

INSTITUTIONS, PATH DEPENDENCE, AND DEMOCRATIC CONSOLIDATION

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ABSTRACT

Formal political institutions have been assigned two roles in democratization theorizing: as contingent effects of strategic interaction and as predictable bases for democratic consolidation. These roles might be reconciled if we assume that institutions become persistent once in place. But patterns of behavior surrounding these institutions do not appear to conform to the expectations of path dependency or comparable frameworks: while unchallenged in some cases, these institutions are repeatedly contested and often enough revised in others. This is true even of 'low stakes' institutional designs. Consequently, groups often perceive institutional designs not as 'locked in' and instead as malleable over even a few years. Codified political institutions therefore appear unable to generate the reduced risks – in effect, the credible commitments – which Adam Przeworski's argument about democratic consolidation requires. This conclusion suggests that consolidation may result from reductions in political risks caused by non-institutional factors. It also has implications for diverse arguments which assume stability or predictability in formal institutions.

KEY WORDS • credible commitments • democratic consolidation • institutions • path dependence

1. The Two Roles Institutions Play in Democratization Theorizing

This article's main claim is that formal political institutions cannot and do not play the decisive role in democratic consolidation which several theorists suggest. This is the case because these institutions – 'electoral systems, constitutional provisions governing relations between the legislative and executive branches, and degrees of decentralization' (Colomer, 1995: 74) – are more contingent and susceptible to revision than has often been assumed, including by many democratization theorists. An emphasis on institutional contingency may seem more plausible today than in earlier decades, given substantial constitutional changes in numerous countries in the past few years. But the cases discussed here suggest that contingency

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has been a significant aspect of democratic politics in Western Europe beginning in the late 19th century. This interpretation suggests we must thin somewhat the ranks of phenomena which can be explained by these formal institutions; democratic consolidation appears to be one such phenomenon.

Formal political institutions (or, for the purposes of this article, simply 'political institutions') play two prominent roles in causal theorizing about democratization. First, numerous analysts have portrayed them as outcomes, specifically the products of strategic interaction. Many authors, while acknowledging that limited information and at least partial uncertainty plague institutional engineers, join Lijphart and Waisman in concluding that 'the evidence . . . clearly points to the preponderance of self-interested motivations . . . in the design of democratic institutions' in several regions. To simplify somewhat the findings of a number of recent studies, transitions dominated by strong and electorally self-confident groups frequently result in plurality or majoritarian decision rules, while more evenly contested transitions (or ones whose pace is set by cautious oppositions) have often resulted in designs less punishing to minorities (Lijphart, 1992; Colomer, 1995; Geddes, 1996; Lijphart and Waisman, 1996: 246; Elster et al., 1998: 77; also Boix, 1999). These analyses suggest moreover that a potentially decisive factor for both easing authoritarian sectors out of power and enticing major political groups to cooperate with democratic processes is the fact that political institutions are versatile and malleable. Di Palma (1990: 129) thus celebrates the fact that 'rules are adaptable.'

Political institutions also play a second major role in democratization theorizing, not as contingent effects but as stable platforms from which contending groups can predict policy outcomes into the future. Many studies converge on the conclusion that especially proportional representation (PR) and parliamentarism provide the best institutional prospects for democratic stability by offering 'losers' enhanced blocking powers and chances for entry into office (e.g., O'Donnell and Schmitter, 1986: 59–61; Linz and Valenzuela, 1994; Linz, 1997). In one of the most forceful expressions of this view, Przeworski concludes that such designs 'reduce the stakes of political battles' by making unilateral and maximalist policies less likely. Actors who anticipate the effects of stakes-reducing institutions may calculate that even current defeat in democracy is preferable to the risks inherent in potentially violent overthrow attempts and even successfully-implemented (and unaccountable) authoritarian regimes (Przeworski, 1991: 26, 30–1, 36, 39). To state this in terms developed elsewhere, actors can afford to abandon access to coercive instruments for exiting democracy when they detect low political risks in that regime (Alexander, forthcoming, 2001, Ch. 3).

Przeworski argues that pacts cannot accomplish this because in democracy political promises are non-binding and parties often have incentives to renege on them. For example, assurances that former military rulers will not be prosecuted are not 'guarantees' since democratic rules permit a 'Revenge Party' to form, win office, and reverse the decision. But democracy does accommodate 'institutional agreements' which can inform such forecasts. For example: 'It is possible to design democratic institutions in such a way that some basic interests, such as the private ownership of the means of production, are virtually guaranteed' (Przeworski, 1986: 59–60; 1988: 64–5; 1991: 23). This line of argument requires actors to perceive protective institutions as likely to remain in place beyond the short term. If specific institutions are to offer assurances – in effect, to make 'credible commitments' – over future outcomes, actors must find those institutions predictable or substantially 'sticky'.

Portraying political institutions both as contingent effects and as stable bases for predictions appears at first blush to harbor a tension: if institutions are the results of strategic interaction, how can they provide predictability or credible commitments over future policies? This is especially important since Przeworski acknowledges that 'constitutional provisions are not immutable' but does not identify general mechanisms which cause persistence in them.¹ Several analytic traditions reconcile these two roles by making what Krasner terms a 'basic analytic distinction' between 'periods of institutional creation and periods of institutional stasis'. In this interpretation, institutions 'are both a dependent variable at time t and an independent variable at time $t + 1$ ', paralleling evolutionary notions of equilibria punctuated by exogenously triggered change (Krasner, 1984: 240; 1989: 75, 80–3). Lijphart (1992: 208, 220–1) thus compares continuity in institutions, once in place, to the 'freezing' of party systems (see also Colomer, 1995: 84–5; Geddes, 1996: 35–6; Elster et al., 1998). Similarly, Elster (1993: 175) argues that 'citizens can count on the basic institutional framework remaining in place over reasonably long periods', and that institutions thereby create a 'certainty [which] enables the citizen to form long-term plans.' This coincides with a core (if often implicit) assumption of historical institutionalists (Thelen and Steinmo, 1992).

If Przeworski's first assumption (or prediction) is that actors (at least in

1. In other words he does not identify the conditions under which parties do not have incentives to seek revision. This may be because he appears to conflate the stability of existing institutional designs within democracy with the survival of democracy itself, and does not consider revision within democracy as a distinct outcome. For example, he concludes under a low-stakes design, 'losers' will be more likely to comply with existing 'institutions' rather than subvert democracy, without considering a third possible strategy: compliance with democracy but revision of the existing design. He suggests that a given design can assume 'the force of convention', but does not reconcile this with his overarching rationalism. See Przeworski (1988; 1991, pp. 11, 39, 53, 81–8).

consolidated democracies) find existing institutional designs predictable once in place, his second is that stakes-reducing designs should predominate among consolidated democracies. The remainder of this article argues that there are both theoretical and empirical reasons to be skeptical of both assumptions and to conclude instead that actors often find institutions – even low stakes designs – anything but ‘locked in’. Institutions are thus vulnerable to the same critique Przeworski levels against pacts. Democracy’s rules permit the emergence not only of Revenge but also of Revision Parties which threaten to undo ‘institutional agreements’. Existing institutional designs are as ‘binding’ as election results; they must be respected until they can be changed. But as we will see, many movements in 20th century Western Europe functioned for long periods as Revision Parties, with straightforward effects. Actors often perceived that a protective institutional design did not effectively confine feasible policies in democracy to a non-threatening set, because institutions were themselves not predictable.

2. Are Institutional Designs Predictable Once in Place?

Should we expect that specific sets of political institutions, as a general phenomenon, remain predictable once in place? Four claims seem justified:

- First, Lijphart (1992: 208) accurately describes the record of many countries when he concludes that ‘drastic changes in electoral systems and shifts from presidentialism to parliamentarism . . . are extremely rare in established democracies’. Nonetheless, dramatic shifts occur more often than ‘lock-in’ would suggest.
- Second, lesser but very important revisions occur even more frequently, both in European cases considered below as well as in Third Wave democracies such as Poland, Russia, Argentina, Brazil, Colombia, and Venezuela (e.g., Martínez Lara, 1996; Cott, 1998; Negretto, 1999). Indeed, much of what passes for institutional persistence – e.g., in the US – conceals substantial ‘under the radar’ change, as Revision Parties substantially alter substantive content while maintaining nominal forms.²
- Third, even more frequent are significant attempts at revision, demonstrating that at least Revision Parties do not see decision rules as

2. Ackerman (1991: 67) emphasizes that while the three US federal branches seem cases of stable persistence, ‘we cannot be taken in by names. The Founding generation had a radically different understanding of each of these institutions.’ Changes in them were accompanied by expansions of the franchise and direct election of the federal senate. Ceaser (1979) emphasizes profound changes in rules concerning the electoral college and presidential primaries. For that matter, the adoption of the US constitution was path-breaking: the 1787 convention was convened only to amend the decade-old Articles of Confederation; Madison felt the need to justify this switch in the *Federalist* No.40.

predictable. As we will see, this includes decades-old and low-stakes designs. Linz (1997: 120–1) thus feels the need to warn practitioners of the dangers of a ‘manipulative approach’ which under-appreciates the value of ‘constitutional stability’.

- Fourth, because of this, actors protected by existing designs often perceive them not as providing credible commitments but as unpredictable, whether revision challenges end up succeeding or not. As O’Donnell and Schmitter (1986: 77n2) recognize, in some cases actors do not ‘believe that rules elaborated for founding elections are likely to persist long enough to structure future contests’.

These claims do not suggest that revision occurs in all cases equally or even that where it does, rules are at stake in every play of the game – in which case no meaningful distinction could be made between periods of ‘institutional creation’ and intervening periods. But in too many cases to ignore – enough cases to undermine a claim of generalized institutional predictability – major groups were still engaging in what Elster (1984: 93–5) terms ‘la politique politisante’ (concerning the formulation of ground rules) long after they were supposed to be limited to ‘la politique politisée’ (making decisions within accepted ground rules). Pro-revision groups often acknowledged the ‘privileged’ nature of original constitutional drafters by respecting enduring revision procedures, for example. But they nonetheless aggressively attempted to redesign electoral and legislative rules in advantageous directions. This has profound implications for democratic consolidation theorizing. Neither pro- nor anti-revision actors could confidently forecast policy patterns in democracy on the basis of the existing institutional design. The next few sections consider a leading line of argument positing institutional persistence, path dependence. The last sections consider cases of contestation over the institutional agenda in Western Europe, without promoting an overall analysis which selects on the dependent variable.

3. Path Dependence and Institutional Persistence

Perhaps the leading current framework for explaining persistence in institutions in general is path dependence (PD). To argue, as the following sections do, that formal political institutions are not, as a general category, path dependent is by no means to deny that many political phenomena are path dependent. Indeed, distinguishing between phenomena which are and which are not path dependent is consistent with an advocacy of path dependency. Pierson (2000: 252) argues that concept-stretching is risked when PD is used loosely in attempts to explain all instances in which phenomena

persist or history otherwise seems to 'matter'. In Thelen's (1999: 391) words, reference to costs, benefits, and vested interests, 'though a promising starting point for the analysis, cannot themselves replace the analysis; these concepts need to be applied, not just invoked'. The following sections attempt to do that regarding formal political institutions.

A range of technological, economic, social, and political arrangements, once in place, appear to generate patterns of costs and benefits such that rational actors prefer to maintain the status quo even if an alternative might provide higher aggregate returns in the long run. Actors support the status quo not because change stands to generate some costs – which is true of almost all changes – but because change imposes significant net costs at least in the short term. The longer actors operate within such a status quo, the more any shift to an alternative is unattractive. Initial choices are thus 'locked in' (David, 1985; Stinchcombe, 1968: 102–3; Pierson, 2000). This analysis has been widely applied to state structures, major policy programs, and 'institutions' broadly defined (e.g. Krasner, 1989; North, 1990; Pierson, 1993). Formal political institutions are often included on lists of path-dependent or self-perpetuating phenomena, for example because 'the cost-benefit ratio of changing them becomes incalculable . . . [and] the system governed by them path dependent' (Elster et al., 1998: 29; see also Stinchcombe, 1968: 102; Colomer, 1995: 85; Geddes, 1996: 35–6; Hacker, 1998: 78; Pierson, 2000: 259, 262). If formal institutions were path dependent, we should expect substantial change to occur only as the result of exogenous shocks, as when a number of European democracies occupied in the Second World War afterwards had opportunities to draft new constitutions. But there is reason to conclude that formal political institutions are not characterized by PD's distinctive array of costs and benefits and do not merit inclusion on these lists.

This article considers two versions of PD. Path dependence (at least in its rationalist form) occurs when relevant actors consistently calculate that change from the status quo offers at best longer-term (and hence less certain) benefit streams while imposing immediate and large transition costs. One version treats actors as homogeneous; it assumes everyone makes roughly the same cost/benefit analysis favoring the status quo. This version of PD is common among economists and some political scientists. The second version treats actors as heterogeneous: costs and benefits are unequally distributed but the actors who prefer change are relatively weak while actors who favor the status quo – vested interests – are powerful enough to determine political outcomes. Mahoney (1999: 13) terms this the 'power' version of PD. Both versions suggest that substantial change is likely to occur only as the result of exogenous shocks.

The following sections advance the argument that formal political institutions do not meet PD criteria. Many PD analyses commingle the costs and

benefits of continuity versus change. This discussion examines what Collier and Collier (1991) term the 'mechanism of reproduction' more closely by sorting the benefit streams actors associate with alternative arrangements from the transition costs of switching from one option to another. First, the version of PD which assumes actors homogeneity is shown to underestimate the extent to which institutions' short-term distributional effects mean substantial sectors often associate change with short- and not simply long-term benefit streams. Second, the vested-interests version of PD underestimates the wide range of circumstances in which favored actors either stand to benefit from revision or must acquiesce to it. The third section concerns transition costs and argues that all types of actors encounter lower costs of this kind than often assumed. The net effect of these conclusions is that politically relevant actors, instead of assuming formal institutions are 'sticky', frequently find 'it worthwhile to take the risk of launching a new process of bargaining and political change' (Colomer, 1995: 84).

Benefits of Institutional Revision

The version of PD which assumes actor homogeneity is highly suited to the analysis of situations in which (nearly) all actors associate change with high transition costs or at best long-term benefits streams, or both. For example, even citizens who might have initially preferred a fully funded public pension system confront very high transitional costs once a relatively generous pay-as-you-go system has been installed for some time. When this is the case, impulses for substantial change are unlikely to be endogenous. But by the same standard, such broad-based support for the status quo is less likely when actors believe institutions have profound distributional effects in the present and hence that change will generate short-term benefit streams at least for some groups.

Distributional Effects. Knight (1992) emphasizes that many institutions have profound distributional effects in the present. Certainly this is true of formal political institutions, which is why groups compete so fiercely over different electoral formulas and other design features in well-known 'periods of institutional creation'. Upper houses are a paradigmatic example: democratizing conservative elites often created strong second chambers which substantially over-represented their constituents. Left parties whose agendas were thus blocked perceived they could achieve not only long- but also short-term benefit streams if they could weaken or alter upper houses. The empirical sections which follow consider other institutions which similarly gave rise to revision incentives, generated endogenously to routine political processes.

Short Time Horizons. The fact that revision can generate short-term benefit

streams for certain political sectors reduces the relevance of what might be high discount rates, which make actors unwilling to trade short-term costs for long-term improvements (Pierson, 2000: 261–2). Even an analysis which assumes high discount rates will predict that actors may prefer to revise an institutional design when they expect substantial short-term benefit streams from doing so.

Opacity in Politics. Elster and Pierson argue that actors often find it difficult to know what benefits would accrue from major political change (Elster, 1988: 308–16; Pierson, 2000: 260–1). But the first role assigned to political institutions in democratization theorizing – as the objects of deliberate engineering – already assumes that actors are capable of at least roughly connecting specific design features to the major short- and medium-term effects they are expected to exert on parties and interests. This is all the more plausible when revision involves not sweeping change but incremental revisions of discrete rules in specified directions (a matter addressed later). And opacity in the more distant future may not inhibit Revision Parties when reform can generate immediate and visible benefit streams. For these reasons, codified political institutions typically do not match the profile of technological systems and certain public policy programs, in which drastic change offers only long-term benefit streams to all actors.

Vested Interests

The vested-interests version of PD acknowledges that currently disfavored sectors may associate change with short-term benefit streams. But outcomes remain path dependent so long as power is monopolized by the status quo's beneficiaries, which Collier and Collier (1991: 37) describe as 'powerful, vested, self-perpetuating interests'. This argument has been used to explain persistence in party-state relations (Shefter, 1994), economic policies (Waldner, 1999), political regimes (Collier and Collier, 1991), and also formal political institutions (Colomer, 1995: 85; Geddes, 1996: 35–6). Under plurality electoral rules, for example, small parties may prefer revision but be unable to implement it, while large parties have no interest in movement toward proportionality. Similarly, PR often permits the creation of smaller parties with the power to block any shift toward majoritarianism which medium-sized rivals may prefer. But if vested interests always preferred the status quo and could block change (in the absence of such exogenous shocks), restricted electoral franchises should never have been widened through constitutional mechanisms. Yet they often were.

The vested-interests logic indicates at least three broad avenues through which to expect revision. First, vested interests may not be endowed with sufficient power to prevent revision. Norway's Liberals benefited heavily

from majoritarian electoral rules, but in 1918 won only 40 percent of lower house seats and lacked the votes to block a shift to PR. For the same reason, revision appears easier in executive–legislative and federal–state matters, which typically involve simultaneous incumbents with at least some power to shape an evolving institutional design, including through on-going ‘creep’. Second, vested interests do not select institutional strategies in vacuums, and have repeatedly acquiesced to revision in order to avoid provoking extra-legal challenges and conflict, a dynamic evident in the case of franchise expansion and the weakening of upper houses. Finally, as both Cox and Boix emphasize, vested interests may associate revision with attractive benefit streams as their political prospects change. For example, coalitions of increasingly confident medium-sized parties favored revision in majoritarian directions in France in 1951 and 1988 and Italy in 1953 and the 1990s, while currently-dominant or rapidly rising parties unsure of their staying power have preferred shifts toward proportionality, as in France in 1986. Competitors may also detect advantages in permitting new entrants (Cox, 1997: 18; Elster et al., 1998: Ch. 4; Boix, 1999). A range of circumstances can lead vested interests to be forced into, acquiesce to, or expect benefit streams from, revision of existing rules.

Transition Costs of Institutional Change

The fact that all actors and even vested interests can often associate alternative political institutions with short- as well as long-term benefit streams may be irrelevant if the costs of transiting to those alternative rules are prohibitively high, and high transition costs are the primary causal factor in many path-dependency analyses. But revising formal political institutions appears not to generate such high costs. This section considers transition costs arising from: technical inter-relatedness, set-up costs (including Pierson’s collective action), coordination effects (and adaptive expectations), learning effects, and institutional ‘stickiness’.

Technical Inter-Relatedness/Institutional Density. When phenomena are closely interrelated, changing one may necessitate changing many others, raising the costs of any change at all (Krasner, 1989: 78; North, 1990: 95). This may apply to technological systems and cross-referenced legal codes, but observers at least since Tocqueville (1955/1856) have noted that some political institutions can survive sweeping changes in others. Many citizens have had occasion to note that democracy can predate, and hence exist independently of, any specific constitutional design (Schmitter and Karl, 1991; Rose et al., 1998: 58–9). In our case, most formal political institutions do not rely on specific characteristics in each other in order to function.

Consistent with this, empirical patterns do not reveal pressures toward

standardization or ‘institutional isomorphism’ in these matters (Krasner, 1989: 87–8). While the same basic general election rules are used in all 50 US states and nationally, party primary rules vary substantially. Post-communist Poland’s lower house is elected by PR but the upper house by plurality rules. In France, national parliamentary and presidential elections are held under two-round majoritarianism, Euro-elections under PR, cantonal votes under two-round majoritarianism, regional assemblies under PR with a significant threshold, and most mayoralties under two-round rules with a supermajority-manufacturing bonus. Each of these rules has been changed without coordinated alteration in ‘neighboring’ rules, suggesting substantial mutual autonomy, not inter-relatedness.

Large Set-up Costs. Precisely because revision of specific rules need not involve the wholesale replacement of all political structures, the ‘changeover gap’ may not be great (Krasner, 1989: 87). Indeed, entire constitutions can be generated relatively briskly. The 1787 US Constitutional convention lasted four months; General MacArthur’s staff produced the first draft of Japan’s postwar constitution within a week; Michel Debré’s committee prepared the draft of the French 5th Republic’s constitution in seven weeks (Macridis and Brown, 1960: 153–7; Robinson, 1997). Does the collective action needed to mount a revision effort impose daunting costs (Hardin, 1989: 113, 117–9; Pierson, 2000: 258)?³ Considerable costs are borne by single-issue movements such as the Gaullist campaign for revision of the 1946 constitution, Mario Segni’s Italian referendum campaigns, and US Term Limits, and may well have deterred other revision efforts. But revision challenges – including most of those considered below – are more typically mounted by pre-existing political parties, crucially ‘subsidizing’ collective action.

Coordination Effects and Adaptive Expectations. Individuals sometimes accept an arrangement they consider sub par because they believe most other people are using it or will eventually. Pierson suggests this may be reinforced by the coercion distinctive to political life, which frequently renders “The ‘exit’ option . . . unavailable (or prohibitively costly) to actors”. But, as Pierson (2000: 259, 262 n20) also recognizes, forced coordination can have the opposite effect, expanding opportunities for profound change. A Revision Party can be confident that all other actors will be compelled to conform to any revisions they accomplish, at least until any re-design takes place. For example, smaller parties had no choice but to accept gradual rises in West Germany’s electoral threshold in the 1950s. In contrast, computer users have to take into account that other users are free

3. Hardin argues that constitutions are ‘self-enforcing’ because of the high collective action costs of re-addressing the coordination problems existing constitutions solve.

to remain loyal to DOS/Windows, regardless of any possible shift to Apple on their part.

Learning Effects. Increasingly specialized knowledge makes the learning of an entirely new technology or system costly. But it is not obvious that democratic institutions require skills representing investments substantial enough to cause institutional continuity. Most obviously, actors appear capable of learning and retaining the skills required to operate simultaneously in different institutional designs. For example, very large numbers of West German voters who would cast one of their two ballots for the smaller liberals or Greens in the (party list) vote held under PR, split their tickets, supporting one of the large parties in the (plurality-governed) district race (Bawn, 1999).

This ability simultaneously to retain skills appropriate to two electoral rules suggest that a wholesale switch from one design to the other would not impose daunting learning costs. Similarly, legislators who wish to strategize successfully from one chamber often have to possess substantial knowledge of the operating procedures of another, and often of other levels of government (Manley, 1970: Ch. 6; Tsebelis and Money, 1997). Even professional media and polling consultants, who may have the greatest 'investment' in specific political skills, often combine substantially different types of work for corporations, political candidates, and initiative and referendum special interest groups (Sabato, 1981). This behavior does not connote the intense specialization which can make substantial change unattractive.

Institutional 'Stickiness'. Finally, Pierson (2000: 262) argues that 'public policies and (especially) formal institutions' are 'generally designed to be difficult' to revise, for example through qualified-majority requirements. Relating this to path dependence and democratic decision rules, however, would contain two errors. The first is empirical: many political institutions, including many electoral laws, can be changed by simple legislative majorities. Second, at least the version of PD which assumes actor homogeneity proposes that (essentially) no actors find a switch to an alternative attractive. They therefore require no contrived barriers to dissuade people from switching from VHS to Beta or US Social Security to a fully-funded pension system. The fact that constitutional engineers contrive such barriers strongly suggests they believe that revision will be sought, even by simple majorities, on an ongoing basis. Thus for example, the small US states at the time of founding insisted that equal state representation in the federal senate be unamendable, so as to block action by larger states who would have an enduring interest in revision. This does not deny that supermajority revision requirements can make change more difficult, only that the political dynamics which call such requirements into being do not echo key

aspects of the path dependency logic. In this sense, there is a substantial conceptual difference between policy designs which ensure that actors will not prefer profound change even in the absence of contrived barriers (as in mature PAYGO pension systems) and institutions which must be protected by such barriers.

Moreover, qualified majority revision requirements 'are not supposed to create an everlasting framework, but to force people to think twice before they change it', as Elster emphasizes (1989: 150). When endogenously generated pressures for revision are great, the time-frame for meeting such requirements may be only a few years. If pro-revision forces number less than the qualified majority, actors still remain without guarantees as to if, when, or how rules will be altered, as each election is converted into a high-stakes referendum on control of the institutional agenda. The Brazilian military and conservatives attempted to guard against João Goulart's assumption of the presidency in 1961 by switching to a form of parliamentarism. But over the next two years Goulart led a successful referendum effort to restore presidentialism; his effort to change constitutional obstacles to land reform was interrupted by the 1964 coup (Skidmore, 1967: 211–23). It took two referenda (in 1939 and 1953) to abolish Denmark's upper house. The French Radicals and British Labor were Revision Parties for decades, attempting to achieve relevant portions of their overall agendas and raising fears among their opponents that they would, later or sooner, succeed. Indeed, contrived 'stickiness' cannot prevent the electorate from amending the constitution even when revision is procedurally prohibited because in democracy the electorate is ultimately sovereign.⁴

4. Contestation over the Institutional Agenda in 20th-Century Western Europe

If the preceding argument is correct, we should expect to see patterns not anticipated by other approaches:

- Groups attempting to mold institutional designs to their advantage –

4. Articles 83 and 290 of the 1976 Portuguese constitution declared the 1975–76 nationalizations 'irreversible' and exempt from future amendment. They were eventually reversed, although certainly later than had they been secured through normal statute. Other provisions technically barred from amendment – the French Third Republic's republicanism and the German Basic Law's political rights – survived because only marginal minorities wanted them altered. Some super-majority barriers can be circumvented more easily than supposed: 80 percent support in a 1990 Colombian referendum successfully convened a constitutional convention, although this represented only 21 percent of eligible voters (Cott 1998: 96–7).

and groups threatened by such attempts – should be aware that existing designs are not, in fact, guaranteed;

- Revision attempts should occur not only when groups try to reform or overturn designs which systematically privilege their opponents or when smaller or less electorally confident groups oppose win-concentrating designs, but also when strong and confident groups try to revise low-stakes designs in win-concentrating directions. In other words, even the low-stakes designs in which Przeworski invests confidence for democratic stability are vulnerable to revision challenges.

The latter is not meant to identify an overall trend away from low-stakes designs; if anything, research suggests a general trend toward such designs. The point is simply that even low-stakes designs – which might be expected to have the best chance of not generating endogenous revision impulses – are, like high-stakes designs, not self-perpetuating or vulnerable only to exogenous shocks. This leads relevant actors to find the protections these designs offer anything but ‘locked in’.

Contestation After Democratization

West European elites responding to a lengthy series of pressures for democratization often saw political institutions as one among several malleable elements on the terrain of political contestation. Most classically, they attempted to compensate for expanding franchises through what might be called ‘privileging’ designs, including such features as upper houses which over-represented rural areas, in other words designs which do not distribute power on generic bases (such as the size of parties) but instead privilege historically specific sectors. However, the French, British, and Spanish cases make clear that conservatives were painfully aware these designs were anything but guaranteed.

Third Republic France. The Paris Commune’s explosion of social radicalism caused conservatives considerable concern during democratization in 1870–1. Provisional president Adolphe Thiers insisted institutions could help safeguard the right’s interests and the 1875 constitution included an indirectly elected president and an upper house weighted toward conservative rural areas and with a number of appointed life-members (Thiers, 1915: 259; Grubb, 1996: 89). But the right’s leaders did not believe this design was locked in. Gambetta, the leader of the left Radicals, acknowledged that his overall strategy was to moderate present demands while awaiting more propitious circumstances. This applied both to policy promises (Przeworski’s substantive compromise) and also the constitution, which he insisted he had voted for only because it could be amended later (Chapman, 1962: 69). The

conservative Duc de Broglie thus warned his allies that 'There is only one instrument of social safety today; the Marshall [President MacMahon] and the Senate: do not blunt it in a lost cause' (Chapman, 1962: 172). As it was, this design was soon challenged and eventually profoundly altered. The left succeeded in effectively emasculating the presidency and the Radicals soon began campaigns to weaken the Senate and alter its electoral rules and composition; in 1885 and 1889 the lower house's electoral law was also revised. Even more common were significant campaigns for diverse revisions, lasting well into the interwar period.

Britain, 1900–27. As the franchise expanded, British conservatives' interests were protected partly by a 'privileging' upper house and hereditary monarch who could name Lords. But conservatives knew no design was guaranteed if the opposition was both determined to undermine it and electorally successful. Early in the 20th century the governing Liberals, blocked by the Lords, asked the king to agree to a weakening of the upper house. He acceded, amidst conservative fears that had he refused, the Liberals would have challenged the monarchy as well. A leading conservative remarked that 'Unless we can do something to reconcile the working classes to the [Conservative] party, then the controversy between the [Liberal] Government and the House of Lords can only end in one way' (Sykes, 1983: 670).⁵ This perception of institutional contingency was durable. In 1918, conservatives initially detected heightened risks of a lurch to the left and especially the formation of Labour governments as a result of the extension of the franchise to most women and the remaining 40 percent of men (Pugh, 1978: 92–9; Chamberlain, 1995: 99, 259).⁶ In response, 'die-hard' conservatives sought to re-strengthen the Lords (Lax, 1979). But many conservatives were unconvinced that any re-design would resist re-redesign since the Labour opposition, functioning as a Revision Party, was committed to abolishing the Lords and lacked only the votes to at least weaken it further. When die-hard pressures led to a 1927 debate on Lords reform, conservative skeptics thus emphasized the limited utility of institutions which were themselves contingent ('if that desire [for revolution] is ever present what Statute can bar the way?') See comments by Buchan, Cooper, and Lloyd George in *Hansard*, 6 July 1927, columns 1316, 1329, 1360). The Conservative leaders buried the proposal, not because institutions could not be changed but in large part because they could be (re)changed too easily to warrant the opportunity costs and controversy revision involved.

Spain, 1931–6. Religious and socioeconomic conservatives entered democracy

5. For earlier parallels, see Lax 1979: 310–13, 396.

6. Women under 30 were enfranchised in 1928.

in Spain in 1931 with comparable concerns about expropriation of property, confiscatory taxes, and anti-clericalism. They failed to achieve a strong presidency or an upper house in the 1931 constitution and found their best protector in the disproportionately conservative supreme court. But by 1936, the victorious Popular Front electoral coalition, determined to impose social reform and dismayed by the court's record, moved to alter its selection rules and composition (Bassols Coma, 1981: 59–62).

Endogenously Generated Challenges to Low-Stakes Designs, 1945–2000

Even the low-stakes designs favored by Przeworski cannot lead actors to forecast predictably low risks, because electorally confident groups possess endogenously-generated incentives to revise them in the direction of greater win- and loss-concentration. In one region and time-period alone – Western Europe since 1945 – there have been at least eight major attempts to revise institutions in win-concentrating directions, many occurring a decade or more after initial installation.⁷ The groups involved on both sides saw existing designs as malleable, at least in the medium term. Again, this is neither meant to suggest that all low-stakes designs are unstable nor to identify a cross-national trend toward greater win-concentration; prominent shifts in post-1945 Europe include widespread movement from unitary to de facto federal arrangements. The point is that changes in both directions can easily occur, highlighting the fact that both low and high ‘stakes’ formulas are not path dependent.

In Italy, amidst left/right polarization and partisan maneuvering at war's end, the left favored designs concentrating powers in a national parliament they hoped to dominate; the Christian Democrats (DC) insisted on regionalization and judicial oversight in order to guard against that same eventuality. But when it turned out to be the center-right which dominated national office after 1947/8, the DC opposed the loss- (and hence win-) minimizing features they had recently championed. They delayed the creation of the supreme court until 1955 and most regional governments until 1970, and in 1953 amended the electoral law to award a supermajority bonus to any coalition winning an absolute majority. The law was subsequently redesigned back to PR.

In the same period in France, the center-right opposed a draft constitution in 1945–6 which concentrated power in a single chamber in which the

7. Other periods could be chosen for the same region. In 1927, France switched from PR back to two-round majoritarianism; the next year the right unsuccessfully attempted to install plurality rules. Interwar Greece repeatedly changed electoral laws as parties jockeyed for advantage. There, Mavrogordatos (1983: 322) remarks, ‘the “rules of the game” themselves remained in contention throughout the interwar period’.

Communist Party (PCF) was likely to be strong and in which the PCF and Socialists together were close to an absolute majority. The final version maintained PR and created a weak upper house. But when alliances shifted and the center-straddling parties were challenged from both flanks by the PCF and de Gaulle's supporters, the former revisited the electoral law in 1951, making the rules more proportional in the Paris area (where they expected to be weak) but elsewhere introducing *apparentement*, which favored their alliances and disadvantaged the more isolated left and right (Cambell, 1958: 113–6). Three years later, resurgent conservatives also strengthened the senate.⁸ In 1958–62 France made perhaps the most celebrated move toward a design which substantially concentrated partisan wins and losses (Suleiman, 1994). It is tempting to ascribe this drastic revision to the 'external' shock of the Algerian war, but opinion polls revealed prevalent skepticism toward the 1946 constitution from its adoption onward, and it was arguably pre-existing political paralysis in Paris which caused Algeria to take on the political dimensions it did, not Algeria which caused a crisis in Paris.

In 1958–9 and again in 1968, Fianna Fáil, Ireland's largest party, led referendum efforts to replace STV (in mixed-sized districts) with plurality-type rules. Both bids were defeated, the first narrowly (O'Leary, 1979). In 1966, the CDU and SPD came to a Grand Coalition accord which included replacement of PR with plurality-type rules, although the SPD eventually decided against the plan.⁹ More recently, in the early 1990s Italian voters heavily supported a series of moves away from proportionality in national and local electoral rules and created a predominantly majoritarian legislature (Parker, 1996).¹⁰ Another surge of revisionist impulses led to 1999 and 2000 referenda which failed to eliminate the remaining one-quarter of PR seats in the Italian lower house.

8. Williams (1966: 324–31, 533–6) describes the revision, which favored centrist parties by both awarding all seats in a constituency to an alliance winning an absolute majority and allocating seats by highest-average in remaining constituencies. Absolute majority awards were much rarer in 1956 than 1951 but only because alliances did not form as the revisers had intended. The Fifth Republic also experienced important revisions, of regional ballot rules and also of national electoral rules (in 1962, 1986, and 1988).

9. In the 1950s the CDU had also made it more difficult for small parties to enter parliament while making representation more proportional for parties which did.

10. Italy and France in the 1990s have both experienced higher multi-partism than in some past periods, but this has been due to inter-party alliances; it is in other words a function of events in the party system and does not reveal lower-stakes inherent to the electoral rules. In the Italian case, the shift in electoral rules has coincided with left–right alternation in office, so regardless of higher multipartism the center-right as a whole faces greater risks of electoral defeat than in 1947–90.

5. 'Stakes', Other Influences on Political Risk, and Democratic Consolidation

Claims tracing consolidation to low-stakes institutions are also cast into doubt by the fact that systematic win- and loss-dispersing designs have not been the norm among well-established democracies. The quintessential stable democracy, Britain, exemplifies Lijphart's power-concentrating design (Lijphart, 1984). A number of West European countries famously wed parliamentarism and PR, but this generally coexisted historically with high-stakes features such as unitary rules rather than federalism; prominent trends toward devolution in Belgium, France, Spain, and Britain occurred only once democracies were already generally acknowledged to be consolidated. Judicial oversight has also often been relatively weak in the region. In turn, federalism has been more prominent among consolidated democracies with high-stakes plurality electoral rules: Australia, Canada, and the US. This does not imply that low political risks are irrelevant to democratic stabilization. But a low-stakes institutional design appears to be neither a sufficient nor necessary condition for perceptions of low risk in democracy. Such a design is not sufficient because even under PR and federalism, for example, a party posing a radical threat to another group's core interests can win absolute majorities. Nor is such a design necessary for low risks, since institutions are only one among several factors influencing the overall political risks actors may perceive.

One alternative explanation for consolidation is a competing influence on levels of political risks in democracy: the stable compacting of political spectrums.¹¹ The gradual diminishing of policy differences between left and right political sectors in Western Europe has meant that conservatives, who traditionally posed the greatest danger to stable democratic rule, perceived that excluding an increasingly moderate left offered declining payoffs. When this was the case, the right can perceive that its core interests and values are not threatened even if the existing institutional design manufactures and empowers majorities for the left. This is readily visible in the case of modern Britain. Interwar Tories recognized that plurality electoral rules could easily endow the rising Labour party with sweeping powers, yet while in office they neither strengthened 'privileging' institutions (such as the House of Lords) nor adopted a stakes-reducing electoral law. This was due in part to conservatives' electoral confidence, but also to their belief that Labour was sufficiently moderated, especially by the late 1920s, as to render overall political risks modest regardless of alternations in office in a 'high stakes' institutional context. Despite heated election-time rhetoric, many Tories 'had ceased to

11. The argument advanced in this section is developed at length in Alexander (forthcoming, 2001).

take the apocalyptic view of [franchise] reform' already by 1918 (Pugh, 1978: 105). Many conservatives believed Labour was crucially constrained from below by industrial workers averse to both revolutionary ends and means, a view which survived the 1926 general strike and the Depression (e.g. Cooper, 1954: 147, 150, 165–6; Headlam, 1992: 47, 85). The paradigmatic conservative Leo Amery thus expressed no fears when he assumed Labour would win the elections expected for 1939 (Amery, 1988: 403). The Tories returned to office in 1951 fully aware that the slightest electoral swing could re-endow Labour with power yet they again failed to introduce PR, which would at least have made a Labour parliamentary majority less likely. When left/right differences were modest, overall stakes were low regardless of the stakes embedded in the institutional design. A similar analysis could be made of high-stakes designs in, for example, Fifth Republic France.

6. Implications

This analysis suggests the importance both of invoking claims of path dependence rigorously and of making distinctions within the broad category labeled 'institutions'. While property regimes and major entitlement programs appear to assume path dependent characteristics, formal decision rules do not, and other theories appear to be required to explain the endurance of specific designs in specific cases. This has wide implications for theorizing not only about democratic consolidation but also for other theories which presume persistence in formal political – and perhaps other – institutions, including ones which invoke such institutions to provide credible commitments. For example, public choice theorists propose constitutional constraints as perhaps the only effective check on government expansion. Regardless of how such rules could be achieved, this emphasis may be misplaced if constitutional provisions are afflicted by the same contingency which Buchanan and Wagner (1977: 118) recognize in statutory institutions.¹² Institutional solutions to cyclical majority problems may be vulnerable to the same critique (Shepsle, 1979). In the same spirit, Waldner (1999) argues that institutions which are more versus less conducive to economic development are best explained by reference to specific balances of societal power and hence that treating them as causes and not effects makes an unnecessarily limited contribution to causal explanation. None of this is meant to suggest that formal institutions are epiphenomenal, only that when actors regularly treat institutions as effects, our ability to treat them as causes is circumscribed.

12. Elsewhere Buchanan (1984: 61) leaves the impression that formal rules are neither necessary nor sufficient for his purposes.

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