

## Ελληνική Επιθεώρηση Πολιτικής Επιστήμης

Τόμ. 42 (2014)

Αφιέρωμα: Η ελληνική κοινωνία πολιτών και η κρίση



### The Greek Constitution from a political science point of view

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doi: [10.12681/hpsa.14575](https://doi.org/10.12681/hpsa.14575)

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### Βιβλιογραφική αναφορά:

Tsebelis, G. (2017). The Greek Constitution from a political science point of view. *Ελληνική Επιθεώρηση Πολιτικής Επιστήμης*, 42, 145–172. <https://doi.org/10.12681/hpsa.14575>

## THE GREEK CONSTITUTION FROM A POLITICAL SCIENCE POINT OF VIEW

*George Tsebelis\**

In almost all my professional life I have been working on the analysis of institutions on the basis of one concept, which constitutes the basis of the development of economics and is becoming more and more prominent in political science: the concept of (Nash) equilibrium. Equilibrium is an outcome that maximizes the utilities of all the actors involved. In different terms, it is the result of optimal action of every player, given the prevailing institutions, and the behavior of all the other actors involved.

Why is equilibrium analysis so crucial in the social sciences? Because, assuming the actors have preferences, and they are rational, each one of them will do the best he or she can to achieve these preferences, or reach as close to them as possible given the rules of the game and the behavior of other players. In other words, equilibrium outcomes will be reached by the rational action of all players involved, *and* once reached they will not be changed by the action of individual players alone (because each one of them has already adopted optimal behavior to reach the equilibrium point, so, unilateral departure does not promote his goals).

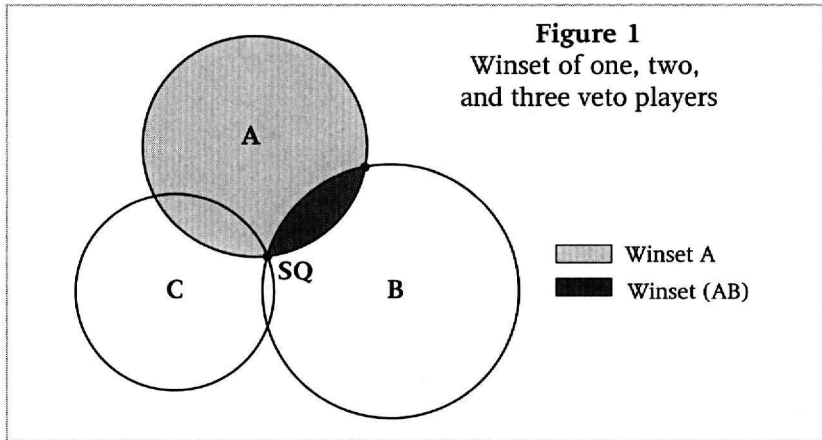
In politics, an important way to “lock” such equilibrium outcomes is to make the change of the status quo more difficult, to require qualified majorities of one (collective) actor or concurrent majorities of different players (in the case, say, of a coalition) to achieve. This has been the subject matter of work presented in my book *Veto Players*.

A veto player is an actor whose agreement is necessary to change the status quo. And, every political system has a certain number of veto

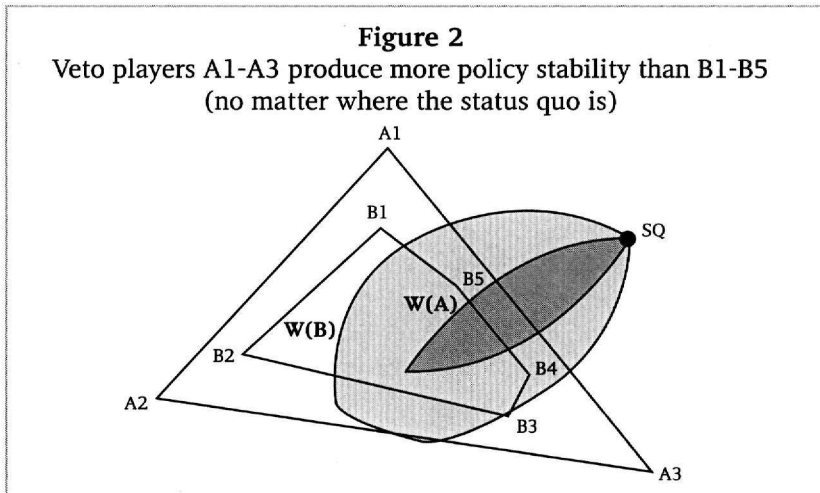
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players. For example, in the United States there are three institutional veto players, the President, the House, and the Senate, and all three are required to agree in order to modify the status quo. In contrast Greece three years ago, had a single veto player, the majority party and its prime minister. Within the last two years, the number of veto players changed, from three (the three partners in government) and to two (the current two party government). The overall number of veto players varies by issue. In the United States the President is the only veto player in terms of foreign and defense policy, in Greece the number of veto players expands when we deal with the election of the President of the Republic (this is why the main opposition party can decide an election is it so desires).

I first demonstrate the intuition behind *Veto Players* analysis, and then apply it to the Greek context. In veto players analysis, I relate proposals for change to existing policies, the status quo, and compare how the placement and distribution of actors' preferences among veto players determines which outcomes are possible. Let us assume a plane (a two dimensional policy space) and locate the status quo at the point **SQ**. Next, let us assume that there is a single veto player located in point **A** (say a government of PASOK or New Democracy in the 80's or 90's). This veto player prefers anything inside the circle with center **A** that goes through **SQ** over **SQ** itself as these policies would be closer to **A**'s preferences than the current **SQ**. Player **A** prefers the **SQ** to all points outside this circle. The shaded area in the Figure 1 is "the winset of the status quo" with one veto player. Let us now add a second veto player **B** (like the current two party government). Similarly, Player **B** prefers anything that is located inside the circle with center **B** going through **SQ**. For this two veto player situation (a coalition government) the winset of the status quo is the hatched area in the Figure. Adding a second veto player significantly reduces the winset of the status quo. Let us now add a third veto player **C** (say, a three party coalition). Draw again a circle around **C** going through **SQ**. Now the winset of **SQ** is the empty set, as there are no policies that the three veto players prefer to the current status quo. The system is locked, and as long as these three parties remain in government, the status quo cannot be replaced. This is what happened with the ERT policy. The general idea generated by this analysis, is that the more veto players, the more policy stability, that is, the greater the difficulty in changing the status quo.



A second idea I want to impress upon you is that the larger the ideological distances between veto players, the more difficult it is to change the status quo. In Figure 2, I present two different countries: A contains 3 veto players with large ideological distances among them, and B contains five veto players and smaller ideological distances among them. As you can see, the winset is smaller (and thus policy stability is higher) in country A than in country B despite the higher number of veto players in B.





The conclusions I will draw from these figures are that if we want to promote change, we should reduce both the number of veto players and the ideological distances among them. If we care about policy stability and want to preserve the status quo, we should do the opposite. Politically, there are many ways to preserve stability: increase required majorities ( $2/3$  or  $3/5$  instead of absolute majority, or plurality), or endow two different *institutions* with veto powers (instead of one or two different *parties*), or add requirements for a referendum for ratification, etc.

Whether we want to change the status quo or not is a political decision that depends on our preferences as well as the status quo. However, historically conservatives have wanted to preserve the status quo while the left wanted change. Professionally, political scientists want the political system to be able to respond to changes in the environment with policy changes, while economists prefer to leave things to private actors without government interference.

The basic assumption of the rest of my talk is the following: Greek society is in an unsustainable equilibrium, and we desperately need change in the short and medium run. It may seem obvious, but let me elaborate. We can see the “equilibrium” part of the argument in everyday behaviors of avoiding taxes or receipt collection because this is the easiest way for many companies to stay in business, or avoid the overwhelming burden of taxation. We can see “equilibrium” signs in the price of milk or the protection of taxi drivers. We can see it in laws that are postponed waiting for implementing measures. We can see it in laws that are modified before they get implemented, so that nobody knows what the law is, and the status quo remains the same.

We can see the “short run” need for change from the behavior of our lenders, who are asking for structural reforms before they release the next payment. And we can anticipate further pressures from the slow rate of release of funds. “But,” the opposing argument may be, “if we implement the government multi-law we are done. Aren’t we?”

The answer to that is that even if we did, there are long term problems of sustainability of the debt (I hope that some of them will be relieved in the near future), but more importantly, there are problems of sustainability with intergenerational pension transfers, not just in Greece, but in all advanced industrialized societies that have not been discussed and will be requiring answers. Because of the arrival of baby boomers at the stage

of retirement, social security transfers cannot be sustained at current levels not only in Greece but also in any country. Because of the progress of medicine and the ability to sustain human life in advanced age with astronomical costs, current healthcare agreements are not sustainable either. A democratic debate on these issues and the design of sustainable solutions are necessary and a political system that can address and implement these changes is necessary. In this respect, the crisis makes the problem in Greece more obvious and more urgent, but other countries will have to take down the road similar steps.

Therefore, our institutions should enable change instead of preventing it. In other words, in a systematic way, we should enable Greece to change by reducing the number of veto players, and/or their ideological distances. Designing the institutions to permit change is a necessary condition but not a sufficient one. After all, we had a single veto player from 1974 until 2012 (not to mention 1967-74 or even before) and we did not avoid the crisis.

In what follows, I will use the veto players framework to address three different issues: 1. Constitutions in a comparative perspective. 2. Issues debated related to the Greek Constitutional reform. 3. Electoral system. In all three cases, the framework will be the one I developed in *Veto Players* and summarized before.

## 1. A LONG CONSTITUTION IS A (POSITIVELY) BAD CONSTITUTION<sup>1</sup>.

Constitutions are “locked” documents because they are the stable basis of all legislation in a country. They require qualified majorities to be modified. The Greek constitution specifies that “two separate parliamentary votes on either side of a general election and a majority of three-fifths of the total number of seats in at least one of the votes” is required for all changes.<sup>2</sup> This 29-word summary of Article 110 of the

1. This part is a summary of G. Tsebelis - D. Nardi Jr., “A Long Constitution is a (Positively) Bad Constitution: Evidence from OECD Countries”, *British Journal of Political Science*, forthcoming. For a detailed analysis see the original.

2. P. Eleftheriadis - N. Alivizatos. “The Greek Constitutional Amendment of 2001”, *South European Society and Politics*, no 7, 2002, p. 64.

Greek constitution condenses the article from the original six paragraphs and uses 255 words! In other words, it is almost 10 times as long. We will return to this point in a while.

Constitutions can be “locked” in different ways: qualified majorities of a parliament may be required; agreement of multiple chambers may be required; referendums may impose additional requirements at the end of the process; and/or certain articles may not be amendable (usually human rights). We will examine the impact of these “locking” devices in a while, but for the time being, we could form an expectation, that the more locked a constitution, the more difficult it is to be modified, and the fewer amendments it will have over the years. This is an equilibrium statement, because what is the reason for locking a constitution, if not to prevent modifications, and if these locking devices work, we should not be seeing many amendments. In other words, the expectation should be a negative relationship between the existence of “locking” provisions and amendments.

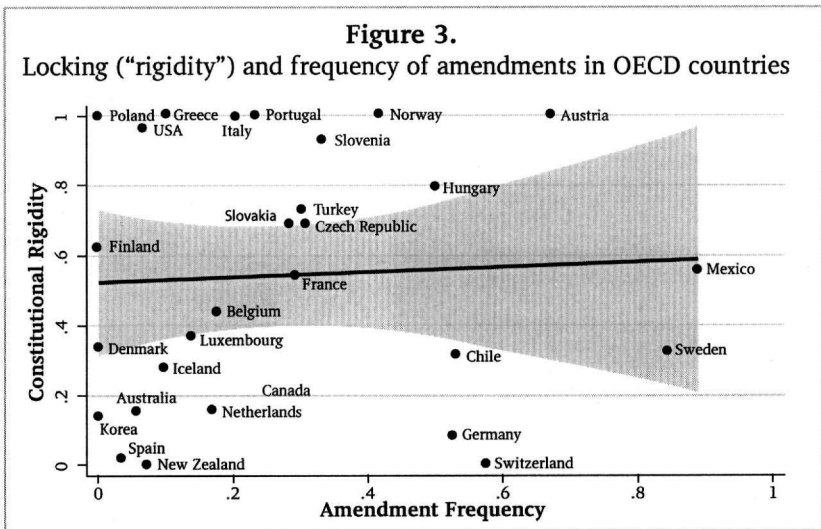


Figure 3, presents the actual relationship between locking (“rigidity”) and frequency of amendments in OECD countries. We selected these countries because chances are their constitutions will be documents respected and enforced, while in third world countries constitutions may not be either, and information about such documents would not reflect what

is happening in the country. The data I am presenting here come from the Comparative Constitutions Project<sup>3</sup> included in the Google dataset "Constitute".<sup>4</sup> The slope of this relationship between difficulty of modification and actual amendments not only is not negative (as we expected) but if anything it is positive. This is the first puzzle that we will explore.

Statistical analysis enables us to "control for" additional variables, that is, if we consider other variables that may affect both "locking" and frequency of amendments, we can take their impact out of the relationship and reexamine the graph. The expectation would, as before, is a negative slope; countries that have locked their constitution (controlling for any variable) should have fewer amendments (controlling for the same variable).

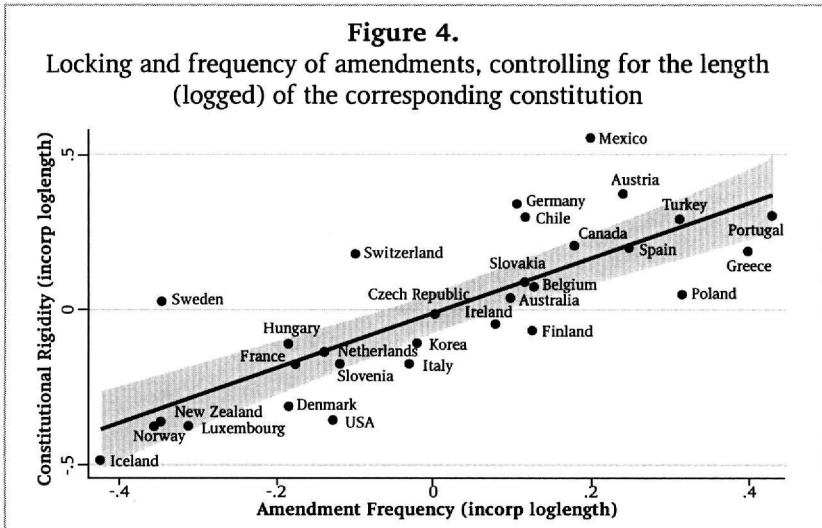


Figure 4, presents the same relationship of locking and frequency of amendments, controlling for the length (logged) of the corresponding constitution<sup>5</sup>. The relationship is even more pronounced and in the wrong

3. Z. Elkins - T. Ginsburg - J. Melton, *The Endurance of National Constitutions*, Cambridge University Press, Cambridge 2009.

4. <https://www.constituteproject.org>

5. We log (use the logarithm instead of the natural number) because the effect

direction. This is the second and more important puzzle we will try to explain. Here is what Figure 4 suggests: the longer a constitution the more "locked" it is, that is, the more difficult it is to be amended. Yet, the longer constitutions *also* undergo the most frequent revisions, and do so *despite* the fact that they are more locked. Why would the longer and more locked constitutions be the more inadequate ("bad" as the title of this section calls them)?

Let us start our investigation by trying to understand what "length" of a constitution reflects. It can reflect the number of topics included in a constitution, it can reflect the complexity of organization of the state (a federal government may require more articles of the constitution in order to regulate the interactions between the different levels of government, or it could delegate more decisions to states and their constitutions like the US constitution that delegates all the powers not enumerated in the document itself to the states), and it can reflect the details or restrictions imposed by the constitution on each subject. Generally, constitutions include more topics the more recent they are, so, a good proxy for the number of subjects included in a constitution is the age of the original document. A preliminary investigation indicates that the most relevant variable associated with constitutional length is the average number of words of devoted to each topic, that is, the number of "details" or "restrictions".

Although we know that the length of a constitution is essentially an aggregate of the "detail" included in each of the covered issues, we do not know the reason, or content of this length. Constitutions can include three different kinds of provisions. First, constitutional provisions can regulate technical or innocuous matters that do not impact political behavior (such as descriptions of the national flag). Second, constitutions can contain aspirational goals, such as the right to work (included in many post World War II constitutions), which do not impose any specific obligations on the government, and consequently are not enforceable in court (not surprisingly, none of these countries has completely abolished unemployment). Third, constitutions contain restrictive or prescriptive statements. Most constitutions contain sections detailing government structure and the rights of citizens. For example, the U.S. president cannot circumvent the

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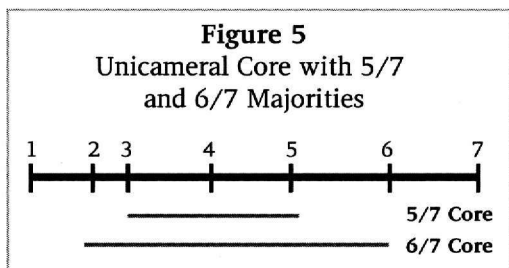
of length is not constant over time: the first 1000 words of a constitution are more significant than the tenth.

constitutional requirement that he seek the “advice and consent” of the Senate for presidential appointments. While these three categories of provisions maybe straightforward at the theoretical level, there is no direct way of distinguishing between constitutions that contain many substantive restrictions as opposed to those that are simply garrulous.<sup>6</sup> We will try to make inferences about the relative importance of each part.

Constitutions are typically amended after extraordinary procedures. These high hurdles of approval and modification guarantee that the constitution at the moment of adoption or modification is located in the “constitutional core” of a country. The “core” of a political system is a technical term referring to the set of points that cannot be upset by some specified majoritarian procedure. So, the “constitutional core” means the document that cannot be replaced by any other under the existing requirements for constitutional revision.

Let us consider a body that decides by qualified majority rule in one dimension (like a parliament with a single chamber). <sup>7</sup> In Figure 5, I present a seven-member body that decides by a qualified majority of 5/7 or 6/7. The reader can verify that when the qualified majority increases from 5 to 6 members, the core expands (from the 3-5 segment to the 2-6 segment).

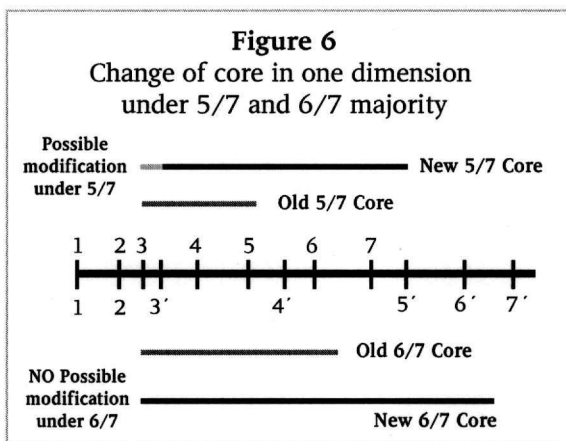
Tsebelis and Nard<sup>8</sup> argue that a constitution will be located inside the core of the political system. Indeed, any propos-



6. S. Voigt, “Explaining constitutional garrulity.” *International Review of Law and Economics*, no 29, 2009, pp. 290-303.

7. The interested reader can consult X.Yataganas - G. Tsebelis, “The Treaty of Nice, the convention draft and the constitution for Europe under a veto players analysis”, *European Constitutional Law Review*, vol. 1, no 3, 2005, pp. 429-451 in order to see what the core of multiple chambers in two dimensions looks like. It is sufficient here to argue that it “expands” as the number of chambers and the qualified majorities in each one of them increases.

8. G. Tsebelis - D. Nardi Jr., “A Long Constitution is a (Positively) Bad Constitution: Evidence from OECD Countries”, *op.cit.*



al outside the core would be defeated by a point inside the core. As for constitutional revisions, they argue that the only way they become an option is because a point that was inside this core is now located outside. In other words, a constitutional revision can involve only

points (and provisions) that used to be centrally located inside the body politic of a country but ceased to occupy such a location, and the new core does not include them anymore.

This change can occur only under a significant modification of the positions of the individual players (or exogenous shocks that make the previous positions no longer tenable). Figure 5 presents such a modification in one dimension to make things clear. The underlying assumption is that a qualified majority in one only chamber is required for the revision.

In the example, out of the 7 members, 5 have shifted and moved (some of them significantly to the right). In particular, players 1 and 2 remained in place, while player 3 moved slightly to the right (from 3 to 3'), player 4 moved by a substantial amount (to position 4' which is leapfrogging the old player 5), and players 5, 6, and 7 in their new positions (5', 6' and 7') moved outside the whole political space of the past (beyond point 7 of the figure). This is a political change so radical that it is difficult to imagine in any real polity outside a revolution. Yet, the 5/7 core was only slightly modified: player 3 has moved outside the core and player 7 is now within the core. More to the point, it is only if the constitution involved a provision in the (3,3') area that there are grounds for a constitutional revision if the required constitutional revision majority is 5/7. On the other hand, if the required majority for constitutional revision is 6/7, then there is no possibility for such a modification (despite the significant shift of the public opinion). Then voter 2 will preserve the

constitution by voting down the amendment. From the above discussion follows that a constitutional change requires a point of the previous constitutional core (an article or a section of the existing constitution) to be located outside the current constitutional core of the polity.

On the basis of the above analysis, given the large size and the central location of these constitutional cores, it is very likely that the two cores (at time  $t$  and  $t+1$ ) will overlap. Points in the intersection of the two cores cannot be subject of constitutional revisions (by the definition of "core"). The only provisions that could be changed are the ones that belong in the core at time  $t$  but not in the core at time  $t+1$ , as illustrated in with player 3 in Figure 6. Unlike simple legislation that (usually) requires a simple majority in parliament, and can be changed by a different majority (left succeeding right or vice versa), the required constitutional majorities include parts of the previous majorities. Consequently, constitutional revision requires a massive change in the opinions of the political actors.

What are the implications of this analysis? Constitutional revisions can occur either because the preferences of political forces changed (in other words, they recognize that they had made a mistake in the original draft) or because external conditions changed significantly such that new provisions are considered necessary (for example, an economic crisis). But why should all these difficulties of locking and unlocking be associated with long constitutions? Figure 4. above provides the answer that length is not an innocuous variable associated just with the number of words. It is a summary indicator of the level of restrictive provisions associated with each item included in the constitution. And it is these restrictions that enter into conflict with an evolving reality which generate the need for change (despite the difficulties of unlocking the constitution).

The focus of constitutional revisions is on prescriptive or proscriptive provisions, not on hortatory or aspirational statements. The very attempt to amend the constitution indicates that the existing constitution had (in the opinion of overwhelming majorities in the country) serious shortcomings, and these shortcomings were experienced and understood as such. This is a fundamental point of the analysis. The frequency of revisions indicates that the constitutions are not just garrulous, but also impose objective, negative costs on society. Tsebelis and Nardi<sup>9</sup> connect lengthly

9. G. Tsebelis - D. Nardi Jr., "A Long Constitution is a (Positively) Bad Constitution: Evidence from OECD Countries", *op.cit.*



constitutions with low GDP per capita, and corruption. Here I will present only the last Table of their findings:

**Table 1:** GDP per capita Regressed on Constitutional Restrictions (*Detail*) and Corruption

	(1)	(2)	(3)	(4)	(5)	(6)
Detail	-0.959** (0.28)	-0.817** (0.26)	-0.917** (0.29)	-0.795** (0.26)	-1.457** (0.41)	-0.961* (0.45)
# Amendments Under Democracy	0.006** (0.00)	0.005** (0.00)	0.006** (0.00)	0.005** (0.00)	0.009** (0.00)	0.007** (0.00)
Education (% labor force)	-0.001 (0.00)	-0.001 (0.00)	-0.001 (0.00)	-0.001 (0.00)	-0.000 (0.00)	-0.001 (0.00)
Natural Resources (% GDP)	-0.006 (0.00)	-0.010* (0.00)	-0.007 (0.01)	-0.011* (0.00)	-0.007 (0.01)	-0.012* (0.00)
Trade Openness (% GDP)	0.001 (0.00)	-0.000 (0.00)	0.000 (0.00)	-0.000 (0.00)	0.000 (0.00)	-0.001 (0.00)
Investment (% GDP)	0.002 (0.00)		0.002 (0.00)		-0.005 (0.01)	
Savings (% GDP)		0.008* (0.00)		0.008 (0.00)		0.014* (0.01)
Corruption (WGI)	-0.119*** (0.02)	-0.103*** (0.02)				
Corruption (CPI)			-0.046*** (0.01)	-0.040*** (0.01)		
Government Consumption					-0.004 (0.01)	0.004 (0.01)
Constant	4.400*** (0.13)	4.323*** (0.10)	4.202*** (0.15)	4.161*** (0.12)	4.761*** (0.34)	4.270*** (0.27)
R <sup>2</sup>	0.7518	0.7953	0.7443	0.7824	0.5155	0.6171
N	32	32	32	32	32	32

Note: robust standard errors in parentheses.  
 Dependent variable is average GDP per capita PPP over 2006–11.  
 Independent variables are averaged over 2000–06. Sources: WDI, WGI and TI.  
 \* $p < 0.05$ , \*\* $p < 0.01$ , \*\*\* $p < 0.001$

According to Table 1 the variable “detail” has a big negative impact on GDP per capita despite most of the controls of economic literature (education, natural resources, trade openness, investment, savings) as well as corruption. But our analysis about constitutional rigidity and amendments indicates that “detail” is de facto an indicator for restrictions.

In conclusion, long constitutions are bad constitutions because they are too restrictive (as indicated by the length of their provisions). They impose burdens on the countries that they are supposed to regulate. These populations succeed frequently in modifying the constitutions (we have no measure of how many times they tried and failed because of the effectiveness of the restrictions included in the constitution itself. This is a subject that we will develop in the next section.

## 2. BARKING UP THE WRONG TREE

From the previous analysis follows that if there is something wrong with the Greek Constitution is that it is too restrictive, too long, and too locked. I do not have an exhaustive list of excessive restrictions. I have argued that the inclusion of the definition of “forest” is an excess, I have argued that the principle of proportionality should not be included, not because it should be replaced, but it should not enshrined and give to activist judges a free pass to get involved in every subject. The European Union has forced us to ignore article 14 about the major shareholder. In a comparative perspective, there are constitutions that speak about ‘conflict of interest’ and define what should be done in order to be avoided (like turn over stock to some managing firm) but no other constitution in the world goes into such detailed restrictions.

Here I will talk just about one example that I know for professional reasons. Article 16 of the Greek Constitution precludes the existence of private universities. Greece is the *only* OECD country with such a constitutional restriction. Elimination of this article was aborted in the previous round of revisions. There are two issues concerning article 16. The first one is: should we permit private education at the university level or not? The second, whatever our decision, should we eternalize it by including it in the constitution? The answer to the second is an emphatic NO. We are not the smartest OECD country in the world to have this restriction while

the others do not. I would also argue that even a legal (as opposed to constitutional) prohibition is seriously misplaced because if higher education is a lever in the progress of a country restricting the institutions that provide it, and therefore restricting competition among them is a fundamentally wrong. The idea that private education is supporting the rich (in the Greek context) is fundamentally misguided because rich kids will get their education outside Greece and it is good students without enough means who will be deprived of it, while the very existence of private institutions would enable them to have a better education. Although I have been in public institutions most of my life in the US, I have to tell you not only that the best institutions in the US are private, but also that these private institutions are redistributing income through scholarships for the financially deserving students they admit.

How about the constitution's length of 27000 words? Panagiotis Tsyas and Stavros Tsakyrakis (Athens University) make a proposal that reduces the words of the 25 first articles of the 1975 constitution from 5236 to 2263 (reduction by 57%).<sup>10</sup> This operation involved the elimination of ambiguous terms («χρηστά ήθη»); duplications (article 5A on right to be informed); elimination of articles that in their judgment (and mine) have no place in a constitution like religion. Their main argument is that the Greek constitution is garrulous, it involves minor issues that should not be included in a constitution, and therefore their first priority was to eliminate them.<sup>11</sup>

However, the public debate, instead of focusing on these issues, is trying to modify specific articles about the organization of powers on the basis that since a crisis of monumental proportions was manifested in the Greek society, it must be the fault of institutions. The people who propose institutional modification propose a series of measures that essentially increase the number of veto players. As we observed above, the necessary (but unfortunately by no means sufficient) condition for change is *reducing* the number of veto players, and the reduction of the distance

10. S. Tsakyrakis, «Άσκηση αναθεώρησης του Συντάγματος», September 17, 2013. <http://tsakyrakis.wordpress.com/2013/09/17/>

11. «Πράγματι, οι μακροσκελείς διατυπώσεις και οι (από συνταγματικής άποψης) ασήμαντες διατάξεις κυριαρχούν στο σώμα του ισχύοντος συνταγματικού κειμένου, ώστε ως πρώτη μας προτεραιότητα θεωρήσαμε την απάλειψή τους».

among them (if possible). This is why I claim that these modifications are barking up the wrong tree. What are these wrong-headed ideas? Popular election and increase of the powers of the President; creation of a new Senate; elections in fixed intervals (4 years); referendums; proportional electoral system in the constitution. I take these ideas one at a time:

*President.* While the popular election of the President seems in the eyes of its proponents to be a “democratic” idea asking the people to decide, what is overlooked is that any nominal authority of the President included in the constitution becomes his proper right, since he is a directly elected representative of the people. This is what happened with the constitutional amendment in the French Vth Republic. For example he may or may not issue Presidential decrees to promulgate laws. In this sense a new veto player may be included in the political game.<sup>12</sup> On the other hand, if the powers of the president revert to the original provisions of the 1975 constitution, it is not a serious revision (and not worth fighting over). The election of a president is currently the only way that the opposition party can become a veto player, because if a person nominated for president does not receive 3/5 of the votes, there is a new election. I suggest a different way of electing the president that will reduce the externalities of the 3/5 threshold, and will lead to the selection of a widely accepted individual. Each party proposes one candidate, and the members of parliament have the right to select up to three candidates using a secret ballot. The person with the most votes (provided he or she has more than 3/5) wins. A president elected with this procedure will have the respect of the Parliament, and the electorate, and will be able to carry out extended authorities to appoint candidates above party conflicts for important positions either as the primary officer, or as the default solution in case of failure of existing mechanisms to fulfill their duties in a reasonable time frame, say 3 months (judiciary, independent organization presidents etc.).

*Senate.* It is not clear whether people who propose this idea want a second legislative body, or simply an institution that will be “above”

12. For a detailed discussion of legislative powers of Presidents in different countries see G. Tsebelis - E. Aleman, “Presidential Conditional Agenda Setting in Latin America”, *World Politics*, vol. 57, no 3, 2006, pp. 396-420 and G. Tsebelis - T.P. Rizova, “Presidential conditional agenda setting in the former Communist countries”, *Comparative Political Studies*, vol. 40, no 10, 2007, pp. 1155-1182.

parties and make proposals for important independent agencies. In the first case, it will be an additional veto player which will delay or abort legislation, in the second, such authority could be very well be offered to the president, particularly if elected by the procedure I just proposed.<sup>13</sup>

*Elections in fixed intervals.* While the people that propose this idea are tired of the constant electoral climate prevailing in the country they are proposing a cure far worse than the disease. If the government fails in a vote of confidence, or the opposition succeeds in a censure vote, this indicates that the agreement that generated the government has expired, and the people should decide about what is to be done. While this is obvious, what is not very well understood by the proponents of fixed election intervals is that the threat of dissolution (existing in the hands of the prime minister) is the major reason for the existence of party discipline in parliamentary systems.<sup>14</sup> Indeed, without this threat, the different MPs would vote on every issue according to their preferences, and the government would not be able to have a program, or pass legislation that it considers necessary. Similar situations existed in the Weimar Republic, and at the end of the French IV Republic with destructive consequences. A thought experiment would persuade the reader that no legislation would have been possible without party discipline in Greece the last two years.

*Referendums.* The institution already exists, thanks to the Papandreou government, and therefore is not necessary to be enshrined in the Constitution. Proponents of referendums argue (correctly) that referendum outcomes are closer to the preferences of the public than solutions adopted by the political system. One thing that is not understood is that the most important question about referendums is who controls the agenda. Actually, in most countries the question is divided in two components: who asks the question, and who "triggers" the referendum. These distinctions generate four different types of referendums (a required referendum, a veto player referendum, a popular veto referendum, and a popular ini-

13. G. Tsebelis - J. Money, *Bicameralism*, Cambridge University Press, Cambridge 1997.

14. D. Diermeier - T.J. Feddersen, "Cohesion in Legislatures and the Vote of Confidence Procedure", *The American Political Science Review*, vol. 92, no. 3, 1998, pp. 611-621.

tiative referendum).<sup>15</sup> Roughly speaking, each step in this process increases the democratic credentials of a referendum, but even in the last one (popular initiative) what is not taken into account is the collateral consequence of a referendum. For example, think what would happen if we had a referendum by popular initiative if we want to increase taxes, or cancel the memorandum, and what would be the consequences. Before you answer the hypothetical, think of the faith of Papandreou after he proclaimed the referendum.

*Pure proportional representation in the constitution.* This would be the worst proposal of all, both in terms of its goal (pure proportional representation), and in terms of the means used (eternalize the system). I will discuss it more in detail in the third part of this talk.

The Greek Constitution is locked, and requires 3/5 majority to be modified. Consequently, none of the above-discussed measures is remotely feasible under the current conditions. The only feasible amendments are the ones that achieve almost unanimity of the existing actors, like ministerial responsibility (art 86), parliamentary immunity (art 62), independent authorities (art 101A), principle shareholder (art 14). This is the suggestion of legal experts like Alivizatos and Pararas.<sup>16</sup> Even with these restricted goals, we run the risk of a restrictive interpretation of Article 110, which specifies that a period of five years must pass before any other amendment is undertaken (Pararas suggests a non-restrictive interpretation of this article to permit amendments in areas that have not been already amended within the period).

It would be highly desirable to reduce the number of MPs to 200. Luckily, this does not require a constitutional amendment. It does require significant political courage, since it asks of 100 incumbents to commit political suicide. Depending on the evolution of the political game, it could become an exit gambit for the current government.

15. G. Tsebelis, *Veto players: How political institutions work*, Princeton University Press, Princeton 2002, chapter 5; S. Hug - G. Tsebelis, "Veto players and referendums around the world", *Journal of Theoretical Politics*, vol. 14, no 4, 2002, pp. 465-515.

16. N. Alivizatos, *Ποια δημοκρατία για την Ελλάδα μετά την κρίση*, Πόλις, Athens 2013; P.I. Pararas, «Συνταγματική αναθεώρηση, τώρα», *Η Καθημερινή*, January 15, 2014. <http://www.kathimerini.gr/551921/opinion/epikairothta/politikh/syntagmatikh-ana8ewrhsh-twra>.

### 3. HOW WE CAN SHAPE THINGS UP THROUGH THE ELECTORAL SYSTEM

I showed you in the first part of my talk that it is difficult to make changes, and in the second that most people who want to make them are looking not just in the wrong place, but also in the opposite direction: they try to increase the number of veto players, when the only way we will get out of the wrong equilibrium is if we decrease them (or bring them closer together). Unlocking the constitution would be one step in the right direction, but it will not help very much if we make modifications like the ones discussed above (if we increase the number of veto players we will reach the same “locking” with different means).

The Greek political system is in serious trouble. This is neither an original nor a novel assessment. The statement can generate unanimous consent, but does not advance our understanding of causes of the identification of necessary cures. I think we would advance our analysis if we focused on the party system. In each of the statements I will be making I may have disagreements, but I hope that by the end of the analysis I will have a large majority in favor of the diagnosis and the proposed cure.

The problem with the Greek party system is that it is centrifugal. Despite the fact that a large majority of people desire a solution to the serious problems I outlined above, the party system responds in the opposite direction: polarization. If we want to analyze this polarization more closely, we will see two features: first, that extreme parties have unusual strength (in the Greek case, particularly on the right), and second, that the other (more moderate) parties are being influenced by these extreme parties (or their own internal forces that feel close to these parties). So, SYRIZA is very concerned about its left side and New Democracy is about its right.

Let me use one example from German policymaking borrowed from *Der Spiegel*.<sup>17</sup> The article states that “Merkel is afraid that, for the EP election on May 25, the Euro-skeptic party Alternative for Germany will profit from a discussion about new aid for Greece” on the other hand Schaeuble “sees the danger that – without the prospect of new aid – radi-

17. Spiegel.de., “Streit ums Hilfspaket: Merkel blockiert Schaeubles Griechenland-Plaene”, issue 8/2014. Published online Feb. 16, 2014. <http://www.spiegel.de/politik/deutschland/merkel-lehnt-schaeubles-griechenland-plaene-ab-a-953738.html>

cal parties in Greece will gain electoral support at the election." What is interesting to note here is that both German politicians are concerned about the electoral consequences not the policy consequences of their choices. You can recognize the phenomenon of policy impact of extremist parties although official statements will ignore such parties and offer different justifications.

If we want such phenomena to change, we must do so through the electoral system: in a democracy, ultimately what happens is consistent with what the people select in elections. And an electoral system is the primary institution that contains incentives both for the people who elect and the people who get elected. Since at least 1951, with Duverger's law, political science has been studying electoral systems.

I will start with one actual modification of an electoral system that was designed to reduce polarization and has had successful results. In the United States, the electoral system involves a primary election within each party, after which the winners of these primary elections (along with candidates from other parties, as determined by the electoral law of each state) confront each other in the final election. The candidate with a plurality of votes is the winner. This electoral system had produced many extreme candidates with the following mechanism: within each of the two major parties it was possible that the extremist side was more powerful than the centrist, so that one party selected an extremist representative in the primaries. In the final election, voters had to choose between two extreme candidates, which lead to a divided Congress where representatives mainly confronted each other along party lines rather than compromise. In 2013, some 80 Republican Representatives sent a letter to the (Republican) Speaker of the House asking him to shut down the government rather than compromise with the President on budgetary issues. The result has been successive blockings of US policymaking. President Obama complained because the shutdown was caused by a fraction of one party among the two political parties, in one of the two Houses in Congress, in one of the two branches of Government. This remarkably small subset of politicians wanted to impose its will upon all the rest.

To address the polarization and reduce the number of extreme candidates it produced, two states of the US decided to change their electoral system in the 2000s. The process took more than a decade to be completed, and it involved referendums and Supreme Court decisions. The



modification was called a “blanket primary” and it involved two steps: first, the primaries took place together—rather than separately by party—where voters select candidates of their choice; second, that only the first two candidates (regardless of party) would participate in the election. The outcome of this modification is that if, in a constituency, two candidates of the same party are selected for the final confrontation, then the more moderate will prevail, because the voters of the other party will select him (along with his initial supporters). We can evaluate the success of this gap by examining how many of the more extreme representatives signing the letter to the Speaker of the House (mentioned above) come from these two states: only 3 were from California (the most populated state) and 0 were from Washington.<sup>18</sup> In the 2014 election a tea Party Republican (one of the three signatories of the letter to the Speaker I discussed above) is now challenged by a moderate in the blanket primary (for the first time ever).

The attempts to introduce blanket primaries in Washington go back to the 1930s, the attempts in California led to a successful referendum in 1996 that was rejected by the American Supreme Court. A modified blanket primary was introduced in Washington and upheld by the Court, and California passed its own (identical) provision by referendum in 2010.

A similar (in terms of the political effects) electoral system of alternative vote was introduced by the Liberal party in the UK in a referendum agreed as part of the government agreement with the Conservative party.<sup>19</sup> The electoral system was rejected by British voters.

The US and UK have plurality electoral systems, so, their examples are not applicable in Greece. A successful modification needs to change both the political system and mentalities: the expectations of voters and parties with respect to who is selected. Secondly, the change in parties needs to produce candidates who are more moderate than those currently selected. Greece has been an important influence in the design of electoral

18. R. Wilson, “The solution to hyper-partisanship already exists, and it doesn't involve gerrymandering”, October 18, 2013. <http://www.washingtonpost.com/blogs/govbeat/wp/2013/10/18/the-solution-to-hyper-partisanship-already-exists-and-it-doesnt-involve-gerrymandering/>

19. BBC.com. “Vote 2011: UK rejects alternative vote”, May 6, 2011, <http://www.bbc.com/news/uk-politics-13297573>

systems worldwide. Let me explain first the positive features of the current Greek system, analyse the criticisms and proposed alternations and then present the modifications I claim would help shape representation and politics in the desired dimension of discussing and problem solving.

An electoral system is expected to satisfy two requirements: representation of the population, and government stability. Because these two requirements are contradictory, as we saw in the first portion of the paper, different countries elect their parliament with different electoral systems placing different weights in these requirements: from a purely proportional electoral system in Israel and the Netherlands where the whole country is an electoral constituency and there is no required threshold, leading to multiparty governments, to the plurality electoral system of the UK, where the Liberals never get seats proportional to their share of the vote and which usually produces single party governments. In this continuum, the electoral system of Greece has an exceptional placement, since it is proportional and gives small parties (over 3%) proportional representation, but, because of the bonus of 50 seats, was producing single party governments from 1981 until 2012. In the seven party parliament of today, a two party coalition has the majority and can form a stable government.

However, people now have found different problems with the current electoral system and several proposals have been made to try to address special problems that manifest themselves. Some people see that the personal vote (the cross of preference) in large constituencies is correlated with corruption and therefore propose a “German” system with small constituencies. Others consider the 50-seat bonus to the largest party as promoting polarization and impoverishing the political debate. Still others consider the 3% threshold as eliminating interesting voices that should be heard in the Parliament. Several voices have been raised in favor of reduction of the size of Parliament. Recently, there was a competition between SYRIZA and DHMAR to determine who favored the proportional system the most, and supporters of these parties wanted to include a “pure” proportional representation system to the constitution in order to resolve the issue once and for all.

All these criticisms (except for the last one) make valid points. The last one shows complete lack of understanding of politics in two fundamental dimensions: first, the electoral system should be satisfying two

constraints, not just one. Pure proportional representation would not produce stable governments (a simple proportional allocation of seats on the basis of votes in the 2012 election is sufficient to make this point), and therefore is not the eternal ideal system. As such, it should *not* be included in the constitution, unless we consider the restrictions this constitution already imposes as insufficient!

The other criticisms however, have serious factual basis, and a reduction of the size of large constituencies, and/or the size of the bonus could improve features of the current system. The most founded (and unquestionably beneficial) would be the reduction of the size of Parliament. However, they do not address the fundamental problems that we face: first that the electoral system produces very significant centrifugal forces, and second the need to have a government that will coordinate our movement away from the current (bad) equilibrium.

There is a very simple solution that will fundamentally transform the electoral system, and the political system that it will generate. I have proposed that every voter receives multiple votes instead of one.<sup>20</sup> My initial proposal involved up to three votes, but since then Potami has emerged as a significant party, so, the number of votes has to be increased to up to four: however, it is not the number of votes that matters as much as the way the votes are cast. Voters can use these votes to select up to four parties of their preference (cumulation, that is use of two or more votes for the same party is not allowed). None of the other features of the electoral system needs to be changed, although if a consensus about additional changes emerges the revised system can accommodate them.

The simple institutional change of multiple votes has profound consequences on the meaning and the effects of voting. With respect to the meaning, instead of the voter deciding with a single choice which party (s)he *identifies* with, the multiple choice indicates which parties have characteristics that the voter *appreciates* (their political positions, their ability to form coalitions, the personal qualities of their representatives). It is possible, but not likely that one single party will satisfy a voter with respect to all these dimensions. So, the perspective changes, and instead

20. G. Tsebelis, «Αποψη: Δώστε τρεις ψήφους στον λαό». October 11, 2013, *Η Καθημερινή*, <http://www.kathimerini.gr/503366/article/epikairotha/politikh/apoyh-dwste-treis-yhfoys-ston-lao>.

of the voter trying to fit the best possible in the existing party system, he becomes the center of the act, and decides which parties express better his preferences and values.

Let us now turn to the consequences. How will such a system affect voters, parties and government?

*Voters.* Under the current system with 1 vote, each voter has the possibility of electing 1 out of 8 parties (let us ignore the smaller ones for now, the larger parties play such a large role that we will first focus on them), or abstaining, which gives him 9 choices. Under the system I propose, each voter will be able to vote for one, two, three, or four parties, or abstain. That will produce 163 different choices (8 single party choices, 28 two party choices, 56 three party choices, 70 four party choices, and 1 abstention). So, each voter will have many more choices to express him/herself. For example, people who like the center left, will be able to vote for PASOK, Potami, and DHMAR, as well (if they so wish) for a major party; voters who want a government of national unity may vote for ND and SYRIZA (and maybe also PASOK, Potami, or DHMAR), people who want a government of ND or SYRIZA will be able to vote in favor of other parties too, in order to assure their ability to form a government coalition in (the all but certain) case of lack of 151 votes. Given that voters will have many more choices, they will pay more attention to political debates, trying to decide whether they will exercise their right to vote for four parties, or select three, two, or even one. They have an incentive to vote for more than one party because they can only allocate one vote per party and using more of their votes allows them to maximize their influence on electoral outcomes.

*Parties.* The parties will adopt strategies that will maximize their votes. Given that they can gain votes not only from their members or traditional supporters but also from supporters of other parties, they will shift their discourse from ideological to pragmatic, and from aggressive to conciliatory, so that they will be able to attract the additional votes (under the current system a second or third-ranked party would not receive a vote, but are likely to receive a vote under the new system). In other words, parties will be actively focusing on centrist voters because voters have the possibility of rewarding four parties each.

*Party system.* The party systems that will emerge will have a series of desirable characteristics. Centrist parties will be stronger than they cur-

rently are because they will receive additional votes. Extremist parties will be less influential than under the current system. As we observed in Figure 2, this change will lead to greater potential for policy change and yield policies more reflective of the people's wishes. Centrist parties will emphasize solutions over ideology, and the political debate will be centered around problem solving and differences in the solutions proposed as opposed to matters of principle.

*Government.* The government will be formed by the centrist parties, because they will receive a majority of votes, with most agreement on the solutions proposed. Therefore it will be more able to coordinate the plan for modification of the status quo (the veto players will have smaller ideological distance among them and therefore will be less policy stabilizing as I demonstrated in Figure 2). In particular, it will make feasible a serious constitutional revision (not a minimal one like the upcoming).

Moving to this new system may raise some questions, particularly regarding the number of votes per voter, the mechanisms behind its success, and whether such a system has ever been 'proven' or used in practice. These are very reasonable questions and we turn to each one of them at a time.

### Number of votes

In his seminal article on ideological positions generated by electoral systems Gary Cox proves that electoral systems with a number of parties more than double the number of votes per voter will produce party systems that are ideologically dispersed.<sup>21</sup> Fundamental assumptions for Cox's argument are single peaked preferences of voters<sup>22</sup>, one-dimensional politics, and mandatory use of the number of votes. These assumptions are necessary in order to prove a theorem of existence and uniqueness, but are more or less plausible and more or less required for a likely outcome.

While these are plausible in general, they are not all equally relevant when we consider political systems. For example, while single peaked-

21. G.W. Cox, "Centripetal and Centrifugal Incentives in Electoral Systems", *American Journal of Political Science*, vol. 34, no. 4, November 1990, pp. 903-935.

22. That voters can somehow rank or order their choices.

ness of preferences is the most important factor driving Cox's results, it is also a very reasonable and realistic assumption. Another assumption, one dimensionality is less reasonable: there are multiple issues that are addressed by a party system. Not only the left-right continuum, but also immigration, the EU, globalization, healthcare, social security, environment, etc. Closeness in one of these dimensions does not guarantee proximity in the others. Furthermore, mandatory use of all votes can indeed guarantee convergence of parties, but (in my opinion) is too restrictive to the freedom of choice of voters. Why should a voter be forced to use all four of his votes?

To explore what the application of my proposal would look like and assure the reader that it accomplishes what I have argued, I have created a model of the electoral system<sup>23</sup> where the reader can explore its properties. By allocating their vote to parties, and deciding how many additional votes they will use and in favor of whom (this is the most consequential choice), we can compare its results to those of the current system.

Here are some of the major features:

- Centrist voters will be more comfortable casting more votes than extremist ones (this will show up at the margin of the table, where parties like PASOK, DHMAR will have voters who are more willing to vote for other parties).
- Extremist voters will oscillate between voting for their own party and expanding towards parties more to the center (at the margin of the table they will be using less votes than centrist voters)
- Centrist parties will see their percentage increased compared to the current system (comparison of the first and last lines of the table will corroborate this statement).

The table will persuade the reader of the effectiveness of this electoral system to solve the current problems of the Greek party system. In addition, it will demonstrate that a higher number of votes would increase the centripetal forces (the reader can venture with a 3 or 4 or 5 vote system). However, the most interesting change cannot appear in the percentages of parties. It concerns the political discourse, because it will be

23. In <http://sitemaker.umich.edu/tsebelis/data> the interested reader can click at "multiple vote electoral system".

**Table 2: Multiple Vote Electoral System**

Number of Permitted Votes 4

Parties:	GD	ANEL	ND	PASOK	POTAMI	DHMAR	SYR	KKE	I	J	TOTAL
Election share under one-vote system (%)	7	6	30	8	10	2	30	7	0	0	100
Prob of a voter from party GD voting for other parties	1	0.2	0.4	0	0	0	0	0			1.6
Prob of a voter from party ANEL voting for other parties	0.2	1	0.4	0	0	0	0.3	0			1.9
Prob of a voter from party ND voting for other parties	0.1	0.3	1	0.7	0.5	0.3	0	0			2.9
Prob of a voter from party PASOK voting for other parties	0	0	0.8	1	0.8	0.6	0.2	0			3.4
Prob of a voter from party POTAMI voting for other parties	0	0	0.6	0.9	1	0.7	0	0			3.2
Prob of a voter from party DHMAR voting for other parties	0	0	0.7	0.8	0.8	1	0.3	0			3.6
Prob of a voter from party SYR voting for other parties	0	0.2	0	0	0	0.2	1	0.2			1.6
Prob of a voter from party KKE voting for other parties	0	0	0	0	0	0	0.2	1			1.2
Prob of a voter from party I voting for other parties											0.0
Prob of a voter from party J voting for other parties											0.0
Percentage (%)	5	10	21	17	14	12	15	6	0	0	100

the most problem solving oriented parties with civil discourse that will be receiving the most votes.

The system is effective because it has two different effects: one *mechanical* and the other *strategic*. The *mechanical* effect is that because of single peakedness of the voters' preferences, centrist parties get higher representation than in the current one vote system. The *strategic* effect is that the leaders of the parties, knowing the mechanical effect will result in more centrist votes, will themselves move toward the center and away from ideologies. This is because the center holds the largest reservoir of multiple votes. To obtain some of these votes, party leaders will need to focus on problem solving instead of confrontational and ideological statements that will appeal to a smaller number of voters.

One very reasonable strategic objection is that this proliferation of voter's choices will lead to proliferation of parties. What if Golden Dawn splits in four parties so that its supporters will vote for all four of them and exhaust their four votes when say some of PASOK supporters will not use all four of their votes because they do not want to vote for DHMAR (or vice versa)? Such behavior would inflate the votes of Golden Dawn. The possibility of party proliferation can be dealt with a series of auxiliary measures, like the absence of financing for new parties until after they reach some percentage in the election, necessary number of signatures for creation of a party (like in Italy), and prohibition the creation of new parties six months before an election. This particular deadline is necessary because the number of votes should be at least half the number of parties.

Although it may be tempting to enshrine this solution by locking it constitutionally, doing so would limit adjustments down the road. The current system is designed to solve today's problems: how to reduce the weight and pressure from extremist parties, how to facilitate coalitions among centrist parties; how to make these parties focus on problem solving instead of position taking. I expect that we will be facing problems like immigration, globalization, social security, health care for many more years to come. Each one of these problems is dependent on values that we hold dear: equality, justice, efficiency. Some of them affect inter-generational transfers and tradeoffs. A democratic debate on these issues has not happened not only in Greece but in any advanced industrialized country. It is long overdue, and we have to welcome and facilitate these upcoming debates.



On the other hand, this electoral system may not help alternation of different parties in power. If this happens, the political system becomes corrupt like the political systems of Italy and Japan in the past. If signs of government coalition stability and corruption emerge, we should be able to modify the electoral law and not be prevented by the constitution.

The system I propose is a mixture of multiple vote with proportional representation. Multiple vote has been used with plurality electoral systems (approval voting, and transferable vote to a certain extent), but never with proportional representation. Approval voting has been the most stable electoral system in the history of our country (1864-1920). It was imported from Eptanisa, which got it from the Venetian Empire. Actually, the Doges of Venice were elected by this system, and during the Middle Ages this is how the Catholic Church elected its Popes.<sup>24</sup> If we go further back in time, we can find a more generic form of voting called "range" voting where voters can give to candidates a grade instead of a binary "approve", "disapprove". We can find this "range" electoral system in the Olympic Games today (in composite evaluations like skating on ice, or diving), and its origins are in the voice voting (διδί βοής) of ancient Sparta. So, while the components of the system I propose have been used in the past (some of them going back to older or even ancient Greece), this particular combination has never been used. But then again, neither have the problems we're facing been so profound and the need for solutions so urgent.

In conclusion, I discussed in the first two parts that we should enable ourselves to decide both in terms of what is included in the constitution and in terms of the things that should not make their way into it. And I suggested a way of voting (collectively deciding) which will make our life easier in the tough times we're going through now, and are likely to come in the foreseeable future. I hope that I did these things thoroughly and scientifically: επισταμένως.

24. J. Colomer - I. McLean, "Electing popes: approval balloting and qualified-majority rule", *Journal of Interdisciplinary History*, vol 29, no 1, 1998, pp.1-22.