subvention	11.6	8.7	9.3	7.6	10.4	10.3	12.6	15.8
Transferred resources of Social Insurance	16.9	14.9	15.6	14.1	13.7	12.6	13.2	14.4
Other resources received	1.5	2.3	2.2	4.3	4.0	4.0	3.0	1.3
Loan and other resources	2.0	4.3	2.9	1.5	2.2	4.3	5.8	3.7
Current year's revenues	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: National accounts of Hungary, and final accounts of the annual budget, respectively

Table 6. Revenues of local self-governments according to their sizes

(Unit: percentage)

	Own (capital) revenue	Split Revenue	Normative benefit	State subvention	Transferred resources of Social Insurance	Current year's revenues
Budapest and districts	27.0	12.4	15.0	8.3	20.7	22.9
County local governments	10.3	12.8	8.9	8.6	42.1	12.9
Total towns of which: cities with county rights	41.3	40.6	49.9	41.9	34.5	41.6
other towns	18.6	15.1	23.5	11.7	10.0	17.2
	22.7	25.5	26.4	30.2	24.5	24.4
Total small settlements of which: over 5,000	21.4	34.2	26.2	41.2	2.7	22.7
between 1,000 and 4,999	3.1	3.6	3.4	3.5	0.3	2.8
below 1,000 inhabitants	13.6	21.4	18.1	26.8	1.8	14.8
	4.7	9.2	4.7	10.9	0.6	5.1
Total local self-governments	100.0	100.0	100.0	100.0	100.0	100.0

Table 7. Value of the local self-government properties and its distribution according to the major property elements

(Unit: percentage)

	1991	1993	1995	1997	1999	2001
Intangible assets	0.1	0.1	0.1	0.1	0.2	0.2
Tangible assets	76.8	50.8	48.5	44.7	51.0	54.1
Financial investments	2.2	30.8	32.0	29.6	22.4	16.7
Invested assets	79.1	88.2	87.4	80.5	81.1	84.9
Inventories	2.8	1.1	1.0	0.7	0.6	0.4
Receivables	0.8	2.3	4.1	5.5	6.0	4.8
Securities	1.3	0.9	1.7	4.6	4.7	2.7
Liquid assets	13.1	5.9	4.5	6.6	5.6	5.5
Total current assets	20.9	11.8	12.6	19.5	18.9	15.1
Total assets	100.0	100.0	100.0	100.0	100.0	100.0

Table 8. The Hungarian NUTS System (2004)

	NUTS level	Number of Units	Number of units which form a unit on the next NUTS level	
			Average	Min ; Max
Large region / nagyrégió	NUTS1	3		
Region / régió	NUTS2	7	2.3	1 ; 3
County & Capital megye, főváros	NUTS3	19+1	2.9	2 ; 3
Small region / kistérség	NUTS4	168	8.4	5 ; 15
Settlement / település	NUTS5	3145	18.7	1 ; 79

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Chapter 21. Searching for Relevant Areas: A Franco-English comparison of Local Government Reforms

Michèle Breuillard

Introduction

There is no doubt that the European integration has had an influence upon the development of local government in each member-state, even before the European Constitution has been ratified. Although it may hardly have affected structures, as European models still display various shapes and diverging development, the European Union is proving to be really influential as far as 'financial matters and local authorities' financial autonomy are concerned especially in countries like France where this financial autonomy is traditionally important (Marcou, 2002). The EU is still building competition between public authorities, either central or local, and the need for strengthened economic power against insiders as much as outsiders. The key answer is to be found 'by building on sharing and rationalising costs of public services and responsibilities through councils' strengths of local knowledge, ability to join up local public services and accountability (Local Government Information Unit).

So cooperation between local government tiers, especially the lowest ones, has become an essential objective for the purpose of defining the most relevant size for local government areas. However there is nothing new in this issue. Since the sixties or seventies, most democratic countries have tried to best adapt their political institutions to an ideal model of 'good administration'. Some like France and Belgium put the emphasis on reducing the number of small communes. Others like Italy and Britain tackled the size-optimum for local government. While Belgium was successful in forcing its communes to merge as early as 1974 (Michel, 2004), France was not. Britain achieved the redistribution of responsibilities and boundaries with a reduced number of local government tiers; again, France did not.

This contribution compares how on both sides of the Channel the same issue of relevant areas has had to be tackled with a view to wide-area governance. The comparison is based on the tension between two different approaches. In Britain local government is said to be designed for local service delivery while in France areas ('territoires') have to be managed and developed in the local population interests. Due to the devolution of local government responsibilities to the Scottish Parliament and the National Welsh Assembly, our scope will be restricted to England where local government remains under the responsibility of Whitehall, mainly the Office of the Deputy Prime Minister, which has engaged in a wide-ranging and far-reaching 'Local Government Modernisation Agenda' (Bovaird and Martin, 2003).

The first section explains the two different approaches, bearing in mind Vincent Wright's famous phrase about Franco-British comparisons raising 'remarkable similarities and inescapable differences': the English fragmented organisation of central/local government-, and county/district relationships is compared to the French unified local system of 'administration territoriale'- in which both central and local governments are in charge of local affairs. This overall analysis will help explain what efficiency in area-wide governance and policy-delivery consists of in each system.

The next two sections will detail the successive reforms in England and France which have aimed at re-organising local government. France's complex local government system has a reputation for being literally 'untouchable' (Orange, 2002) while in direct opposition to that con-

spicuously 'conservative' attitude, English councillors live in a tradition of recurring local government reforms of boundaries, responsibilities and/or structures. Nevertheless at regular intervals new perceptions of local authorities' role and room for manoeuvre have urged governments to take new steps in functional and territorial co-operation. England is orientated towards a single-tier structure based on unitary councils and local partnerships while France has developed a catalogue of 'meso government' on top of existing communes. So in the final section, local leadership emerging from the direct election of English mayors and French leaders of inter-municipal councils will be examined as *the* panacea for improving local democracy through legitimacy and accountability, leading to some conclusions regarding the relationship between local democracy and decentralisation.

1. 'Local government' versus '*administration territoriale*'

Ideally local government is a democratic authority which represents the population and is close to them; it is also endowed with autonomous powers so that it can carry out policies efficiently, meaning quickly and in response to the local communities' needs. In 1986 the European Charter for local autonomy characterized the ideal model of local government on the basis of three principles: a general power of government, devolution of local autonomy and subsidiarity, meaning each policy decision-making process is to be devolved to the most appropriate tier of government, either national, sub-national or local. In France the delegation of a general competence of free administration is closely related to local democracy and uniform local institutions are a key-element of that local democracy. This is not the case in Britain where local government has no general competence, nor in Germany, where local government was set totally free to run local affairs well before citizens had been required to take part in local politics.

The whole of Britain is devoted to the functional type of local government based on local services delivery within service-based areas, according to local authorities' responsibilities delegated by the Parlia-

ment and to the Government's policies approved by the Parliament too. However, nobody would be inclined to ask how effective and how old local democracy is in Britain where for more than a century local affairs have been run by elected local councils. Problems occur when the Government decides some 'local' affairs should be turned 'national' and deprives local authorities of some of their responsibilities. The British system of local government is said to be idiosyncratic because it is founded on no specific legal principle and is under permanent reform. 'Unlike the French organisation, from the 1900's on, in Britain central-local government relationships have been discussed at Westminster and the current issue was on the consequences to be expected from a modernised administrative apparatus. No link was ever made to liaise that issue with the role played by the State, as was the case in France' (Ashford, 1982: 67).

French local authorities belong rather to a territorial type of democracy: local authorities represent the local interests of the people living in long-established areas. This is the reason why they are constitutionally called 'collectivités territoriales'. The local interests may not replicate, and sometimes are in opposition to, nation-wide interests as represented by central government at national and local level through departmental offices and agencies ('les services déconcentrés de l'Etat'). Hence central and local authorities are deemed to have both collaborative and competitive relationships in a dual system of local government: 'l'administration territoriale de la République est assurée par les collectivités territoriales et par les services déconcentrés de l'Etat' (loi du 6 février 1992). Moreover the untransferable process of field agencies ('déconcentration') has boomed to parallel the growing decentralisation reform and the prefects' role has been strengthened by a still greater delegation of central government's executive powers.

Symbolically as much as in real terms the accumulation of national and local offices is part of this dual system that makes the French world go round, despite its 36 779 communes, 100 'départements' and 26 regions in mainland and overseas areas ²⁶⁰, its 'collectivité territoriale à statut particulier' (Corsica) or four 'collectivités territoriales d'outre-

²⁶⁰ Guyana, Guadelupe, Martinique and Réunion make the four 'départements d'outre-mer' and four 'régions d'outre-mer'.

mer'²⁶¹ ! Under a specific legal status which dates back to 1982, Paris is both a commune and a 'département' headed by the mayor, within the same area which includes 20 'arrondissements'. Together with 7 other 'départements' it makes the Ile-de-France Region.

On the contrary, the British case is often described as the slimmest local government structure in Europe. After the unitary council reform was imposed in Scotland and Wales and partially enacted in England there were only 468 local authorities, either single-tier or two-tier: 35 non-metropolitan (or shire) councils, 296 non metropolitan districts, 36 metropolitan districts, 32 London boroughs and the City of London, and 45 unitary councils in England; 29 unitary councils in Scotland and 22 in Wales, 26 districts in Northern Ireland. Greater London has emerged as the first ready-made city-region; it is ruled by a mayor and an assembly, both elected directly. While in most continental countries the issue of local government status always refers to a larger philosophical debate over relationships between the State - as the political and administrative supreme power - and citizens, over devolution of powers and subsidiarity, in Britain such an issue has been examined with a more practical turn of mind. The only questions to be asked are: which technical problems are related to the creation of a new service to be delivered to the people ? how to best balance the necessary local authority staff and financial means with the size of population; how large a local authority must be to be efficient, etc. The question is not to decide on theoretical grounds whether local government is necessary or not. Government has to be local when a local authority can deliver public services more efficiently than central government.

When comparing reforms in France and in England the most obvious difference lies in the spread and speed of change in both countries' governmental organisation. Surely the more France is decentralised, the more she drifts from the European mainstream of simplifying central and local government structure (Kersting and Vetter, 2003). The constitutional 2003 reform 'can be said to raise a quiet revolution in

²⁶¹ Mayotte, Saint-Pierre-et-Miquelon, Wallis et Futuna Islands and the French Polynesia. New Caledonia have had a quasi-federal relationship with Paris since the 1998 referendum.

a near future as far as decentralisation is concerned' (Boeuf and Magnan, 2004: 48): while keeping alive the traditional three-tier system, regions have gained an official leadership in the field of vocational training for 'départements' in social welfare policy. However many authors see the three-tier structure as a restriction on actual local autonomy and free administration (Oraison, 2004). They underline the fact that, curiously, the constitutional arrangements hardly take into account the growing importance of inter-municipal organisation in the management of local services and policies either in legal or financial terms. However four aims have been ascribed to the 2003 constitutional reform: firstly, searching for a more relevant and dynamic organisation of areas; secondly, establishing a clearer distribution of responsibilities between each of the three tiers; thirdly, improving citizens' and local councillors' capacities to play their own parts so as to modernise the management of public affairs and politics; finally asserting the principle of local autonomy in terms of finance and resources. The consequence is that these inter-municipal bodies are not entitled to full local authority status. Being rather like quangos, they are mixed up with local organisations and add to an already confusing system of multi-layered governance. If the amended constitution²⁶² now includes the principle of local democracy and petition rights, and decision-making referenda for local citizens, local democracy is here strictly limited to the commune as a council and an area; it does not refer to other tiers and certainly not to inter-municipal councils.

Both countries are facing the same question: what are the relevant area and structures for public affairs and local decision-making and policy-making? In France the three-tier system is not questioned, neither is the number of communes. The various forms of existing inter-municipal bodies, some century-old, some quite new, can explain why small or very small communes can survive and how they tackle the issues of financial and technical means regarding municipal devolved responsibilities. In Britain the structure of local government has been repeatedly changed as has its size and shape. Britain tends to rely on larger and larger units and to give more flesh to the idea that powerful au-

²⁶² Art.1 and Art. 72 of the 1958 Constitution

thorities need a larger population and more money and staff to deliver policies and services.

So France can be classified in the grass-roots-level type of democracy where local authorities' *raison d'être* is to take responsibility for the interests of the people who live in their area. Britain, however, is described as a highly consolidated system of local government with the purpose of local governments as the delivery of public services and with the handling of local affairs because central government is not ready or willing to do it (Hoffman-Martinot, 2003). France remains a land for territorial democracy where the size-issue is questioned in relation to each local community's traditional boundaries: only communes, either very small or very big, not their joint bodies, are involved in the decentralisation process and few changes have been brought to the Revolution-old 'départements' born in 1791. Britain seems to favour functional democracy. From the 1972 Local Government Act on, every change in local government's shape, size or structure has been primarily connected with the quest for the improvement and rationalisation of local service delivery to local communities.

2. French communes and inter-municipal bodies

France's territorial organisation is based on two values: equal access to services to be delivered with consistency, and need for proximity. Both are at the basis of the Republican constitution. In the area in which he/she lives, every citizen must be offered the same quality and number of services he/she needs. The problem is that this Republican order was decided upon in the late 19th century, decades before the development of the welfare state and of urbanization.

Twenty years after the first series of Decentralisation Acts, France is still reviewing its constitution to reassess its decentralised organisation and to reinforce the constitutional principle of financial autonomy for each local authority. Both the 1982-83 and the 2003-04 reforms conform with the constitutional principle that all communes are granted a general power, due to their common status of 'collectivité territoriale', although this is not related to the size of their population. None of the acts refers to the fact that many communes have delegated some of

their main responsibilities to joint bodies ('établissements intercommunaux de coopération intercommunale (EPCI)'). These EPCI are not listed as 'collectivités territoriales'. They rather look like quangos: they are public authorities with limited functions and powers, and their council-members are appointed as representatives of each commune's council. The problem is that such joint bodies are in charge of policies like spatial planning, economic development, public transport, etc. Only once in 1971²⁶³ did the Parliament vote for an act to encourage - not compelling - communes to merge with some neighbouring ones after consultative local referenda. It completely failed.

The paradox is that the size-problem has been under scrutiny by local councillors since the end of the 19th century: 80% of the communes, representing 80% of the French population are included in at least one joint body (Bourdin report). Various forms of joint bodies called 'syndicats de communes' have been developed since 1880 when communes first decided to join forces in order to be able to finance and staff the construction and/or the management of local services: water and electricity production and distribution, drainage and sewage systems, public transport management, refuse collection, leisure amenities, recreation parks, etc. These 'syndicats' were and still are voluntarily and freely initiated by, and composed of, smaller or bigger communes and only rely on communes' financial grants. 18,504 'syndicats' still exist as single-or multi-purpose bodies.

From the Reconstruction period, the government has tried to impose inter-municipal bodies: in 1959 'districts', small and medium-sized groups of communes in rural and urban areas (abolished in 2002), then in 1966²⁶⁴ 'communautés urbaines-(CU)' were intended to group communes into one sole urban area over 100,000 inhabitants. Four CUs were compulsorily imposed on Lille, Bordeaux, Strasbourg and Lyon conurbations, on top of the existing city/town councils of the members-communes. Since then Arras, Brest, Cherbourg, Dunkerque, Le Mans, Montceau-les-Mines and Nancy also set up their own CUs.

²⁶³ Loi n° 71-588 du 16/07/1971 'sur les fusions et regroupements de communes, dite Loi Marcellin

²⁶⁴ Loi du 31 décembre 1966, modifiée par la Loi du 22 juillet 1977 et la Loi du 31 décembre 1982.

In 1999 and 2002 the transferred mandatory responsibilities for CUs were extended to deal with spatial planning, social, economic and culture-development and equipment, the balanced distribution of council-housing within the area, urban regeneration, public utilities management, environmental protection.

Failing to make villages, towns and cities merge, central government was determined to play a leading role in the re-organisation of the land. This is why prefects have been in charge of two crucial steps in the local re-organisation process: at the beginning of the process they delineate the perimeter for each joint body and in conclusion they make the final and official decision after the affected municipal councils have approved the creation of an inter-municipal authority of which they will be part. This new law also marks the end of equal representation of communes inside the inter-municipal council: the number of delegated councillors and votes is now related to the communes' number of inhabitants. The smaller communes gain by over-representation (Dolez, 2003).

The 1982-1983 decentralisation reform dealing only with 'collectivités territoriales' took no account of the major part played by inter-municipal bodies in the enactment of local policies. Ten years later or more, the existing list of inter-communal networking was again enlarged: 'communautés de communes' in 1992, and 'communautés d'agglomération' in 1999, added to the collection of inter-municipal bodies for rural and urban towns from under 15,000 up to 50,000. They have been allocated more fiscal autonomy through a uniformed business tax ('Taxe Professionnelle Unifiée') paid back by the member-communes on top of added local taxes, as before. The list of their responsibilities, partly mandatory, partly optional, is quite similar to that of 'communautés urbaines'.

By 1999 the time was ripe for clearing up the accumulative system and at the same time encouraging for more joint work ²⁶⁵. All varieties, except the old 'syndicats de communes', have been defined as having one identical status as 'Etablissement public de coopération inter-

²⁶⁵ Loi du 12 juillet 1999 'relative au renforcement et à la simplification de la coopération intercommunale'.

communale'(EPCI), which is clearly inferior to the 'collectivité territoriale' which grants communes, 'départements' and regions general powers and free administration.

On December 2004, 2,195 'communautés de communes' in rural and urban areas, 143 'communautés d'agglomération' and 14 'communautés urbaines' are at work, along with traditional 'syndicats de communes'. Rules have been made uniform and each type now corresponds to a population-size category: over 500,000, between 50,000 and 500,000, under 50,000. The organisation is not quite complete as there still are some exceptions: pre-1999 'communautés urbaines' (CU) under 500,000 have not been not dismantled and do have to be compulsorily converted into 'communautés d'agglomération'.

EPCI now play an important part in economic local development, especially those in which it has been possible for a uniform business tax to be agreed by the communes. The constitutional Act of 2003 has granted them a leading role as 'chefs de file' for plans and policies needing to be decided upon and enacted by, several communes at a time. The 2004 Act reinforced still more the EPCIs' powers by allowing them to take on some responsibilities from their regional or 'département' councils on behalf of their member-communes. According to 2004 official data, more 31 000 communes are members of inter-municipal bodies covering more than 50 million inhabitants, some 81% of the French population and 86% of the number of communes. Outside the Ile-de-France, one specific region which still has a relatively small number of joint bodies, the total population is 91%. Since 1992 more than 25 000 communes (35 million inhabitants) have merged into over 2200 bodies. More than half of communes that remain outside inter-municipal bodies are located in some specific regions: the Ile-de-France, as explained above, Midi-Pyrénées, Corsica, Provence-Alpes-Côte-d'Azur, Centre and Champagne-Ardennes. They prove that most rural areas find it difficult or undesirable to become organised. Since 2000, the average size of EPCIs has grown slightly, reaching 20 600 inhabitants in 2004, with an average number of 12.8 member-communes for each EPCI but nearly one third of EPCIs include between 5 and 9 communes and finally only 28% from 10 to 14 communes. Finally, as the attached maps show, despite the steady spread

of inter-municipal areas the number of inhabitants living in EPCIs is still small in most cases one third of the EPCIs have a population under 5000 inhabitants ²⁶⁶.

These 'intercommunalités' could account for extra local government tiers, parallel to the three tiers of 'collectivités territoriales'. Obviously in the largest conurbations the councils for 'Communautés Urbaines' have a strong position as far as responsibilities, financial, technical and administrative means are concerned. They certainly have a stronger position than the councils for 'départements' in mountain or rural under-populated parts of Southern France. Competition is to be expected between the CU council chairman, the centre-city's mayor, and the chairman of 'conseil general'. Perhaps for the time being the typically French rule of 'cumul des mandats' is the only solution to prevent the whole local government structure from falling apart. First the executive chairmanship of an inter-municipal council often falls into the main town- or city-, mayor's hands; secondly unlike mayors for bigger towns and cities, EPCI chairpersons can also be leaders of councils for Regions or 'départements', in addition to their positions as members of Parliament.

This review of the many types of inter-municipal authorities must also include a list of other examples of collaboration between local public authorities. Regarding communes, there is one type called the 'contrat de pays' which stands for a local agreement especially dedicated to coherent urban and country planning and local economic development in smaller localities with a clear focus on sustainable development. 'Pays' areas correspond to places-to-work areas²⁶⁷. Last but not least, they are initiated by the incumbent town-councils and prefects are only involved in the process with their usual role in legal assessment.

Similar 'coherent' mapping is the basis of a wider scale strategy orientated towards the elaboration of 'Schémas de cohérence territoriale (SCOT)', which are kinds of development plans at supra-communal level, with a wider-area scope on economic development and country

²⁶⁶ Data source : webmaster@intercommunalites.com

²⁶⁷ Loi du 25 juin 1999 'd'orientation pour l'aménagement et le développement durable du territoire' et Loi du 2 juillet 2003 (Art ; 95-97)

planning. Since they are 'collectivités territoriales' like communes, 'départements' and regions are entitled to have collaboration with communes and with other 'départements' or regions- usually the neighbouring ones, under the legal status of 'syndicats mixtes'. The importance of 'sociétés d'économie mixte' must also not be forgotten (more or less like joint venture companies); they fund local development partnerships of public authorities and private finance companies. Again quite a similar system of multi-sectorial partnerships can be found in England (Southern). Finally a proposal for another type of joint body is at present being discussed among local authority organisations to fit the few urban areas over 500,000 under the name of 'contrats métropolitains'.

3. English local government areas and services/policy delivery

Local government to be defined as democratically elected and self-governed local authorities were founded both in Britain and France by the same period, in the last quarter of the 19th century. Interestingly, British constitutional law specialists define the ideal administrative unit as a ward wherein an unsatisfied farmer coming from any spot in the area should be able to travel to the county-town by public transport in order to remonstrate with the member of staff who is in charge of his case, and to travel back home on the same day, by the same means of transportation ²⁶⁸. Mutatis mutandis this definition is quite close to the 1791 Revolutionary parliament's definition of 'département': the area around a centre-city that can be reached within a one-day travel on horse-back.

Another point of similarity can be established in regions and 'régions' with the difference that 'régions' are local authorities in France and regions are 'meso-government' areas in Britain (Sharpe, 1993).

In 1982 the French regional councils directly inherited their boundaries from central government regional offices' units that had been shaped by a purely bureaucratic process: twenty-two 'régions de pro-

²⁶⁸ Royal Commission on the Constitution, 1973.

gramme' were born in 1955 within the Treasury as 'technically designed' collections of 2 or more 'départements'. The idea was to find a more relevant and better co-ordinated level of government in between the national level - Paris headquarters - and the sub-national level - central government's arm-length offices at 'département'. These 'régions administratives' provide for senior civil servants from ministries to have regular meetings called 'conférences administratives régionales (C.A.R.)' chaired by prefects.

Interestingly quite a similar development can be described in the case of English regions: they are broadly based on the mapping of by-gone Regional Economic Planning Boards and Standard Regions which gave way to the Government Offices for the Regions in 1994. But, contrary to the French 'services déconcentrés de l'Etat', in the Blair Government's proposed referendum on elected regional councils, English Regions were to take devolved powers from Whitehall bodies (Regional Government Offices, regional agencies and quangos) and from Regional Development Agencies.

Local government boundaries in England had never had such a symbolic function for local communities' identity because local government has always been central government's local agency in charge of local affairs. More clearly than France, the prevailing question has been focussed on how to draw an adequate area and body for decision-making in the field of public affairs and the management of economic development. Neither the democratic nature of elected councils nor their expanding welfare responsibilities have modified central-local government relationships in the dual state. Neither the fragmented position of each local authority within the whole central government system, nor the variety of electoral rules can help filling in the growing gap between councillors and citizens (Breuillard, 2003). Throughout the 1960's and 1970's the 'rationalisation' motto could only result in more re-mapping and re-structuring. After decades of reforms reducing local resources and responsibilities, only in the 1990's did the local identity-issue appear on the political arena and become a claim for closer links between local service customers (the electorate), and local service managers (local councils and councillors representing wards inside the council). Interestingly the identity-issue was debated in the aftermath of a much resisted proposal: a single-tier

organisation in which unitary authorities are smaller than counties but larger than districts and take in both county and district responsibilities. The unitary reform was forcefully imposed on Wales and Scotland but it was only partially enacted in England due to spreading opposition raised even by some local Conservative members (Breuillard, 2000).

The debate on unitary reform is back on the scene as a consequence of proposed devolution and regionalisation within England: the proposed elected regional councils will exist only if local citizens agree to it²⁶⁹. 'Elected regional assembly is just one part of a wider programme of devolution and decentralisation in England'²⁷⁰. For a decade or more Government Offices for the Regions²⁷¹ (GORs) acknowledged that there were issues which must be dealt with at regional rather than national level while they had to be co-ordinated over an area larger than any single local authority. Local government is prepared for management and institutional reform with a view to a more efficient use of tax-payer's money, for more transparency and accountability in decision-making processes. But it is not ready to include more than two tiers, in obvious contrast with the French system. Soon after its election the Labour Government enlarged GORs as Regional Government Offices (RGOs) to provide room for greater collaboration between a larger number of central government departments. It established Regional Development Agencies in 1998 'as economic power-houses to reshape regional economies' (...). Since 1998 every English Region had had a choice to start a voluntary regional assembly composed of representatives from local government, businesses and trade-unions. In all, eight regions outside London²⁷² have started regional assemblies; all parties are represented, and some are chaired by Conservative members²⁷³.

Dennis Reed, the Director of the Local Government Information Unit, said, 'this is just the first stage in enabling councils to represent and serve their communities more effectively. Councils will seize the op-

²⁶⁹ Local Government Act, June 2003.

²⁷⁰ Speech by the Deputy Prime Minister in the House of Commons, June 2003.

²⁷¹ Created in 1994 by the Major Government.

²⁷² See the next section.

²⁷³ quoted from the White Paper on *Local Vision*, 1999.

portunities presented by this legislation and they will continue to lobby the Government to drive forward the modernisation agenda with further moves to enable local communities to improve their economic, social and environmental well-being through their democratically elected councils'.

Regarding the designed perimeters for single-tier authorities, a Boundary Committee for England was set up as part of the Electoral Commission work on new proposals to enhance local election turn-out for the upcoming 2005 ballot. The Committee was especially dedicated to local government reviews in the three Northern regions in England, North-East, North-West and Yorkshire. Thanks to its long-standing Labour-majority, including Tony Blair's constituency, the North-East was chosen as the first test for the predicted series of local referenda to be launched on regionalisation in Northern England, then in the whole of England.

The current situation is that the whole project is being held back for the whole England because with a majority of 72% the people of North-East voted against the two referendums on the single-tier structure and one on the elected regional council that were held in November 2004. In reference to the *Regional Assembly (Preparations) Act, 2003*, no Regional Assembly Bill will be discussed in the House, no further referendum on Regional Assembly will be forwarded for at least seven years, no re-organisation of local government in County Durham and the county of Northumberland will be proposed. Hence no further change will be made in what remains as the counties and districts in the East and West Northern regions nor in Yorkshire.

Here we find another aspect of functional democracy at work in England: the number of tiers matters first, one local and one 'meso' level of government, more than the local authorities' own capacity to manage strategic competences as well as to ensure day-to-day routine work on local service delivery. In particular the bulk of consultation work carried out by the Boundary Committee to write its recommendations for the North-East on 25 May 2004 seems to be doomed to remain useless for the near future. Will London remain the sole example of modernised local government and regionalisation in England for long? As a city-region with a directly elected mayor, the capital-city is an empowered conurbation, and not the mere collection of 33 boroughs

it had turned into after the abolition of Greater London Council in 1986. The Greater London Authority is not a remake of GLC, nor is it an 'inter-communal' body; it is a city-region with responsibilities of its own in strategic planning, its mayor and assembly work together but separately.

4. The direct election of mayors or leaders as a panacea?

For many years local leadership has become *the* main issue to be solved in many countries. Direct elections of mayors have become the common rule in a growing number of Western and Eastern European states. In France the mayor already has an exclusive position in the local council because of his own administrative responsibilities and executive power. However the 2000 all-party commission on the future of decentralisation supported the direct election of chairmen and members of inter-municipal councils as one of its 154 recommendations to improve decentralisation and local democracy (Mauroy, 2000). The report proposed that it be enforced from the next municipal elections to be held in 2007. The direct election of EPCI councils was debated in Parliament and showed a clear divide between 'Jacobins' and 'Girondins' in both houses: the left-controlled National Assembly voted for it but the right-controlled Senate refused to create what could be seen as a fourth tier in direct competition with 'départements'.

It can be said that the British model has diffused into the European continent more rapidly than on the British mainland because it has raised stronger opposition from the electorate than elsewhere. In 1999, the White Paper *Local leadership, local choice* put in place a radical ten-year programme for the reform and modernisation of local government in England which still sits at the heart of the Government plans to modernise Britain. The *Local Government (Organisation and Standards) Act, 2000*, provides new powers for local authorities to promote the economic, social and environmental well being of their area; a duty to develop Community Strategies; and establishes a new ethical framework for local government: this amount to a radical ten year-programme for the reform and modernisation of local government and devolution of power. The direct election of local leaders is the consequence of the "re-vamping" of local councils: strong local authorities

need strong leadership and strong leadership only emerges from citizens' votes which express their choice and expectations. The concept of local authorities providing 'community leadership' is at the heart of the Blair Government's modernisation agenda, especially of the *Local Government Act, 2000*. Arguing that strong local communities need strong leadership, the British government is promoting the direct elections of mayors to replace the local council-chairmanship and committee organisation. To date about thirty referendums have been held on a mayoral or cabinet system of local leadership, with only one-third having gone on to elect a mayor (Rao, 2003).

This issue lies at the crossroads of two tendencies: as usual the Government is tempted to impose what it sees as a 'political innovation'. On the other hand, traditional views of local policies tend to view local government as a relevant level of implementation for some proposed guidelines, not to say as a 'laboratory' for local experimentations. After all, communes as well as local councils have often been regarded as the most easy-to-contact tier of government for citizens and the easiest place for access to public authorities. This means that local government is considered as a key-point for assessing how lively (or not) politics, policies and democracy are. The idea of a representative and legitimate political system mainly depends on each citizen's own experience in local government. So it should not come as a surprise that institutional changes take place in local government first, once again.

Political innovation, which usually translates as 'institutional reforms', is fashionable. Many convincing arguments can be found. After all, the common analysis and feeling is that many things go seriously wrong in our representative democracy. 'Government is about the local-city, town, neighbourhood, parish - as well as the national. We forget this at our peril' as P. Hetherington, the chairman for the Commission on Local Governance puts it. The signal, low turn-outs at local elections, is usually explained as a 'gap between citizens and politics', as a 'legitimacy-crisis' of the political system. In order to meet this criticism, the usual choice is to adjust the institutional variables of the representative democracy.

For the sake of clarity, the direct election of mayors is only one part of the continuous, general and multilateral striving for forms of 'political

innovation': modernisation of the whole state machiner. In Britain the direct election of mayors is seen by some political think-tanks and constitutional law specialists as one of the practical measures which could breathe new life into town- and county-halls as more and more electors disengage from local government. Thus the direct election of mayors is hopefully one of the many measures designed to bring citizens 'back to politics'. Emphasis is put on elections and local referendums as the main achievements in English local democracy to replace quangos' appointed councils and unaccountable decision-making processes. The *Election Commission for England* has worked on new electoral arrangements in order to propose changes in the number of District councillors and towards boundaries across the counties. The aim of the review is 'to ensure that as far as possible one person's vote should have the same value as another's. The improvements in electoral equality to be recommended are deemed to meet the objective without disrupting community interests'. For where it still is in operation the traditional two-tier system is not supposed to stay quietly outside the "hurly-burly" ²⁷⁴.

The difficulty in England is that the direct election of local leaders is connected with the transformation of local councils' working in depth. A new 'local constitution' implies an executive power separate from the local council. First citizens are given a right of petition to force the local council to hold a local referendum. Secondly the referendum must propose four options, the fourth one being the status quo only offered in smaller councils. A directly elected mayor appoints his (her) cabinet-members (one or two councillors); the chairman of the council, usually a prominent politician, is appointed by the assembly as before but his executive power is shared with councillors who are either appointed by him or by the whole council; next to the directly-elected mayor, the city manager, head of the council departments, is appointed by the whole council. Neither the council-chairperson nor the chairs of the council commissions can be members of the executive.

²⁷⁴ Prof. M. Grant (chairman), Foreword to the Electoral Commission for Kent report, 8 may 2001.

Local communities were not all convinced and so far after thirty-five referendums, only 11 changes gained a majority, mainly towards the election of the mayor. This is certainly a disappointing number as is the small number of referendums for the promoters of local democracy in England. As in the case of single-tier and regionalisation reform, up to now English citizens are showing a clear preference for the 'NO-change'. The paradox of that story is that France has a reputation for long-lasting prominent local leadership, for powerful mayors and council chairs, although these local 'notables' are never directly elected. Municipal elections are held on the basis of lists of names, not individual names. But as a matter of fact, the first name on the list is that of the list-leader, so the one who will sit for the proper mayoral election to come on the following Sunday. Formally, the mayor is elected by the council like leaders of inter-municipal councils. This means that their political leadership lies rather in their own executive responsibility and own position as heads of council departments. It also is a consequence of their representing the local community's interests as opposed to the public interest which is embodied by central government. French 'notables' go hand-in-hand with the 'sacred' status of 'collectivité territoriale' laid down in the constitution²⁷⁵. Also the typically French system of 'cumul des mandats' makes mayors, even for small towns, directly influential at central government level through their position as an M.P or senator. The electoral law in the upper house is deemed to represent the local authorities' interests, as senators are indirectly elected by MPs, all members of regional councils and 'conseils généraux' and representatives from municipal councils. In England local government is subject to any bill passed in Westminster, since Parliament's sovereignty has no limits, which means in real terms that local government is subject to the government-of-the-day's and majority party's will. To stand for a local election can certainly be the first party-selection experience and the first step onto the national political ladder in London. But few councillors are also MPs and fewer still are prominent MPs, except for Ken Livingstone in the early 1980's. Up to now the dual system of high and low politics prevents local government's interests from being represented in the

²⁷⁵ Art. 72 of the Constitution of the 5th Republic.

House. They are represented outside central government, and the right place for local government authorities to lobby is the powerful Local Government Association and the political parties' local committees.

The French model of local leadership was not the one chosen by Whitehall for the modernisation of local government. It is a model at risk even in France under the expanding system of joint authorities, unless the inter-municipal bodies are understood as institutional tools for a peaceful transition towards a new structure which could bear on a two-tier system: larger cities and powerful regions will remain, some say, after the collapse of 'départements', and small communes will be taken over by inter-municipal bodies. AS Marcou wrote: 'while focusing on institutional changes at work through the decentralisation process, one should not forget that economic, technical and social dynamics have large impacts on the distribution of responsibilities and can be influential in the relationships between each different tier of government' (Marcou, 2002: 6). This advice echoes David Reed's opinion: 'Specifically, councils should be given the wherewithal to perform their natural role of leading and co-ordinating all local public services in their areas and advancing the well-being of their communities. The 'one-size fits all' approach to structures will become a thing of the past and councils will be able to experiment with new governance systems appropriate to their local circumstances.'²⁷⁶

5. Conclusion

How is it that more needs to be done after so many decades of reports and legislations? After the so-called 'Thatcherite Revolution' which 'a local councillor compared (...) to a Great War artillery bombardment (that) goes on and on and on and destroys everything above ground' (Bulpitt, 1989: 61)? ...after the '1982-83 Revolution' in France which abolished central government's tutelage over local authorities' executive power and thus imposed a drastic shift for central-local government relationships? Since the Second World War, in all West European countries local government reform has been pushed ahead under

²⁷⁶ D. Reed, Chief Executive, A new era beckons for local democracy, ODPM, The Local Government Information Unit, Press brief, 25 June, 2004.

two headings: re-organisation in order 'to do better' and decentralisation. Re-organisation refers to changing sizes that were forcefully imposed on local authorities in the 1960s and 1970s. It also refers to new management towards a more integrated and 'corporate' system (Bains, 1971). Decentralisation is about the number and content of delegated powers and responsibilities transferred from central government to bodies that are closer to citizens.

Here the British and French ideas of local government are clearly in opposition: functional areas and services come first in England; in France local government institutions come first and local authorities have to deliver services within their given areas. But in each state reforming local authorities is part of a wider process of modernising the state as a whole. In each state a new vocabulary is disseminated through official documents, notable under the Raffarin and the Blair Government White Papers on 'Modernising Government' (DETR, 1998-a), on 'Local Democracy and Community Leadership' (DETR, 1998-b), and then a 'Local Government Modernisation Agenda' as announced by October 2003 which echo 'la loi sur la démocratie de proximité' (2002 Act), 'la République décentralisée' and 'les groupements et collectivités chefs de file' (2003 Constitutional Reform and 2004 Act on Local Liberties and Responsibilities).

Unlike France, most European countries have adapted their political and administrative institutions to the social, economic and demographic development of territories, especially in urban areas. Although 'EPCIs' were created in France in the late 19th century and new forms of 'regroupement communal' are periodically invented for bigger or smaller towns, the French 36,779 communes still are the basic local government units in the decentralisation process. Responsibilities are delegated to inter-municipal co-operation bodies by the members-communes in major fields like urban planning, public transport and economic development, though these councils are not directly elected by the local citizens. In the event of the Mauroy Commission's proposal being adopted, what about the recognition of a fourth tier, along with communes, 'départements' and regions?

The British case is another story. Since the 1880's British local government has been under pressure to review its organisation, structure and responsibilities. A quasi-systematic process of area- and electoral

ward-review is at work in order to better mirror changes in the population-size. The Unitary Authority was invented by the last Conservative Government. The Labour Government makes it pivotal for its proposed regionalisation, although it has so far been unsuccessful. Unlike France, Britain is not ready to have more than two tiers for reasons of cost-efficiency and transparency.

France has powerful mayors and council leaders, while for the time being Britain has not. Does it not raise new problems? What about local citizens' interests being represented at different tiers of local government and the resulting competition between local authorities? Some lessons must be learnt for the basic issue of self-government, and local autonomy as a key-factor for local democracy still needs to be addressed in the two systems of multi-layered governance. Because of existing local government relationships with other players – from the public and the private sector, local or national-, questions arise regarding the nature of local democracy. 'The introduction of directly elected mayors has not yet proved to be a significant force in revitalising local democracy' (Bovaird and Martin, 2003: 17). Turn-out at English local elections and local referendums is still declining. Strictly speaking, French mayors are appointed by the municipal council and not directly elected by citizens. Turn-out used to be the second to that in the presidential ballot in the most contested elections, but it is quickly declining too. Non-elected inter-municipal arrangements aim at fitting into the vertical and horizontal traditions of 'collectivités territoriales' in France while Britain like Northern countries has a different tradition of local communities in which the identity-feeling refers not to the area but to work, residential, religious, ethnic and other types of grouping.

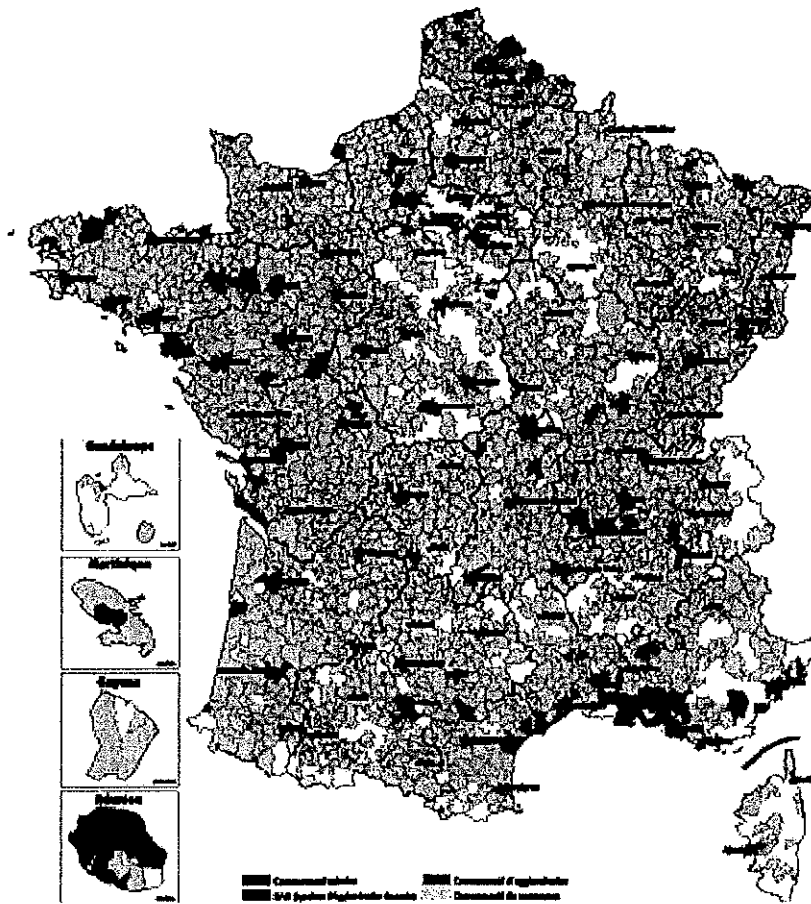
Once again, bearing on what is openly discussed or assessed; this comparative analysis of institutional arrangements has been able to bring to light some of the aspects of French and English local democracy which usually remain in the shadows.

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Annexes :

The two following maps are quoted from :
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[Revolution or Renovation?]

REFORMING LOCAL POLITICS IN EUROPE

This book is the first in the series 'Comparative Local Politics'. It aims to develop a comparative picture of the reforms in local government during the last decades. A constant in this period is the emergence of a discourse focussing on the gap between citizens and politics, pointing at the subsequent tensions for local government.

Whereas the latter stresses the necessity to improve the input of local democracy, other problems are raised concerning the output of the governmental process. These initiate the quest for a more efficient local government.

In order to meet the new demands created by these tensions, different reforms were intended or executed at the local level. While some focus on the administrative or functional arrangements of local government, others embrace political or electoral changes in the political system. The local level is often a laboratory for these changes.

By confronting the visions of experts in the field of local government, this book wants to study constant and divergent developments in the debate on these reforms. It aims at scrutinizing under which circumstances certain reforms were intended or introduced and what the consequences are for local government.

On the editors

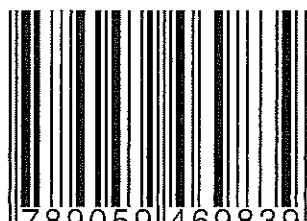
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