In Situ and Laboratory Experiments on Electoral Law Reform

French Presidential Elections
Studies in Public Choice

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Acknowledgements

For more than a decade, the Center for the Study of Democracy (CSD) at the University of California, Irvine (UCI), founded by Professor Russell Dalton, has been sponsoring cumulative research on comparative electoral systems. One of its signature projects has been the set of five volumes and one journal minisymposium covering the major (families of) electoral systems: the single non-transferable vote, the single transferable vote, mixed member systems, list PR systems, runoff systems, and plurality systems, respectively. Each publication has been the end product of a CSD conference held at UCI and/or in Canada or Europe.


After the completion of its series of conferences on alternative voting methods, CSD has continued to sponsor cutting-edge research on electoral systems.

This volume contains substantially revised versions of the experimental papers prepared for a CSD conference on “Reforming the French Presidential Election System: Experiments on Electoral Reform” held in Paris, June 15–16, 2009, at the headquarters of CEVIPOF, the research unit of Sciences-Po concerned with voting and elections. This conference was co-organized jointly by Bernard Dolez, Bernard Grofman, and Annie Laurent and jointly sponsored by CSD, CEVIPOF, Sciences-Po, and GAEL (the electoral studies group of the French Political Science Association), with primary funding from the Jack W. Peltason (Bren Foundation) Chair at the University of California, Irvine. We are deeply indebted to the various
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A companion conference, “Evaluating the Long Run Consequences of 1990s Electoral Reform: Comparing Italy and Japan,” was held November 28–29, 2008 at the University of Bologna. This conference was co-organized by Daniela Giannetti and Bernard Grofman, and jointly sponsored by CSD, the Department of Political Science at the University of Bologna (under grants from the Ministry of Education and from a private foundation: Giorgio Freddi, Principal Investigator), and by the Jack W. Peltason (Bren Foundation) Chair at the University of California, Irvine. An edited volume arising from that conference is also being published by Springer, and will serve to complement this book. We regard natural experiments (such as those that arose from the independently caused, but rather parallel in structure, changes in electoral laws in Japan and Italy) and the laboratory and field experiments on voting methods discussed in this volume, as powerful and complementary tools for developing a more realistic understanding of the independent effects of electoral laws.
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Editors’ Introduction: The Role of Controlled Experiments in Evaluating Proposed Institutional Reforms

Bernard Dolez, Bernard Grofman, and Annie Laurent

In the modern era, representation is the hallmark of democracy, and electoral rules structure how representation works and how effectively governments perform. Moreover, of the key structural variables in constitutional design, it is the choice of electoral system that is usually the most open to change.

We can identify three different approaches in electoral system research. The first, associated largely with economics, but also characteristic of the research agendas of a number of political scientists, involves the formal study of electoral system effects through the deductive method, using mathematical tools ranging from set theory, to topology, to statistics, to game theory, to derive theorems about the properties of voting methods, and/or about the equilibrium behavior of voters and parties. The second, associated largely with political science, but recently also involving a number of economists, has a primarily empirical focus, and looks in depth at how electoral rules impact on political outcomes, either by conducting large and cross-sectional studies of real world data, or focusing on particular cases — including before and after analysis of what happens when electoral systems change. The third and more recent tradition, inspired largely by work in experimental economics, but also including political scientists, involves experimentation, either in the form of controlled laboratory experiments or in the form of in situ field studies. In each case, electoral rules are allowed to vary, and the consequences of different rules for outcomes are traced out. Experiments are usually designed to test expectations derived from either formal models of electoral rule effects or intuitions derived from observing how electoral rules appear to operate in various natural settings.

It is the last approach that will be the focus of the volume. The chapters in it report on experiments that look at alternatives to the present two round (majority runoff) election system used for the election of French presidents. This system is of considerable importance not only just because of its use in France but also because of its wide adoption in presidential elections in new democracies (e.g., Bulgaria, Poland, Romania, Russia, and Ukraine). However, our interest is only partly in the

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double ballot system; our broader interest is in the power of experiments to inform judgments about institutional choices and their consequences.

Before we turn to a review of the electoral system experiments reported in the chapters of this book, we wish to provide some basic background about the history of French electoral laws so as to avoid the need to repeat material in each of the chapters.

**French Electoral History: A Brief Overview**

The runoff system, also named *scrutin d’arrondissement*, was used for legislative elections during the last years of the Third Republic. As it then operated, it favored local “notables,” and was seen as not allowing the parties control over their elected officials. In the Liberation period immediately after WWII, many people associated the runoff system with the perceived flaws of French politics in the inter-war period. In the immediate post-WWII period, proportional representation replaced the *scrutin d’arrondissement*. However, despite this change, ministerial instability was even greater under the Fourth Republic than under the Third Republic, and proportional representation came to be blamed in large part for this instability.

In 1958, the new constitution chosen for the Fifth Republic established a parliamentary regime. The National Assembly could vote the premier and his cabinet out of office. Charles de Gaulle and other founding fathers of the Fifth Republic believed that the proportional representation of the Fourth Republic had given rise to what in France was called a “regime of parties,” associated with cabinet instability. For them, governmental stability required not only a new constitution, but also a change in electoral system. Michel Debré, who was General de Gaulle’s Prime Minister from 1958 to 1962, and one of the principal authors of the Constitution of the Fifth Republic, was in favor of a Westminster system of constitutional arrangements, with elections held under the plurality system. However, this electoral system seemed too far away from the French tradition, as well as not very compatible with French multipartism. Moreover, parties then allied with de Gaulle were opposed to plurality-based elections, and the runoff system reemerged as the electoral rule of choice in the Fifth Republic for legislative elections, with a form of it also used for presidential elections.

In the original constitution of 1958, the president was elected by an electoral college. In December of that year, De Gaulle was elected on the first round (without need for a second round runoff). But, in 1962, de Gaulle decided to modify the constitution to have the president elected by direct popular vote. This was done to give him a stronger position in terms of political legitimacy and expression of majority support. In this proposal for popular election of the President, the two-round ballot was retained, and this feature of the proposed change was not especially controversial. However, in contrast, the principle of direct universal suffrage for choosing the president was highly controversial; all political parties except the Gaullist party and the Républicains Indépendants party led by Valéry Giscard d’Estaing campaigned against this change. Georges Pompidou, de Gaulle’s prime minister at the time, was
censured by the National Assembly, which led de Gaulle to dissolve the Parliament and to call new legislative elections in November.

The year 1962 is an historic turning-point in French politics. With the direct election of the President, the nature of the Fifth Republic changed, becoming, according to the expression popularized by Maurice Duverger, a semipresidential regime. Perhaps even more importantly, the legislative elections of November 1962 saw the main political forces in France gathering in two camps: the camp of the “Yes,” with de Gaulle, and the camp of the “No.” These camps gathered together, respectively, those groupings who had been opposed to the referendum held a few weeks earlier to change to a popularly elected president, and those in favor of that change. In other words, the referendum and legislative elections of 1962 led to a sorting of French parties into two camps: one organized around the Gaullist party – which was again victorious in 1962 – and an opposition grouping with the Communist party as the main force. Thus, French parties sorted into what we might think of as a rightist bloc and a leftist bloc.

However, for a short time period there remains a third “centrist” grouping. In the 1965 presidential election, the center offered the candidacy of Jean Lecanuet; in the 1969 presidential election, the centrist candidate was Alain Poher. But, after Georges Pompidou succeeds de Gaulle as President in 1969, the center splits, with part of it shifting to the right and part to the left. Not having succeeded in conquering the “Elysée,” the home of the French president, they realize that they can ensure the reelection of their deputies only with the additional voting strength of either the right-wing parties or of the left wing parties.

At about the same time, François Mitterrand seeks to reorganize the noncommunist left. In 1971, he became the head of the new Socialist party, created largely from the rubble of the SFIO (Section française de l’Internationale ouvrière) at the time of the Epinay party congress. Important changes are also happening on the right. A few years later, after his election as president of the Republic in 1974, Valéry Giscard d’Estaing creates the UDF (Union pour la démocratie française) to gather the non-Gaullist right-wing parties. Now French politics is still divided into two blocs or camps, but within each there are two main rivals for dominance within the bloc. In the second round of the presidential election and in the second round of the legislative elections, electoral alliances are established on the left between the Communist party and the Socialist party, and on the right between the UDF and the Gaullist party. At the end of the 1970s, according to Duverger, the party system looked like a “quadrille bipolaire” (Duverger 1983) made up of four parties of roughly equal size, allied two by two.

Presidential and legislative elections in France now both use runoff voting systems, but the exact rules differ between the two systems. For the presidential election, only the top two candidates can enter the second round, but many more candidates can, in principle, be eligible for the second round of the legislative elections. For the legislative elections, the top two candidates are automatically qualified for the second round. Other candidates can ran if they pass over the qualification threshold. It is set at 5% of the registered votes for the 1958 elections, but raised to 10% for the 1967 elections then to 12.5% since the 1978 elections, which mechanically both makes more difficult qualification for the second round and penalizes the