

Parliamentary Practices in Presidentialism? A Swiss Perspective on Governance in a Separation of Powers Framework

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Focusing on the institutional preconditions for good governance, Colomer and Negretto (2005) ask whether certain forms of presidentialism can work like parliamentarism. Their starting point are the "virtues of parliamentarism" (see Linz 1994): a parliamentary regime based on a PR electoral system fosters both political consistency between the majority of the parliament and the cabinet and inclusiveness of voters' preferences, "thus favouring efficient representation and social satisfaction with political outcomes." (p. 60). A similar view is held by Gerring et al. (2005) who demonstrate in a global inquiry that institutional arrangements that increase the quality of governance – such as bureaucratic quality, GDP per capita, life expectancy, or illiteracy - must be both authoritative and inclusive. In concrete, "they must provide an effective mechanism for reaching agreement and implementing that agreement", and "they must reach out to all interests, ideas, and identities." (p. 569). Again, the prototype of Gerring et al.'s model of "centripetalism" is a parliamentary regime based on a PR electoral system. However, since about half of present democracies around the world are presidential or semi-presidential (and will keep that regime for the foreseeable future), this raises the question about good governance in a system where there is no political consistency between government and parliament. According to Colomer and Negretto (2005), presidentialism can work similar to parliamentarism, but this requires a framework of separation of powers which induces inter-institutional cooperation between a multiparty congress – elected via a PR electoral system – and the presidency. In order to reduce the policy influence of minority presidents with an extreme, minority position on the policy space, the parliament should have the capacity to participate in the process of appointing and dismissing the executive cabinet. In this regard, Colomer and Negretto also refer to the

formation of coalitions in support of the president and its cabinet. If a separation of powers framework is modeled after these criteria, it should not only induce cooperation between the executive and the parliament, but also approximate the criterion of inclusiveness of voters' preferences which is central both to Colomer and Negretto's framework and Gerring et al.'s centripetalism approach.

At first glance, this discussion seems to be a truly American one with little recourse to Europe where parliamentarism has its strongholds. However, there is one important exception in the European context: Switzerland. The Swiss political system is an institutionally unique and under-explored case of "parliamentarism within presidentialism" or "presidentialism within parliamentarism". It has two distinctive features which place it in the middle of American presidentialism and European parliamentarism. On the one hand, Switzerland is a "non-parliamentary" system: although members of Parliament elect the government, the legislature cannot stage a vote of no confidence during that period. If a government proposal is defeated by parliament, it is not necessary for the government to resign. Accordingly, a "presidential" logic of separation of powers ensues with MPs being quite independent in drawing up legislation. On the other hand, and following Colomer and Negretto, Switzerland's separation of powers framework involves several properties that bring it close to a parliamentary system with highly inclusive features. First, the Swiss parliament is elected via a PR electoral system, leading to a multiparty legislature. This combines with a multiparty executive – with the parliament having the capacity to appoint the government members - with the four major parties forming a grand coalition. Second, even though the Swiss government has a very weak position formally, analysts still consider it strong due its superior resources and its informal agenda setting powers. Taking these factors together, one might expect executive-legislative relations in Switzerland to have features of European "parliamentarism" with a substantial degree of political consistency between the government and the parliament. In addition, the PR electoral system combined with the grand coalition arrangement should also provide for the design of broadly inclusive policies. Certainly, grand coalitions are not the avatar of "authoritative" or "decisive" government and may entail a high potential for policy blockade, especially when the coalition partners are ideologically distant (see Tsebelis 2002). But this may not necessarily be the case: if actors possess cooperative interaction orientations and have strong incentives to find agreement, such policy blockades can be circumvented (Héritier 1999; Bächtiger & Hangartner 2005). Switzerland is generally considered a paragon in this respect: by inducing uncertainty into the legislative process, direct democracy and the

referendum further a cooperative and consensual policy style among elite actors and provide strong incentives to find common solutions. According to Trechsel and Sciarini (1999), a large consensus among the political elite significantly reduces the probability that a bill is attacked by a referendum afterwards. In sum, Switzerland seems to come very close to Colomer and Negretto's vision of a presidential system that works similar to parliamentarism and holds prospects for good governance in a separation of powers framework. But does this withstand critical scrutiny?

In this article, we challenge this reading of the Swiss case, which is quite common in the literature. Based on a new data set comprising all legislative votes in the period between 1996 and 2005, we argue that the current Swiss political system increasingly resembles US style presidentialism or to what Gerring et al. (2005: 568) call "decentralism" comprising fragmentation and severe limits of coherent political action. First, even though the formal and informal institutional setup of Swiss executive-legislative relations would lead one to expect considerable political consistency between government and parliament, the empirical record is generally more supportive of a parliament taking a fairly active role. In particular, when it comes to detailed deliberations of bills, the parliament makes use of its strong formal power and amends the government's position quite frequently. Second, the argument of "decentralism" is strengthened further when focusing on coalition behavior. The Swiss grand coalition is more a "coalition-like" arrangement than a program-oriented coalition as typified in parliamentary regimes and "centripetal" governance. Not only is there no formal coalition treaty, parties in parliament very frequently form various coalitions among themselves (and with other parties in parliament), i.e., coalition partners can be bypassed. This resembles U.S. style presidentialism where almost any coalition is possible. As we shall argue in this paper, this is both an effect of the non-parliamentary system and of specific ideological profiles of the coalition parties, undermining the formation of stable parliamentary coalitions. In the parliamentary realm, we also find no evidence for institution-induced formation of oversized coalitions that would reduce uncertainty over legislative success. In concrete, the presence of a referendum threat does not spur agreement or broad-based coalition-building among the parties involved. Hence, the frequently mentioned "shadow of direct democracy" does not seem to be operative within parliament. And finally, the electoral insecurity and decline of some coalition parties during the 1990s – combined with ideological polarization - have further decreased cooperative attitudes among parties, which results in an increase of polarized voting during

legislative deliberations. While our study is limited to interactions within parliament - as well as between government and parliament -, we nonetheless think that our findings are instructive: if consensus-building is absent (or fails) at a central node such as the parliament, then the view of Switzerland as a smoothly functioning consensus democracy is challenged indeed. Finally, our analysis also holds important prospects for the possibility of institutional designing in presidential democracies in Latin America and elsewhere. If Switzerland's encompassing institutional setting does not automatically produce "centripetal" outcomes, then Colomer and Negretto's conception of inclusive presidentialism that works similar to parliamentarism seems to be highly dependent not only on appropriate institutional arrangements but also on appropriate actors' logics.

Executive-Legislative Relations

There is an ongoing debate of how to properly classify executive-legislative relations in Switzerland. Some analysts denote the system as "directorial" (Kriesi 1995), some as "semi-presidential" or "mixed" (Lijphart 1999), some even as "presidential" (Cheibub et al. 2004). Our goal is not to enter this debate by adding further refinements. Such classificatory fine-tuning leads to system classifications as typified in "old" institutionalism with one or two empirical realizations in the real world (see, e.g., Siaroff 2003). For our analytical purposes, the key point is to unravel basic features of executive-legislative relations in Switzerland, which then are refined by focusing on institutional details and informal logics. Thereby, we first follow Kaare Strom's (2000) minimal distinction between parliamentary and presidential regimes, whereby a "parliamentary government is a system in which the prime ministers and his or her cabinet are accountable to any majority of the members of parliament and can be voted out of office by the latter, through an ordinary or constructive vote of no confidence." Applying this minimal definition to Switzerland, it becomes clear that it has "presidential" features: although members of Parliament elect the government (the Federal Council), the legislature cannot stage a vote of no confidence during that period. If a government proposal is defeated by parliament, it is not necessary for the Federal Council to resign (Steiner 1974: 43). Accordingly, government and parliament do not sit "in the same boat" (Saalfeld 2000: 357) as in a parliamentary system and legislators are quite independent in drawing legislation.

However, this basic distinction between parliamentarism and presidentialism is not sufficient to analyze concrete interactions between government and legislature. This is true both for presidential and parliamentary systems. In both cases, we need to explore how the power distribution between government and parliament looks like. According to Tsebelis (2002: 92), the key mechanism in this respect is agenda-setting. Döring (1995) refers to seven institutional dimensions which matter for agenda control (see also Tsebelis (2002)).

- Control over the plenary agenda
- Initiation of "money bills" as prerogative of government
- Plenary majority establishes the principle of a bill before it is sent to committee
- Committees having the right to rewrite government proposals
- Control of the timetable during committee stage
- Final adoption of bills and the possibility of curtailing obstruction
- Lifespan of a bill before lapsing

We add here two institutional dimensions which are particularly relevant in the context of presidential systems: reactive powers, i.e., the veto capacity of the president, and proactive powers, i.e., the president's exclusive authority to introduce some legislation (see Shugart 1999; Colomer & Negretto 2005).

From a formal and comparative perspective, the Swiss parliament scores extremely on all these institutional dimensions:

- The government has no veto power to block or delay parliamentary legislation. Decree power is possible only in a state of emergency.
- There are neither time constraints that would benefit government proposals nor are there any restrictions for the parliament regarding time and content when amending government proposals (as, e.g., closed rules, last-offer authority, or sequencing rules).
- The same vote-counting rules apply to government and parliamentary proposals and the voting order is even at the disadvantage of the government proposal (if a dissenting committee proposal exists).
- There is also no possibility for the government to refrain the parliament from deliberating and deciding on issues which fall into the constitutional competence of

the parliament. The starkest instruments in this respect are the parliamentary initiative and the motion.

- Only in the field of decisions that increase spending above a certain limit, the vote-counting rules require a supermajority of MPs (which, however, also applies for respective government proposals).

Thus, a lot of formal power is given to the Swiss parliament – potentially even more than in the context of the U.S. Congress - while the government's position is formally weak.

However, Swiss experts tend to disagree. According to Klöti (2001: 20), the Swiss government has a wide range of powers and is in a comparatively strong position vis-à-vis the parliament (even though the parliament has gained strength in previous years). Kriesi (2001) states that while "the decline of parliamentary power [in other countries] may be less dramatic than usually maintained, the weakness of the Swiss parliament appears to be particularly severe" (p. 60). According to Kriesi, this results in a "unenterprising and rather timid" parliament (p 61).

How can this "inside" perspective be reconciled with the "outside" perspective? While Switzerland has indeed strong formal mechanisms of parliamentary control of the decision-making process including the power to determine the agenda in a significant way, the power of the parliament is limited in reality. We see the following reasons for this:

- *Resources:* According to Martin (2004) and Döring (1995), crucial for agenda control are time and resources. As simple as this may sound, it is highly relevant. In order to influence or to set the agenda, MPs need resources in order to obtain information on complex issues. In concrete, this means that MPs need staff to actively develop expertise independently from the government and the administration. In Switzerland, being an MP is not even considered as a full time job and individual MPs as well as parliamentary groups or committees have very little staff at their disposal. Comparing all OECD countries, Z'graggen and Linder (2004) ranked the Swiss parliament at the 19th position in terms of professionalism (after Luxembourg, but in front of Spain which has the least professional parliament of the countries entering comparison).

- *Informal control of the process:* The lack of parliamentary resources is exacerbated by the fact that the government plays a key role in the pre-parliamentary phase. In Switzerland, legislation usually starts long before the parliamentary process with the administration - led by the government - drafting new bills, which then enter the pre-parliamentary consultation where parties are consulted only as one group among many others (such as the 26 cantons or major interest groups). Government officials take part in all parliamentary committee meetings and during the parliamentary debates. This means that a substantial part of legislative negotiation takes place before a proposal enters the parliamentary phase with the government usually having an information advantage compared to the parliament.

- *Pattern of party competition and direct democracy:* In Switzerland no single party has more than about 25 percent of the votes in parliament (since the introduction of PR in the first chamber in 1919). As a consequence of the direct-democratic instruments in the Swiss system, the four major parties have all been represented in government since 1959. In order to avoid a referendum or having a good chance of winning a referendum vote, an oversized majority is usually needed to adopt legislation. This puts the government in a pivotal position: by steering the pre-parliamentary process and by possessing superior resources, it can hammer out a compromise solution which is difficult to reject or modify for the parliament.

Empirical evidence

A number of empirical studies examined the question how "active" the Swiss parliament is when deliberating government proposals. Activity is defined here as the amendment rate of government proposals by the parliament, involving four categories: no/insignificant, minor, medium, and major changes. Note that while the amendment rate may give some important hints on the formal agenda-setting position of the parliament during parliamentary debates, it is not an adequate measure for the parliament's overall agenda-setting role in the whole law-making process (including the pre- and post-parliamentary phases). The following studies considered three different legislative periods with a comparable methodological approach; hence, the results can be taken as three records of the parliament's agenda-setting role. Zehnder (1988) analyzed lawmaking in the 39th legislative period (1971-1975) of the first chamber (the National Council), Jegher and Lanfranchi (1996) in the 44th (1991-1995) and

both Jegher and Linder (1998) and Jegher (1999) in the first two years of the 45th legislative period (1995-1997). The empirical results of these studies are presented in table 1 (columns 1-3). They suggest that the Swiss parliament has *law-making* capacity, with over one third of all proposals of the Federal Council being significantly amended. Some 25 percent of the government proposals receive at least a non-minor change during legislative debates, while major amendments are only in some eight percent of the cases made.

The findings of these earlier studies are also supported when considering the complete voting database in the Swiss parliament from December 1996 to October 2005 (i.e., three years of the 45th legislative period, all of the 46th legislative period, and the first half of the 47th legislative period). For this period, the amendment rate is higher, amounting to 43.7 percent (see table 1, last column).

Table 1: Amendments to government proposals in the Swiss National Council

	1971-1975	1991-1995	1995-1997	1996-2004
Total number of government proposals	312 (100%)	490 (100%)	162 (100%)	442 (100%)
- with no or insignificant amendments by parliament	203 (65.1%)	278 (56.7%)	104 (64.2%)	294 (56.3%)
Total number of government proposals amended by parliament	109 (34.9%)	212 (43.3%)	58 (35.8%)	193 (43.7%)
- with minor changes	34 (10.9%)	<i>n.a.</i>	18 (11.1%)	<i>n.a.</i>
- with medium changes	52 (16.7%)	<i>n.a.</i>	26 (16.0%)	<i>n.a.</i>
- with major changes	23 (7.4%)	<i>n.a.</i>	14 (8.6%)	<i>n.a.</i>

Sources: Zehnder (1988), Jegher and Lanfranchi (1996), Jegher and Linder (1998), Jegher (1999); own calculations.

The view of the Swiss parliament – at least of the first chamber – as a rather active and presumably influential law-making body receives additional support when looking at table 2. There are, however, differences between governmental failures in entry debates and in subsequent deliberations. Let us first focus on the so-called "entry debate". During the "entry debate", the parliament decides whether to enter into subject-matter (entailing detailed deliberation of the single sections and articles of the bill) or to reject the proposal altogether and send it back either to the government or the responsible parliamentary committee for further clarification.¹ As can be gleaned from table 2, only about seven percent of the proposals that are put to a vote on entry are rejected. The total number of government proposals in parliament between 1996 and 2004 - i.e., also those which had not been challenged in entry debate - was 586, however. Thus, the failure rate at this stage drops to 2.9 percent. This can be considered a low rate.² However, during subsequent article-by-article deliberations the quota of government defeats in parliament raises sharply to nearly 63 percent in the period from 1996 to 2004. This is a strong hint to a significant agenda-setting (or rather *agenda-amending*) role of the first chamber.

¹ It is important to see that parliamentary committees have to bring any government proposal to the floor (see also chapter 2.2). If the committee's majority is not happy with the proposal it can file a petition for rejection to the Federal Council which must be decided upon by the plenary. Committees have only very limited options to delay a government project.

² But see Sjölin's (1993: 175-176) argument that the government failure rate is a doubtful measure as a parliament with strong formal rights tends to amend a government proposal rather than to reject it.

Table 2: Failure rate of government proposals in the Swiss National Council (1996-20054)

	Total number of votes on the floor	Number of failures for government	in %
In entry debates (only disputed government proposals) ³	234	17	7.3
In entry debates (all government proposals)	586	17	2.9
During detailed deliberations ⁴	151	95	62.9
In common/final votes	1'187	4	0.3

Source: own calculations.

Do these figures place the Swiss parliament closer to presidentialism or parliamentarism? The hurdles for Swiss government proposals to overcome the entry debate are certainly higher than in strictly parliamentary systems and are similar to the U.S. Congress. According to Edwards and Barrett (2000), presidential initiatives reached agenda status in the U.S. Congress in 97.6 percent in period from 1935-1996, but quite a high number of them subsequently failed at the committee stage. Therefore only around 60 percent of the presidential initiatives pass the House of Representatives *or* the Senate. The corresponding figure is much higher in Switzerland, as shown before: only about three percent of the Federal Council's proposals fail during parliamentary debate in the National Council, a figure that places the Swiss context closer to European parliamentarism than to the U.S. presidentialism. In this regard, an interesting comparison can be drawn with older studies of the Swedish, Norwegian and Finnish parliament. Sjölin (1993) shows that in the period 1971-1988 the rate of "substantial" amendments of parliamentary committees in the Swedish *Riksdag* was 16 percent (the overall rate was 34 percent). Stordrange's (1988) analysis of the Norwegian parliament (1979-1983) resulted in a rate of substantial amendments of about ten percent (overall rate: 30 percent). With regard to the Finnish parliament, Anckar (1992) reports a substantial amendment rate of 20 percent (overall rate: 35 percent) in the two years 1972 and 1983. From this perspective, the amendment activities of the Swiss parliament are somewhat higher than in Scandinavian countries.

So far, the figures only referred to the fate of government proposals. An additional question is related to parliament's own instruments of setting the agenda, sometimes even against the will of the government. The two starkest law-making instruments of the

³ There is only a vote if entry is disputed and/or a petition for rejection of the proposal is filed. The total number of

⁴ Weak statistical basis; the 151 cases comprise amendment votes when a governmental proposition was involved (according to the non-validated database). Please note that the figure only takes into account controversial cases, i.e. when a vote took place.

parliament are the parliamentary initiative (PI) and the motion (MO). Table 3 shows that 10.5 to 13.5 percent of all proposed PIs and MOs are eventually accepted in both chambers (i.e., fully successful). In absolute figures this means that the parliament using its own agenda-setting instruments within a four-years term works out (or amends) up to 34 bills (in the case of PI) and charges the Federal Council in some 100 cases with the elaboration or amendment of a bill (in the case of MO).

Table 3: Use of parliamentary agenda-setting instruments, 44th-46th legislative period (1991-2003)

	44 th legislative period 1991-1995	45 th legislative period 1995-1999	46 th legislative period 1999-2003
Parliamentary initiatives (PI)			
Newly introduced PI (both chambers)	190	261	282
Discussed PI (both chambers)	200	201	252
- % of which are supported in phase one, but fail in phase two ⁵	8.0	13.9	19.8
Fully successful PI (resulted in a bill adopted in both chambers)	24	21	34
- in % of discussed PI	12.0	10.4	13.5
Motions (MO)			
Newly introduced MO (both chambers)	n.a.	930	1'106
Discussed MO in first chamber	n.a.	851	854
- % of which are adopted and sent to deliberation in second chamber	n.a.	22.6	23.7
Discussed MO in second chamber	n.a.	164	201
- % of which are finally adopted	n.a.	51.2	48.3
Overall success rate (%) ⁶	n.a.	11.6	11.4

Sources: Parliamentary Services, <http://www.parlament.ch/homepage/ed-berichte-parlament.htm>

It is not easy to say whether these figures indicate an influential or rather insignificant role of the parliament. At first glance, a success rate of about 10 percent seems to be quite low. This view is corroborated by Graf (1991) who calculated a MO success rate of 24.1 percent for the 37th legislative period (1963-1967), while in the 43rd legislative period (1987-1991) only about eight percent of MO's were finally adopted. Graf also counted 218 PIs for the time period between 1964 and 1990: here 51 (or 23.4 percent) resulted in a new or amended bill. One might argue that these findings point at a dramatic decrease of relevance of the PI instrument since today only some 13 percent of all PIs are fully successful. However, the absolute figures tell a different story: in the recent 46th legislative period, the parliament discussed more PIs than in the whole 27-year-period of Graf's investigation.

⁵ For example, when a PI supported by the first chamber leads to a bill that is rejected by the second chamber.

⁶ Approximate figure because deliberations in first and second chamber do not necessarily happen within the same legislative period.

Between 1999 and 2003, the absolute number of fully successful PIs was two third of the number in the period from 1964-1990. This may be a clear hint that parliamentary activity independent from government initiatives has increased considerably, particularly since 1991, and is further on the rise.

In sum, despite superior resources and strong agenda-setting powers of the government in the pre-parliamentary phase, the parliament is certainly not a weak or "timid" institution. Granted, processes of internationalization and Europeanization in the 1990s have undoubtedly strengthened the government (and parts of the administration) in terms of resources and informal control of the process (Moravcsik 1994). On the one hand, the government has direct access to the international or European level which leads to information advantages that parliamentary actors can hardly compensate. On the other hand, the government can present international negotiation results as unchangeable and in addition, put time pressure on the parliament to ratify international agreements. Mach et al. (2003) find evidence that the government can enforce its position more easily when it comes to issues with strong regulatory pressure from the international level. However, they also find that issues with little regulatory pressure from the international level and where - due to a strong heterogeneity of interests - only solutions at the lowest common denominator are found in the pre-parliamentary consultation procedure, the parliament managed to claw back agenda control. Under such conditions, the parliament can become the center of decision, working out more far-reaching reform packages than proposed by the government. Thus, executive-legislative relations in Switzerland do not display a "parliamentary" pattern as one might expect when considering the informal power distribution between government and parliament.

Patterns of Coalition Governance

In the Lijphartian world, Switzerland is generally considered as a prototype of the consensus model featuring one of its key assets, namely a grand coalition (Lijphart 1999). Following Colomer and Negretto (2005), the formation of coalitions should help to "parliamentarize" a presidential system. However, Swiss analysts have raised some doubts whether Switzerland really represents a prototype of a grand coalition government (e.g., Papadopoulos 1997). A key objection here is that no formal and binding coalition treaty exists with coalition parties in parliament frequently forming various coalitions among themselves as well with other parties in parliament (Linder 2005; Kriesi 2001). Table 4 displays coalition patterns in Switzerland between 1996 and 2005.

Table 4: Frequencies of selected coalition patterns

	Total		45th legislative period		46th legislative period		47th legislative period	
	N	%	n	%	n	%	n	%
Coalitions patterns among the four government parties								
SP-CVP vs. FDP-SVP	1'189	14.9	402	14.4	489	15.0	298	15.3
SP-FDP vs. CVP-SVP	96	1.2	36	1.3	37	1.1	23	1.2
SP-SVP vs. CVP-FDP	111	1.4	33	1.2	35	1.1	43	2.2
SP vs. CVP-FDP-SVP	3'169	39.6	1'171	42.0	1'235	37.9	763	39.2
SP-CVP-FDP vs. SVP	1'097	13.7	274	9.8	478	14.7	345	17.7
Coalition patterns of the four government parties with the Green party								
GP-SP vs. CVP-FDP-SVP	3'077	38.5	1'136	40.7	1'195	36.6	746	38.3
GP-SP-CVP vs. FDP-SVP	1'161	14.5	381	13.7	484	14.8	296	15.2
"Grand Coalition" pattern								
SP-CVP-FDP-SVP	1'359	17.0	499	17.9	596	18.3	266	13.7

Source: own calculations

We see that the classical grand coalition pattern, where all four parties in the government form a legislative coalition, is not very frequent (ranging between 13.7 and 18.3 percent).

The most common pattern are middle-right coalitions comprising the CVP (Christian Democrats), FDP (Liberals) and SVP, ranging between 38.5 and 39.6 percent; this is followed by coalitions of the SP (Social Democrats) with the GP (Greens) involving 38.5 percent of all coalitions; next are middle-left coalitions comprising the SP (Social Democrats), CVP and FDP, ranging between 13.7 and 14.9 percent. We also detect an increasing trend in coalition formation among the FDP, CVP and SP against the SVP, rising from 13.7 to 17.7 percent in the period from 1996 to 2005, a point to which we shall come back below.

Table 4 underlines that Switzerland works quite differently compared to a classical parliamentary consensus system with stable majorities. Rather, the coalition patterns are strikingly similar to U.S. presidentialism where almost any coalition is possible. Switzerland also contradicts the standard prediction of veto player theory claiming that coalition parties cannot be bypassed, since a political cost (government dissolution or reformation) is involved when their interests are not included and they leave the coalition (Tsebelis 1995: 304). Clearly, this immediately raises the question whether this veto player rationale also remains true in the context of presidential or "non-parliamentary" regimes such as Switzerland? One could argue that in presidentialism, surplus coalition partners could be more easily bypassed since this does not directly threaten the stability of the government. Even though mutual independence of government and parliament in presidential systems makes it indeed difficult for coalition partners to provoke an immediate government crisis when they are bypassed in parliament, Tsebelis' "political" argument on partisan veto players remains basically valid in this constellation: as the coalition has been formed for a political reason, a political cost is involved when coalition partners are excluded.⁷ Bypassed partners may ultimately withdraw from the "consensus arrangement" and impose new rules on the political game (see also Czada 1999).⁸ Thus, from the vantage point of veto player theory, the Swiss case with coalition partners forming various coalitions among themselves (and with other parties in parliament) seems anomalous at first glance.

⁷ In a personal communication, George Tsebelis confirms this proposition.

⁸ Even if it may be difficult to induce a government crisis by withdrawing one's own members from the government, bypassed partners might change their "behavior" and, for instance, start blocking decisions for which they are (politically) needed.

However, the coalition prediction is the one the most disputed aspects of the veto player theory. As Strom (2000: 80) argues, in oversized coalitions the votes of some parties may not be necessary to pass legislation and when these parties do neither have the "opportunity" nor the "motive" to exercise veto - i.e. cannot credibly threaten to resign or have a strong office orientation and enjoy the niceties of staying in the government - they may be bypassed. Tsebelis (2000: 458) seems to have accepted this line of reasoning:

"I have made the argument in the past that although not numerically necessary, parties are politically necessary for the coalition [...]. However, occasionally it may be the case that a government party disagrees with some policy without wanting to cause a government crisis. In this case, this particular party is not a veto player, since its agreement for a change of the status quo is not necessary, neither arithmetically nor politically" (Tsebelis 2000: 458).

This means that if there is a *practice* of bypassing coalition partners, then the strict version of veto player theory has to be relaxed. But how can this "practice" of bypassing coalition partners be explained in the Swiss context? We see four major reasons. First, when the Swiss grand coalition was formed in 1959 (comprising the FDP, CVP, SVP, and SP) and recomposed in 2003 (giving the SVP a further seat in the government to the detriment of the CVP), neither was there a formal coalition treaty hammered out nor were clear guidelines developed to regulate coalition behavior. Second, as mentioned before, since the executive and the legislature in Switzerland are mutually independent, a bypassed coalition partner cannot immediately provoke an immediate government crisis. Third, the ideological profile of the Swiss coalition parties is highly conducive to the formation of alternating legislative coalitions. On the one hand, the ideological distance among the coalition parties is considerable from a comparative perspective, which would make policy production extremely difficult if there were no possibility of bypassing coalition partners. On the other hand, the differences in the ideological profile of the four parties are aligned in a way that makes the formation of stable and program-oriented coalitions unattractive for the parties involved. For instance, the "bourgeois" parties SVP, FDP, and CVP are ideologically close when it comes to economic policy, but they are ideologically distant when it comes to issues such as Europe or societal politics (where the SVP is pitted against the FDP and CVP). Related to this problem, the formation of alternative and fixed coalitions – e.g., a coalition between FDP, CVP and SP - is not a particular attractive option for the parties involved, since this would require compromises and policy shifts that might be difficult to explain to their constituents.

Consequently, forming various coalitions and keeping up a specific ideological profile renders the current practice of forming alternating coalitions a particularly appealing strategy. In sum, Swiss parliament tends to follow a "presidential" pattern similar to the US where ad hoc composed parliamentary majorities form temporary policy coalitions.

But what drives the formation of specific coalitions in Switzerland? We discuss three explanatory factors in turn: institution-induced uncertainty, issues, and electoral insecurity and decline.

(1) *Institution-induced uncertainty*. According to this line of reasoning, oversized coalitions should occur more frequently when institutions produce uncertainty with regard to legislative success (Shepsle 1972; Shepsle & Weingast 1981). For instance, if there are additional veto players after the parliamentary process, then parliamentary actors have incentives to build more encompassing coalitions in order to reduce the risk of policy failure (Tsebelis 2000, 2002; Carrubba & Volden 2000). In Switzerland, this primarily concerns the ability of groups to launch a referendum. The referendum produces a steady danger of a veto in a popular vote. Empirical evidence suggests that political parties have only partial control over their voters in referendum votes, as voters frequently view policy issues differently than political and interest group representatives. Furthermore, referendum votes are frequently negative: the rejection rate for optional referenda between 1947 and 1995 was 43% (23% in case of the mandatory referendum; Trechsel & Sciarini 1998: 106). This limited control of the electorate induces uncertainty into the interactions among elites and creates institutional pressures for risk-averse policy makers to build large supporting coalitions for policy proposals (Neidhart 1970; Linder 2005; Trechsel & Sciarini 1999: 110). While Neidhart's hypothesis is primarily concerned with the pre-parliamentary consultation process, it can be extended by analogy to the parliamentary phase (Nicolet et al. 2003). As many scholars assume, the referendum threat should compensate for the absence of a formal coalition treaty by spurring the formation of truly oversized coalitions.

We shall focus on three categories of institution-induced uncertainty: (1) votes where there is no optional or mandatory referendum (e.g., parliamentary initiatives); (2) votes where there is the possibility to launch an optional referendum; and (3), votes under mandatory referenda where all actors know that a popular vote follows, which – contrary to the optional referendum – also requires the consent of a majority of the cantons as well. The higher the

category, the more we expect an uncertainty problem and consequently, the forging of an oversized coalition to secure legislative success. This can happen either by avoiding a subsequent referendum altogether or – in the case of a mandatory referendum - by enhancing the chances of a referendum vote.

(2) *Issues*. This hypothesis is based on the assumption that parties are policy-oriented (Axelrod 1970; Powell 1982) and try to build coalitions with parties that are ideologically close in order to achieve their policy goals. Originally, this hypothesis focused primarily on processes of coalition-formation in government, but it can be extended to legislative coalitions in non-parliamentary or presidential systems such as Switzerland or the United States where actors form various coalitions among themselves. Therefore, we expect that specific issues are highly conducive to the formation of specific legislative coalitions. At this stage of our research, the analysis will be exploratory in the sense that we primarily look whether different issue areas are conducive to the formation of specific coalitions. As to issues, we shall consider sixteen policy fields: ‘state’, international politics, security policy, Europe, law, economy, finances, social security, immigration policy, health, education/culture/religion, communication and media, traffic, environment, agriculture, and energy.

(3) *Electoral Insecurity and Decline*. Drawing from Belgian politics, Tsebelis (1990: 164) argues that segmental leaders in consociational democracies play two strategies: either they compromise, or they show themselves intransigent. Elites would actually prefer avoiding conflict, but if there are potential rivals inside the segment, they may also initiate political confrontation in order to discourage these rivals. Hug and Sciarini (1995) have transferred this argument to the Swiss context. In their view, the growing number of referendums held on domestic and foreign policies since the 1990s has enhanced the power of the electorate, leading to strains among the elite. In our view, these strains were amplified by the fact that two coalition parties, the CVP and FDP, faced electoral insecurity and decline during the 1990s. The FDP lost 9 seats in the first chamber in the period from 1995 to 2003, while the CVP lost 6 seats. Simultaneously, the SVP gained considerable strength by enhancing its seats in the first chamber from 29 in the elections of 1995 to 55 seats in the elections of 2003. We expect electoral decline to affect coalition behavior in two ways: on the one hand, we expect cooperative attitudes of parties to decrease, reducing their willingness to search for consensus. Consequently, the frequency of overall agreement and oversized coalitions should decrease. On the other hand, parties in decline might also have an incentive to encumber

electoral winners from translating their electoral gains into policy gains. In the Swiss context with the practice of forming various coalitions, parties in electoral decline might have an incentive to build legislative coalitions that exclude the electoral winners. We test for this hypothesis by focusing on the coalitions including and excluding the SVP from the 45th and 47th legislative period. In concrete, we expect an increasing tendency of coalitions excluding the SVP in the 46th and 47th legislative period.

Data

To test these three hypotheses, we mainly use the final and total votes of the first chamber between 1996 and 2005. The rationale here is that if it is necessary to forge oversized majorities during parliamentary deliberation, then this should be mirrored in the final and total votes. In addition, we also run one model using all votes. As a bill comprises several votes (final votes, total votes, and in-between votes), heteroskedasticity-consistent robust standard errors clustered by bill are used to estimate the significance of coefficients. A major problem is to identify coalitions. Since coalition refers to legislative collations and individual MPs in the parliament and full party cohesion is rarely achieved, we need a criterion to assess when a party group is part of a specific coalition. We define a party group as being part of a coalition when at least two thirds of the party members have voted either yes or no.

Dependent variables

Let us first note that the composition of the Swiss legislature is such that in order to have a majority in the first chamber, a minimum coalition must generally involve three party groups.⁹ We use four different dependent variables. We first employ the "agreement index" developed by Hix et al. (2005), representing an elaboration of the Rice-Index (Rice 1925). The agreement index (AI) is calculated as follows:

$$AI_i = \frac{\max\{Y_i, N_i, A_i\} - 0.5[(Y_i + N_i + A_i) - \max\{Y_i, N_i, A_i\}]}{(Y_i + N_i + A_i)}$$

where Y_i , N_i and A_i represent the percentage of yes votes (respectively no votes and abstention votes in vote i). In the following analysis, the agreement index measures the closeness of the voting behavior in the first chamber. The more we approach a value of 1, the

⁹ There is one possible exception: arithmetically, the SVP and SP could form a minimum winning coalition. But since these parties are ideologically very distant, this is only a marginal possibility. The respective frequencies range between 1.1 and 2.2 percent (see Table 4).

higher the agreement. However, the agreement index is not a measure for coalition-building among party groups in parliament; rather, it represents a measure for general majority-building. Therefore, we employ a second indicator which measures how many party groups are part of the supporting coalition. For these two indicators, we run OLS models. The next batch of dependent variable focuses on specific legislative coalitions. A first indicator distinguishes between coalitions including the SVP (coded 0) and coalitions excluding the SVP (1). This indicator provides a test for our "electoral decline" hypothesis. Our expectation is that the two parties facing electoral decline, the FDP and CVP should have an incentive to form coalitions excluding the SVP. For this indicator, we run a logit model. A second indicator distinguishes between "grand coalitions" involving all four "coalition" parties (SVP-FDP-CVP-SP) and all other coalitions. Here, we shall identify conditions under which a grand coalition forms. For this indicator, we run a log-log (or gompit) model due to the skew in their distributions.¹⁰

Results

The results for our three hypotheses are displayed in table 5. Model 1 shows that if we consider all votes during parliamentary deliberation, the overall agreement rate significantly decreases in the 47th legislative period. This is a first hint that the parliament has become increasingly polarized in recent years. As to the first hypothesis – institution-induced uncertainty –, the standard expectations are not corroborated. The more institution-induced uncertainty there is the lower the score of the agreement index (model 2), the lower the number of party groups involved in a coalition (model 3), and the lower the frequency of classical grand coalitions comprising the FDP, CVP, SVP and SP (model 5). This effect tends to be marginally significant for optional referenda and highly significant for mandatory referenda. These results tend to contradict standard accounts of Swiss coalition building: the "shadow of direct democracy" (Nicolet et al. 2003) does not seem to work within the parliament. There is, however, one major objection to consider. What is lacking in our analysis is the pre-parliamentary procedure. As Nicolet et al. find, pre-parliamentary consultation mechanisms indeed favor the emergence of compromise among MPs in the final stage of the parliamentary process. But they also find that the effect is opposite in the parliamentary article-by-article discussion, where objects submitted to

¹⁰ Log-log is the inverse of the Gumbel distribution function and is frequently used when the probability of an event is very small.

consultation are again intensely debated: "Acts that were the most conflict-prone at the beginning of the process remain so in the end." This tends to corroborate our findings and is a clear sign that the parliament is not truly integrative of all interests, ideas, and identities.

Issues, in turn, matter for the agreement rate and the formation of specific coalitions. We detect a fairly consistent pattern: security policy, social security, and immigration policy have a significantly negative effect on the agreement rate while law and international politics score positively. With regard to the formation of specific coalitions, we find that social security, immigration policy, security policy, and energy are not conducive to the formation of the classical grand coalition, while international politics enhance the formation of grand coalitions (see model 5). The latter result might also be interpreted in the context of internationalization processes. Under such conditions, the government can make use of its information and resource advantages and enforce its position in the parliament (leading to a higher agreement rate among MPs). However, we should not overlook that many international acts are also not very polarized.

Table 5: Predictions for Agreement and Coalition-Building

	Agreement (+ = more agreement) [all votes] ----- Model 1	Agreement (+ = more agreement) [total and final votes] ----- Model 2	Number of party groups supporting a bill (+ = more groups) [total and final votes] ----- Model 3	Coalitions including the SVP (=1) vs, coalitions excluding the SVP (=0) [total and final votes] ----- Model 4	Classical grand coalition (=1) vs. other coalitions (=0) [total and final votes] ----- Model 5
46th legislative period	.003 (.014)	-.001 (.021)	-.079 (.082)	-1.444** (.532)	-.136 (.161)
47th legislative period	-.051** (.019)	-.040 (.026)	-.066 (.099)	-1.640** (.621)	-.172 (.205)
Optional referendum		-.033+ (.017)	-.106 (.067)	.780* (.397)	-.289* (.138)
Mandatory referendum		-.213** (.043)	-.811** (.182)	-.069 (.731)	-1.270** (.269)
State	-.035* (.015)	-.018 (.025)	-.018 (.097)	-.037 (.466)	-.078 (.172)
International politics	.158** (.023)	.101** (.021)	.392** (.085)	-2.079** (.666)	.701** (.238)
Security Policy	.003 (.017)	-.121** (.030)	-.623** (.124)	1.465** (.526)	-.652** (.205)
Europe	-.003 (.025)	.007 (.033)	.073 (.132)	-.897 (1.039)	-.149 (.264)
Law	.004 (.016)	.046* (.020)	.167 (.078)	-.102 (.472)	.338 (.1561)
Economy	.002 (.013)	-.018 (.021)	-.121 (.084)	.723 (.452)	-.027 (.157)
Finances	-.003 (.013)	-.028 (.019)	-.121 (.074)	.542 (.451)	-.176 (.151)
Social security	-.038* (.016)	-.036** (.026)	-.148 (.103)	-.871 (.548)	-.246** (.178)
Immigration policy	-.065** (.021)	-.152** (.037)	-.510 (.160)	-.261 (.994)	-1.037** (.272)
Health	-.053** (.020)	-.128 (.042)	-.507 (.169)	-1.301 (.974)	-.708 (.256)
Education/Culture/ Religion	.059** (.018)	.019 (.026)	.068 (.105)	-1.981 (1.155)	-.106 (.210)
Communication and Media	.002 (.026)	.023 (.040)	.020 (.170)	.436 (1.005)	.043 (.304)
Traffic	-.006 (.020)	-.015 (.029)	-.065 (.116)	-1.594 (.671)	-.185 (.216)
Environment	-.013 (.021)	-.026 (.034)	-.157 (.143)	-2.379 (.9592)	-.070 (.257)
Agriculture	.000 (.021)	-.000 (.050)	.046 (.186)	1.096 (1.023)	.009 (.326)
Energy	-.073** (.026)	-.133* (.052)	-.597 (.230)	-.0347 (1.239)	-.728* (.324)
Constant	.551 (.019)	.850** (.027)	4.480 (.107)	.766 (.675)	1.258 (.218)
<i>N</i>	7881	1440	1440	1440	1440
<i>R</i> ²	.074	.138	.128		
<i>p</i> > <i>F</i>	.000	.000	.000		
<i>Pseudo R</i> ²				.287	.583
<i>p</i> > <i>chi</i> ²				.000	.000
<i>Method</i>	<i>OLS</i>	<i>OLS</i>	<i>OLS</i>	<i>Logit</i>	<i>Log-log</i>

Notes: ** p<.01, * p<.05, + p<.10 (two-tailed tests). For the OLS models, entries are unstandardized coefficients (cluster-corrected standard errors in brackets); for the logistic models, entries are logit or log-log coefficients (cluster-corrected standard errors in brackets).

Finally, as model 4 displays, the electoral insecurity and decline hypothesis also receives some support. For the 46th and the 47th legislative period, we find a highly significant effect for the frequency of legislative coalitions excluding the SVP. This might be a hint that electoral losers indeed have an incentive to encumber electoral winners from translating their electoral gains into policy gains.

In sum, coalition governance in the Swiss parliament does not conform to a "parliamentary" or "centripetal" pattern of policy-making. Neither are there stable coalitions, nor does the "shadow of direct democracy" spur the formation of oversized coalitions in the parliament. This trend has accentuated in recent years, with increasing polarization and the building of coalitions excluding certain parties. As such, the current Swiss political system resembles US style presidentialism or what Gerring et al. (2005: 568) call "decentralism" entailing fragmentation and limits of coherent political action.

Discussion

But how much of a problem are these findings for good governance in a separation of powers frameworks such as Switzerland? First, one could argue that legislative coalitions in Switzerland almost always include one of the median parties, namely the FDP and/or the CVP. Second, alternating coalitions, in general, involve three party groups, hence the criterion of inclusiveness is at least partially satisfied. Third, as Tsebelis (2002, chapter 5) holds, direct democracy with the possibility of introducing a legislative choice to the approval of the people introduces one additional veto player into the decision-making process: the median voter of the population. As such, the extremely well-developed instruments of direct democracy in Switzerland should avert that policies are adopted that disregard the median voter. While these are pertinent objections, we still think that current Swiss policy-making clearly misses the ideal type of inclusive, coherent and effective governance. First, in a society with multiple cleavages and structural minorities such as Switzerland (see Bolliger 2006; Zürcher 2006), the median voter may be an elusive conception. Under such conditions, social satisfaction with political outcomes may be better achieved when broadly inclusive policies are designed and adopted. Second, with regard to alternating coalitions, one problem is that major parties on the left – the SP with a current seat share in the first chamber of 26 percent - and the right – the SVP with a current seat share in the first chamber of 27.5 percent - are regularly excluded. Another problem is that such alternating coalitions can produce incoherent policies in the medium and long

run, decreasing the overall quality of governance. This combines with the obscuring of policy-making clarity in such “decentralist” systems (see Powell and Whitten 1993) which makes it difficult for voters to assess who has done what and undermines their ability to hold politicians accountable. And finally, direct democracy is mainly a negative force in the realization of good governance: while citizens can block unwanted legislation, they cannot enforce the respective production by the political elites. Moreover, since the rejection rate for bills in popular referendums is high (up to 50 percent in case of the optional referendum), the political elites would need to find broadly inclusive solutions in order to avoid a referendum or to successfully navigate bills through a referendum campaign. Thus, increased polarization in the Swiss political system does not only lead to policy incoherence but also increases the chances of deadlock.

In lieu of a conclusion: Implications for Latin America

At the very beginning, we have portrayed Switzerland as a potential ideal type for Colomer and Negretto’s vision of a separations-of-power system which works similarly than parliamentarism. Our detailed study of legislative – and executive-legislative - interactions yielded a different picture: emerging is a system that is closer to U.S. style presidentialism than to European parliamentarism. So, if a system such as Switzerland does not work like parliamentarism, what could be? And what does this mean for the prospects of institutional designing and good governance in Latin American presidential systems? Drawing from Goodin (1996: 341ff.), we think that scholars must be attentive not only to institutional arrangements but also to actor constellations, actor rationales, and other context conditions. The Swiss case is instructive here: a grand coalition composed of ideologically very distant partners might have a hard time to work effectively in a parliamentary fashion. This corroborates Shugart’s (1999) argument that under problematic conditions – e.g., countries with politicized regional disparities or countries with no aggregative national parties – parliamentarism may not work. In addition, as we have argued above, coalition parties can have very complex electoral rationales that preclude them from behaving in fashion compatible with standard coalition theories. Of course, this does not mean that institutional mechanisms are irrelevant. The Swiss case, for instance, has institutional properties – especially the grand coalition setting - that can turn it into a very cooperative and deliberative setting. A study on parliamentary deliberation (Bächtiger & Steenbergen 2004) shows that under certain context conditions, especially low issue polarization, Swiss MPs

can be reflective toward their initial preferences and also change their opinions. Conversely, in competitive systems with divided government, low issue polarization is not conducive to cooperative and deliberative policy-making. As such, we tentatively conclude that systems involving the "wrong" institutions may be powerfully counterproductive for achieving good governance. Conversely, systems involving the "right" institutions may indeed involve a space for achieving desired outcomes, but whether actors make use of this "space" heavily depends on their rationales, constellations, and other context conditions.

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