FOUNDATIONS OF CONSTITUTIONAL STABILITY:
Veto Points, Qualified Majorities, and Agenda-Setting Rules in Amendment Procedures

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1. INTRODUCTION

Constitutions regulate fundamental aspects of political life, such as the basic machinery of government or the rules of the political game, they grant fundamental rights, and they almost always lay down procedures for its own amendment—and in some cases forbid changes. An essential feature of a constitution is that it “consists of those rules which regulate the creation of general legal norms, in particular the creation of statutes” (Kelsen 1945: 124); constitutions can be regarded as a “law for making law” (Congleton 2003: 11). As a consequence, constitutional rules also often take priority over other kind of rules (legislation) in case of conflict.

This paper concentrates on properties of constitutional amendment procedures. It is well known that some constitutions are easy to amend while others hardly can be changed at all. Typically, it is more difficult to amend the constitution than ordinary laws; this pattern seems to be almost universal. Political stability can be created in many ways. Here I want to focus on constitutional amendment procedures as sources of rigidity and stability. I also discuss to what extent hypotheses about the relationship between rigidity and amendment activity can be tested (if at all) in comparative constitutional research.

The rest of the paper is organized in three sections. In section two, four types of constitutional change are outlined. Changes of the constitutional text by using formal amendment procedures specified in the constitution are the focus of the paper. The third section focuses on the various devises that can be used in amendment procedures to
create rigidity. Point of departure in this section of the paper is veto player theory and models of agenda-setting. In section four, I discuss actual amendment procedures in a selection of countries, and in section five I reflect on the fruitfulness of comparing constitutional amendment rates for countries with differing amendment procedures. The final section contains concluding remarks.

2. MAIN TYPES OF CONSTITUTIONAL CHANGE

Obviously, in every political system the rules of the game need to be modified over time. First, changes in the environment within which the political system operates may make present rules obsolete. This includes economic, technological and demographic changes. Second, changes in the values and attitudes of the population may generate a need to alter parts of the system; political preferences are not constant over time. For example, as the awareness of human rights has grown over the last decades, many constitutions have been amended to include an increasing range of individual rights and freedoms. Also major realignments in the political arena should be expected to generate a pressure for institutional reforms. Third, we may want to modify the system because we learn about unintended, unexpected and unwanted consequences of the present institutions.

Table 1. Main types of constitutional change

There are four main types of change in the constitutional arrangement of a country, as shown in Table 1 (cf. Voigt 1999: 70, Giovannoni 2003). The simple matrix rests on two
dimensions. One of them focuses on the formality (altering the text or not) of constitutional change, and the other on its legality (legal change in a strict sense or not). As indicated, this gives us four combinations. The first possibility is revision or replacement of the constitutional document by means of the formal amendment procedure specified in the constitution itself. This is the type of change I will concentrate on, but first a few words on the other categories of the table.

The second possibility is (gradual) revision of the constitutional framework by means of judicial interpretation. An example is the landmark Marbury vs. Madison decision of the U.S. Supreme Court in 1803, through which the principle of judicial review was established (Murphy 2000). Similarly, the Norwegian Constitution did not mention judicial review, but the courts introduced it through interpretation during the first half of the 19th century (Smith 1993). The third possibility is revision or replacement of the constitutional text by irregular means. This is illustrated by the 13th and 14th Amendments of the U.S. Constitution in the 1860s, which emancipated the slaves and gave them suffrage (Mueller 1999). The amendments would not have been ratified if the ratification process laid down in Article V of the Constitution had been strictly followed, as the southern states had enough votes to block the change. Similarly, when the wording of Article 1 of the Norwegian Constitution was changed in November 1814, reflecting the union with Sweden, and in 1905, marking the dissolution of the union, the formal amendment procedure was not followed. The fourth and final possibility mentioned in Table 1, is intended or unintended revision of the constitutional framework by means of political adaptation by legislative and executive bodies. An important example in Norway
and many other European countries was the introduction, or rather evolution, of parliamentary government formation (e.g. Congleton 2001). The example is however ambiguous. The first instance of parliamentary government formation in Norway took place as early as in 1884, but this change was not reflected in a revision of any article in the constitution. After a generation or two, lawyers and politicians came to see parliamentarism as a kind of constitutional custom governments had to abide by. In other words, parliamentarism was seen as a constitutional principle even though the constitution itself had no mention of it whatsoever. In 2007, however, negative parliamentarism—which had been practiced consistently for over a hundred years—was codified (Article 15).

The focus in this paper is on formal amendment procedures (i.e. the upper left cell in Table 1). It is difficult to find conclusive evidence to confirm that amendment articles in constitutions really constrain. As we saw above, we can find several examples of constitutional changes that do not follow the formal regulations laid down in the constitution. But it is every reason to believe that such examples are rare, at least in

\[\text{\footnotesize\textsuperscript{1}}\] Few countries lay down absolute barriers against amending any of the articles in their constitution. Examples are Germany and the United States. In Germany, the federal system is protected against changes. Similarly, amendments of the basic principles of Articles 1 (on human dignity) and 20 (on basic principles of state order and the right to resist) are inadmissible (see Article 79). Article V of the U.S. Constitution says that «no state, without its Consent, shall be deprived of its equal Suffrage in the Senate». A recent example to the same effect is found in the constitutional framework of Bosnia-Herzegovina, based on the Dayton agreement. Paragraph 2 of Article X states: “No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph”.

\[\text{\footnotesize\textsuperscript{2}}\] On the role that constitutions play in constraining political actors, see e.g. Elster (2000) and Shapiro (2002). Several quantitative analyses indicate that many rules and regulations in constitutions have measurable consequences (Kurrik-Klitgaard and Berggren 2004; Persson and Tabellini 2003).
established democracies, and that irregular forms of change of the constitutional text are confined to highly exceptional circumstances.

3. AMENDMENT PROCEDURES AND POTENTIAL FOR CHANGE

Although amending processes are often strikingly complex, usually a relatively small set of devices are actually used in constitutions around the world (see Maddex 1996). Several authors have suggested simplifications and lists of hurdles for constitutional amendments. For example, Elster (2000: 101) operates with the following categories: absolute entrenchment, adoption by a supermajority in parliament, requirement of a higher quorum than for ordinary legislation, delays, state ratification (in federal systems) and ratification by referendum. Hylland (1994: 197) points to four main techniques: delays, confirmation by a second decision, qualified majorities and participation from other actors than the national assembly. Lane (1996: 114) lists six mechanisms: no change, referendum, delay, confirmation by a second decision, qualified majorities and confirmation by sub-national government. Lutz (1994: 363) differentiates between four general amendment strategies: legislative supremacy, intervening election (double vote), legislative complexity (referendum threat) and required referendum or equivalent.

The various instruments give their constitutions different degrees of rigidity. In other words, how rigid constitutions are depends on the difficulty of overcoming formal amendment provisions. The rigidity of amendment processes, in turn, reflects a previous commitment by political forces to entrench certain legislation. Rigidity helps to make
commitments credible; it is a technique to institute a higher legal system that will stand above and limit ordinary legislation (Ferejohn 1997). On the other hand, if it is too difficult to amend the constitution, change by other means become more likely (e.g. interpretation or replacement).

Constitutional inertia in practice is achieved in several ways. Here I will focus on four elements of which the two first can be said to be the most basic. The first element is consent by multiple actors or repeated decisions. The second is qualified majority. Third, I focus on constitutional agenda-setting. The fourth—and related—element is characteristics of the relevant parliamentary procedures for voting on constitutional matters. Each of these elements may have stabilizing consequences.

The theoretical part of this paper will to a large extent be based on a veto player framework (Tsebelis 2002). By using this approach it becomes easier to see connections between the different procedural devises mentioned above. Furthermore, it is so general that any part of amendment procedures can be discussed with respect to its effect on one important variable: the capacity or potential for change of the status quo (i.e. change of the present constitutional norms at any point of time). Veto player theory has been applied in a wide variety of settings (e.g. Hug and Tsebelis 2002; Tsebelis and Alemán 2005; Hallerberg and Basinger 1998; Ganghof and Braungger 2006; Benz 2004; Minnich 2005; Volcansek 2001; Andrews and Montinola 2004).

3.1. Veto Players and Veto Points
According to Tsebelis (2002: 19) veto players are “individual or collective actors whose agreement is necessary for a change in status quo.” Veto players can be either institutional or partisan. In our context, the former type is specified in the amendment clause of the constitution. The parliament, a legislative chamber (in a bicameral parliament), voters in a referendum, a constitutional court or a president are typical examples of institutional veto players. Parties or other actors inside an institutional veto player are called partisan veto players. A disciplined majority party within an assembly that decide on the basis of majority rule could be an example. Identification of partisan veto players may be problematic and ambiguous (Ganghof 2003). Still, it is necessary to identify veto actors inside institutional (collective) veto players to gain more accurate understanding of the consequences of constitutional amendment procedures; veto players create constraints on decision-making, and therefore all relevant actors should be included.

Political actors try to further their interests, and actors with veto power should be expected to block proposals that go against their interests. Veto players will not accept changes that make status quo worse from their perspective, and no changes will take place. A potential for change only exists if all veto players prefer certain outcomes to the status quo, that is, if the winset of status quo (the set of alternatives or outcomes that can defeat the status quo) is not empty. This is the set of constitutional amendments that can replace some part of the existing constitution, for instance one of its articles. The size of the winset can be seen as a proxy for stability (Tsebelis 1995: 295). If the winset is
empty, the situation is stable; no relevant actor prefers to overturn the status quo. If the winset is small, only incremental changes are possible. The existence of transaction costs and external constraints may also preclude changes in this situation. If the winset is large, a lot of proposals potentially can defeat the status quo. Thus, the bigger the winset of the status quo is, the more susceptible to change the current constitutional framework becomes.

Figure 1. Ideal points of actors A, B, C and D. Status quo (SQ) and a constitutional proposal in the winset of status quo $W_{AB}(SQ)$ (in the intersection of the indifference curves of A and B), but outside the winsets $W_{ABC}(SQ)$ and $W_{ABCD}(SQ)$—the latter one is empty.

The next step is to see what kind of—procedurally relevant—factors that affect the size of winset and the presumed stability of constitutions. Tsebelis (1995, 2002) has shown that both the number of veto players and the ideological distance between them matter. If a new veto player is added, the winset of status quo either shrinks or remains constant.
Increasing the ideological distance between veto players has a similar effect: The size of the winset of status quo is reduced or stays constant. Figure 1 gives a simple illustration of these effects. The ideal points (most preferred alternatives or outcomes) of actors are shown as points in a two-dimensional space. Actors’ preferences are Euclidean, which means that they are indifferent between two options in equal distance from their ideal points, and the closer to the ideal point an option is, the better. In the figure, indifference curves going through status quo (SQ) is shown. Any point on the circle thus is as good (or bad) as the status quo, and any point inside the circle is preferred to status quo. If we have two veto players A and B, the set of outcomes in the intersection of their indifference curves constitute the winset of status quo ($W_{AB}(SQ)$). Adding C as veto player imply that the winset shrinks, and status quo becomes less vulnerable to change. If instead D is added to actors A and B the winset virtually disappear, because A/B and D (almost) have diametrically opposite interests or preferences. On the other hand, if C and B are the initial veto players, binging in A has no effect on the size of the winset.

The same figure illustrates the effect of distance. The winset between B and C is a subset of the winset between A and B; if player A, for example, changes its ideal point from A to C, which means that the ideological distance between the players grows, the winset shrinks. The effect on the size of the winset would be even more dramatic if the ideal point moved from A to D (even if D is slightly closer to B than C is).

The core is defined as a set of outcomes with empty winset, and the unanimity core refers to alternatives that cannot be defeated if the decision is unanimous (Tsebelis 2002: 21).
Again Figure 1 can be used as an illustration. Lines can be drawn between ideal points. Let us consider the three veto players A, B and D and the triangle ABD. As long as consent by all three players are required, any status quo point within the triangle (as SQ) cannot be defeated or changed (has empty winset). This system is stable unless status quo is located outside the triangle. We should also note that adding a new veto player with ideal point inside the triangle ABD has no effect on the winset or the stability of the situation, regardless of the location of status quo. This new veto player is “absorbed”.

Repeated decisions are a common technique in constitutional amendment procedures. If, for example, a parliament needs to decide on any constitutional amendment twice, we have in a sense parliament at time $t_1$ and parliament at time $t_2$ as veto players. Another way to phrase it is to say that it is two veto points with the same institutional veto player. Any proposal can be killed in either the first or the second vote; consent (by a sufficient number of members) on both occasions is required to defeat status quo. Preferences of course may change between the two points in time. This can happen simply because time passes and passions have been tempered, or because new information has been provided. Another possibility is that a new election has taken place. The second parliament, thus, is not (exactly) the same as the first with respect to members and party composition; ideological differences between the parliaments (at $t_1$ and $t_2$) may or may not appear as a consequence of the intervening election. This in turn could affect stability by making adoption of constitutional amendments more difficult. A recent trend in well-established democracies is increased instability at the polls (higher volatility). This makes it more difficult to amend those constitutions that require consent of the pre-election and post-
election parliament. Thus, an easily overlooked external factor may affect the difficulty of the amendment process significantly.

Bicameralism may have a similar effect as decisions before and after an election. Each of the chambers constitutes a veto player, and the protection of the constitution grows stronger the more diverse or incongruent the two legislative chambers are. Belgium, Germany, Italy and Spain illustrate this possibility. In Germany, the consent of both the Bundestag and the Bundesrat is needed, but not an intervening election. In the Netherlands, by contrast, both chambers have to agree to the constitutional amendment before and after an election (i.e. a total of four separate decisions). Still the German procedure may be more demanding, as the Dutch chambers often are more similar in their political composition than the German ones (Lijphart 1999: 212). The referendum requirement in Australia, Denmark, Ireland, Japan and Switzerland adds another veto player to the pre-election and post-election parliaments in these countries, making the system even more rigid. Many countries have established a referendum threat as part of the amendment procedure. Typically, then, it is in the hands of a minority of the legislators (often 1/3) to bring in the additional veto player.

**3.2. Majority Requirements**

The second way to create constitutional inertia is by means of *qualified majorities*. The purpose of this device is to protect the (formal) status quo or the existing constitutional provisions. It is quite obvious that it generally is more difficult to get a constitutional
amendment adopted the higher the majority requirement. Norway, for example, is almost unique among parliamentary systems in that it is impossible to dissolve the parliament and call new elections; election dates and the parliamentary term are fixed (as it is in most presidential systems). In 1972, an amendment in this area was defeated because it failed to achieve the required 2/3 majority, but it was supported by an absolute majority of more than 3/5 of the MPs. The possibility of dissolving the parliament would have become part of the constitution if the majority threshold had been 3/5 or lower.³

Majority requirements also of course have effects on the winset of status quo. Go back to Figure 1. If A, B and D are individuals or parties (of almost equal size) within a collective veto player, the amendment P that is shown can defeat status quo by a majority, but it loses if more than 2/3 majority is needed. In this particular example there is no practical or observational difference between simple majority and 2/3 qualified majority. Figure 2 is a bit more complicated, but visualizes the effect of the decision rule quite clearly (cf. Tsebelis 2002: 40). This is a collective veto player with seven members (1 to 7). The status quo is located outside the unanimity core. The winset in case of simple majority rule is the lightly shaded big butterfly-like area (the intersection of any four or more indifference curves). The size of the winset reduces rather dramatically if one moves to 5/7 or 6/7 qualified majority, or all the way to unanimity (the darkest shaded area).

³ Beginning in 1821 with a proposal by King Carl Johan close to 50 proposals on dissolution have been rejected by the Storting. The last one was voted down in 2007.
What is more important for constitutional stability, additional veto players or higher majority requirements? A simple answer to this question can hardly be given. At least it is possible to construct examples where an increase in the majority requirement and an increase in the number of veto players would have the same effect on the size of the winset. At the same time, depending on the constellation of actors and the location of the status quo, it is possible to give examples where only one of the factors or neither of them affects the winset.

3.3. Agenda Setting on Constitutional Issues
The potential power of the agenda setter is illustrated in Romer and Rosenthal (1978), who formulate a *setter model* with two players—a proposer and a veto player—and two stages of decision-making. In the first stage, a committee—in our case one who formulate a constitutional amendment—sets the agenda by introducing a proposal to the parliament. Then, in the second stage, the parliament votes on whether to accept the proposal. If the parliament uses its veto and the proposal is rejected, status quo prevails. In the model, the parliament as a second stage actor is *not* allowed to amend the first stage proposal. Thus, the decision-making power of the parliament is severely restricted, and actually reduced to a *take-it-or-leave-it* choice. If the ideal points of the proposer and the legislative assembly (median legislator) deviate, the agenda control described above makes it possible for the proposer to move the status quo towards its own ideal point.

The agenda setter in Romer and Rosenthal’s (1978) model has both *positive* and *negative* agenda power (Cox and McCubbins 2004; cf. also Denzau and Mackay 1983; Shepsle and Weingast 1987; Heller 2001). Positive agenda power is the authority to propose changes to the status quo, and to ensure that these proposals are brought onto the agenda for consideration. Negative agenda power is the ability to prevent certain proposals from entering the legislative agenda (gatekeeping power), the ability to delay considerations of proposals (a weak form of gatekeeping), or the ability to block changes of the status quo (veto power). In the setter model, the first mover has proposal and gatekeeping power; if it decides to close the gates, no proposals emerges. The second mover can neither introduce proposals nor make amendments to proposals. In the vetoing parliament,
proposals are considered under a closed rule rather than an open rule, meaning that no amendments to the original proposal are allowed.

The details surrounding agenda setting is important for the outcome of decision-making processes. In particular, it is essential whether or not a veto player can amend a proposal on the agenda. We can again illustrate by Figure 1. Suppose that only actor B has proposal rights, and that A is a veto player without rights to amend proposals (as in the setter model of Romer and Rosenthal 1978). Then B will propose an amendment as close as possible to its own ideal point, i.e. P in the figure. Seen from actor A’s perspective, P is marginally better than SQ and will be accepted. What happen if veto player A can amend the proposals B place on the agenda? If P is proposed, A can revise it so that the decision reflects its own ideal point. But the ideal point of A is worse than the status quo for the proposer B, and no proposal should be forthcoming in the first place as it is not in the proposers interest. In this case where the veto player operates under open rule, the proposer will only make proposals if the vetoer’s ideal point is preferred to the status quo. Thus, even if the winset of the status quo is non-empty, the situation is entirely stable because of the agenda setting rules.

In Norway, constitutional amendments can be proposed by any member of the parliament during the first three years of the election term.\textsuperscript{4} The proposals are not debated and no

\textsuperscript{4} This is the wording of Article 112 of the Norwegian Constitution: “If experience shows that any part of this Constitution of the Kingdom of Norway ought to be amended, the proposal to this effect shall be submitted to the first, second or third Parliament [Storting] after a new General Election and be publicly announced in print. But it shall be left to the first, second or third Parliament [Storting] after the following General Election to decide whether or not the proposed amendment shall be adopted. Such amendment must never, however, contradict the principles embodied in this Constitution, but solely relate to modifications of particular provisions which do not alter the spirit of the Constitution, and such amendment
decisions of any kind take place; the proposals need not to be accepted by a majority. The proposal is laid to rest over the next election, and the new parliament either accepts or rejects the proposal in its original form. The decision rule is 2/3 qualified majority, and the vetoing parliament operates under closed rule. In this example, the first stage threshold to place constitutional amendments on the agenda is (extremely) low: Members of parliament can act alone. The second stage procedure reflects the classic setter model. The main difference might be that at the time constitutional formulated are formulated, the preferences of the vetoing parliament are unknown to the proposer. Compared to other institutional arrangements, lack of a first stage (qualified) majority decision makes it fairly easy to propose constitutional amendments. The lack of amending or revision possibilities on the second stage works in the same direction (i.e. makes adoption easier), as the parliament only is granted a take-it-or-leave-it choice and the proposer need not fear that a proposal can be changes in such a way that it becomes worse than the status quo.

Details related to agenda setting, allocation of prerogatives such as proposal, veto and amendment rights and the sequence of moves in constitutional amendments processes seem to be important for the question of stability, but it has largely been neglected in the literature.  

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5 But see Lutz (1994: 360) on methods of initiation in American state constitutions. He mentions three types: Proposed by state legislature (possible in all constitutions), popular initiative (17 constitutions) and
3.4. Methods of Voting and the Protection of Status Quo

Majority rule is unique among decision rules: It is the only one that respects political equality. May (1952) showed that it is the only *decisive* (gives an outcome regardless of preferences), *positively responsive* (outcomes reflect preferences) decision rule that also satisfies *anonymity* (all actors are treated equally) and *neutrality* (all alternatives are treated equally). Neutrality, in particular, is important in our context. Qualified majority requirements means that neutrality is lost; if any proposal needs more than simple majority to be adopted status quo is privileged. The higher the majority requirement is, the stronger status quo is favored.

In practice, with supermajority voting the process has to be binary and sequential. This implies that if two or more mutually exclusive constitutional amendments exist, they are voted one by one. That is, always each one of them is compared to status quo. This is a rather strong restriction, and its relevance is seen most clearly in cases where the deciding body has some kind of amendment rights (proposals put before them can be revised).

In cases where ordinary majority is used, a wider variety of voting procedures are applicable—in practice either an amendment (elimination) or successive procedure (see Rasch 1995; 2000). If only one constitutional proposal is on the agenda, status quo is not favored as long as the majority decides (cf. May 1952). If two or more mutually

special convention (5 constitutions). A useful discussion of theoretical aspects of proposal and veto rights is McCarty (2000).
exclusive proposals are feasible, status quo might be favored by being voted last (Black 1958; Niemi and Gretlein 1985; Niemi and Rasch 1987).

By using voting procedures that favor status quo, it becomes even more difficult to change the constitution and it becomes harder to exploit preference cycles or other vulnerable situations for strategic purposes.⁶

4. PROCEDURAL RIGIDITY IN PRACTICE

We have outlined several stability-generating mechanisms of relevance to the politics of constitutional change: Veto players, veto points, majority requirements, agenda-setting rules and voting methods. These mechanisms affect the size of the winset of status quo (and thereby constitutional stability), or they represent further restrictions on the processes by which decisions are reached in cases where the winset is non-empty. It is hardly possible—or fruitful—to reduce this complexity to a simple index of constitutional rigidity. I will mention two reasons for this. First, it is not possible to assert on purely theoretical grounds which dimension (veto players/points, majority requirements, etc.) will be most important, because the answer depends heavily on such things as the number of actors, their ideal points and the location of the status quo. These factors are not constant over time. Thus, an empirical approach based on several separate procedural variables seems to be better than seeking a single index of constitutional rigidity (cf. Rasch and Congleton 2006). Second, a purely procedural or institutional

⁶ On the importance of agenda control and voting sequences in “chaotic” situations, see e.g. McKelvey (1976), cf. Tsebelis (2002: 41-45).
approach is unattainable. The main reason is that various types of partisan actors also need to be considered. In addition, as we have seen, including ideological differences between institutional and partisan players may be crucial to understand stability.

Nevertheless, it follows from what we have said so far that amendment procedures including both multiple decisions or actors and qualified majorities are among the more rigid ones. The most flexible constitutions have none of these hurdles, that is, they base constitutional revisions solely on majority votes in parliament. Table 2 crosses the two dimensions. The horizontal one distinguishes between amendment procedures with legislative supremacy on the one hand, and multiple decisions with voter involvement—through intervening elections or referendum—on the other. The second axis differentiates between simple majority decisions and requirements of qualified majority of some sort.

Table 2. Flexible and rigid amendment procedures

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7 In the entire post world-war-II era, except one election term (2001-05), the Norwegian Labor party has been a veto player in the constitutional amendment game. The party has controlled more than one-third of the votes in parliament; as long as the party has acted unitary and disciplined, any constitutional amendment has needed support from Labor to be accepted. After the 1981 election, both Labor and the Conservatives (Høyre) were veto players on constitutional issues. On many constitutional issues, the ideological distance between the two parties (veto players) was considerable. Let me also mention another example: There are two paths to EU membership in the case of Norway. Either a constitutional amendment are adopted, which require 2/3 majority after intervening election, or an “urgency” article (93) on membership in international organizations can be used. According to the latter, there is a 3/4 majority requirement. It was clear for everyone years in advance that EU membership would be on the agenda during the 1993-97 election term. The two most persistent no-to-EU parties (the agrarian Center Party and the Socialist Left Party) in 1993 gained blocking size according to the requirement in Article 93 for the first and only time; the Center Party almost tripled its size in the 1993 election.
In this framework, New Zealand stands out as an example of a country with a flexible constitution. Japan, United States, Finland and Greece clearly are on the rigid side because they require qualified majority in one form or another as well as referendum or intervening election. The amendment procedures in Denmark, France and Italy may also—less obviously—be considered to be quite rigid. The source of rigidity in Denmark is the referendum requirement, and the fact that at least 40 per cent of the electorate need to vote in favor of a constitutional amendment for it to pass. This is actually a supermajoritarian element. In France, the main procedure involves the president as a veto player; alternatively referendum is used. In Italy double decisions in both chambers are required (referendum may be initiated if decisions in the national assembly are by majority). Ireland and Sweden have a multiple actor approach within a majoritarian framework and belong to cell 3 in the table, whereas Germany and Portugal leave it to qualified majorities of the legislatures alone to amend the constitution (cell 2). Table A1 in the appendix gives details of amendment procedures in the countries I have mentioned and a few more [to be expanded with proposal rights/agenda-setting rules].

Several measures of constitutional rigidity can be found in the literature. The most complex approach can be found in Lutz (1994; 2006: 145-182). He established an index of difficulty by specifying the added value of nearly seventy aspects of amendment rules. The index ranges from 0.50 (New Zealand) to 5.10 (United States) in Lutz’ cross-national

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8 Formally, the New Zealand constitution is amended in the same way as ordinary legislation. Thus, the Constitution Act 1986, as with other standard legislation, can be amended by a simple parliamentary majority. In practice, any major changes of a constitutional nature are typically the subject of a binding referendum, but these have been few and far between. There are however a few provisions in the Electoral Act 1993 which are entrenched, and which require super majority to be amended. The entrenching provision is not itself entrenched, and thus (in theory at least) could be amended or removed by a simple majority.
material (N=32 countries). Although the approach is highly systematic, some of the results are counterintuitive. Constitutional scholars seem to agree that it is very hard to amend the Danish constitution, but the entry for Denmark (2.75) is close to the average (2.50). It is definitely easier to amend the Norwegian constitution, but the index value is significantly higher for Norway (3.35). According to the index, it is also easier to amend the Japanese (3.10) constitution than the Norwegian one. This clearly also is erroneous. Japan requires 2/3 majority in each legislative chamber as well as a referendum; Norway requires 2/3 majority once, but after an intervening election (no majority decision before the election). Austria and Portugal require 2/3 majorities in single legislative decisions, but appear close to majoritarian New Zealand on the index (0.80 versus 0.50 for New Zealand). Clearly, the index is not entirely satisfying. It is too complicated, and some of its results are too odd.

Lijphart (1999: 219) reduces the great variety of methods of amendment to four basic types: ordinary majorities, between two-thirds and ordinary majorities, two-thirds majorities or equivalent and super-majorities greater than two-thirds. In effect, he disregards other aspects of the amendment provisions than the majority requirements, and mainly chooses a one-dimensional approach. Anckar and Karvonen (2002) suggest a slightly more complex measure with nine values. Either the legislature or the people (in referendum) or both (or even none) are involved in constitutional changes, and if involved, the requirement is either ordinary or qualified majority. Crossing the dimensions gives nine cells, but the numbering of them (which is the values of the resulting rigidity variable) is arbitrary and basically unfounded. Lorenz (2005: 346)
creates a two-dimensional additive index in which a slightly modified version of Lijphart’s measure is combined with scores for the number of “arenas with different voters”. In a set of 39 countries, the index ranges from 1 to 9.5. Intuitively, the assignment of values to countries seems more reasonable than in Lutz’ case. Of all the measures, the Lorenz index is the one with the closest resemblance to the theoretical reasoning above. It is purely institutional and in a sense is a complex version of the idea captured in Table 2.

To shed further light on the relationship between the various measures, Table 3 shows bivariate correlations for a selection of 20 well-established democracies. Constitutional Rigidity (CR) I and II are based on the discussion related to Table 2. CR I emphasizes the veto player aspect, while CR II assumes that qualified majorities are more important in creating rigidity (only difference is the numbering of the two middle cells/values). Naturally, the two measures are strongly correlated. The variable qualified majority (QM; a 0-1 dichotomy) can be seen a simplification of Lijphart’s measure of constitutional rigidity and correlates with it. There is a strong relationship between QM and CR II (the one emphasizing supermajority voting). The most striking feature of the matrix is however that many of the pairs are not—or only weakly—correlated (one coefficient even is negative). This indicates that the variables are quite different with respect to how rigidity is measured. The correlational exercise underscores that it is difficult to create a single, unambiguous and reliable measure of constitutional rigidity.
Table 3. Correlations between measures of constitutional rigidity

5. ON RIGIDITY AND AMENDMENT RATES

In the same way we can question the adequacy and fruitfulness of existing measures of constitutional rigidity, challenges are faced in the empirical handling of constitutional stability. The comparative (cross-national) literature is sparse, and it mostly uses amendment rates—for instance yearly averages—to indicate the degree of change in constitutional rules over time. Figure 3 shows such amendment rates for a selection of countries. They are taken from Lutz (1994; some countries corrected or updated) and Lorenz (2005). The latter is based on the same short time period for every country (1993-2002), while Lutz uses the entire life span of constitution from their origin until the early 1990s. As we can confirm by a quick glance at Figure 3, the two time series are unrelated (Pearson’s r=0.072).9

Figure 3. Amendment Rates in Selected Countries

Lorenz (2005: 351) checked Lutz’ data for Germany, France and Ireland and found them incorrect. Another possibility is that different authors apply different operational definitions in their calculations. How should amendments be counted? What is a single

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9 The rank order coefficient Spearman’s rho is however positive and significant at conventional levels (rho=0.580; sig. 0.012). This correlation is produced by the two countries with no change at all on both series (Denmark and Japan), and it disappears (and Pearson’s r turns negative) if the two countries are removed.
instance of constitutional change? The answer to these questions may seem obvious, but it is not. In the context of the U.S. Constitution it is reasonably easy to tell what an amendment is, as each one of the amendment—so far 27 in all—is added at the end of the constitutional text. The wording of the original constitution itself is not revised. Some of the amendments are rather broad and complex, with several sections (e.g. the 14th Amendment). There is only one amendment at each ratification date except for December 1791, when the first ten amendments were ratified—more than a third of the total number of amendments. Would it be reasonable to count the first ten amendments as a single change of the constitution, or perhaps to count some of the later amendments as more than one change?

Changes take the form of textual revisions in most other national constitutions. It could be as simple as taking out, changing or adding one word in a single sentence of an article. If we observe simultaneous reformulation of several articles in different parts of a constitution, is it still to be counted as one change? Again, take Norway as an example. In February 2007, several articles were amended. In one committee report, based on proposals handed in before the 2005 election, changes in 6 articles (two of them new articles) were recommended and later accepted unanimously by the assembly. Most of the changes concerned the Court of Impeachment and the legal foundation of its operation. On the very same day, the quasi-bicameral organization of the parliament was abolished (against one vote), involving revision of the wording of 7 articles from the previous institutional arrangement—not used since 1927—was seen as obsolete. The voting results indicate that this status quo was located outside the unanimity core of the major parliamentary players, and that the new proposal belonged to the unanimity winset.
different parts of the constitution. How many changes took place? One, two or thirteen? Basically, the amendments had to do with two issues, and two roll-calls were taken. Had preferences been more diverse, so that some MPs had wanted only to support various subsets of the article amendments, as many as thirteen or more roll-calls could (and would) have been arranged. In any case, counting constitutional reform issues ("packages" involving several articles) or counting number of changes to single articles do not amount to the same. In the 2007 example, counting the changes as only two might seem reasonable. The amendment rate in Lutz (1994; 2006) cannot be reproduced in this way. One would however get a fairly close approximation by using an article-based rather than issue-based way of counting.

Regardless of how one counts amendments, no distinctions so far have been made between small and large reforms, or between important or unimportant changes. If one is interested in to what extent amendment procedures affect changes to the status quo, this is not a trivial point. Symbolic, small or virtually inconsequential amendments do not represent real changes in the constitutional status quo. In a sense such reforms constitute distorting "noise" in the data. For example, in 1962 the office of the Parliamentary Ombudsman was established in Norway. In 1995 it was added to the constitution that the parliament should "appoint a person, not a member of the Storting, in a manner prescribed by law, to supervise the public administration and all who work in its service, to assure that no injustice is done against the individual citizen" (Article 75). This was exactly what existed before, and substantially nothing had changed by the reform (although, of course, that the Ombudsman from now on had gained constitutional
protection and the office could not be abolished by a simple majority). The new Article 15 from 2007 (parliamentary government) was simply a codification of constitutional custom, and did not represent any change in the status quo. It is also possible to argue that the 22nd amendment of the U.S. Constitution also was not so important, in that it codified a political norm that only Franklin D. Roosevelt of the previous presidents had disregarded; Roosevelt could have remained the only exception even if the amendment had failed to be adopted.

Figure 4 visualizes the pattern of constitutional change in Norway (counting constitutional issues). It shows both proposals and amendments. This is a story of incremental change in another sense than in the above paragraph. A small number of amendments are adopted in almost every legislative period—actually, the 1997-2001 term is the only exception—and most proposals have been defeated. Also, the losing proposals typically have lost with huge margins. The amendment rate as a yearly average is fairly constant over the entire time span covered in the figure. There were far fewer amendments during the union with Sweden from 1814 until 1905 (Rasch 2003: 118). The main reason for the apparent conservatism in this period probably was a rather nationalistic impulse among Norwegian parliamentarians, but also the fact that the Swedish King claimed an absolute or suspensive veto on constitutional revisions (it was not mentioned in the text). The king was definitely removed as a veto player after the dissolution of the union in 1905.

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11 Article 15 says: “Any person who holds a seat in the Council of State has the duty to submit his application to resign once the Storting has passed a vote of no confidence against that Member of the Council of State or against the Council of State as a whole.” This already had been a reality for more than a hundred years.
Other countries exhibit very different patterns of change. Figures 5 and 6 show time series for Sweden and Germany and in both cases counting is article wise. These patterns are far from incremental; both countries have experienced waves of reforms which averaging smooth out. With respect to Germany, Busch (2000: 45) says:

“Thus we can distinguish three periods very clearly: a long period in the first 25 years of the Federal Republic in which there were regular changes in the constitution, a period of 14 years with nearly complete stability in the text, and finally a period of intense changing activity around the time of German unification.”

If shorter periods of time are analyzed in a cross-national setting, the choice of time period becomes essential in cases like Germany. Also, if the constitution had been more adequate from the outset, the first peak(s) would probably not have been generated. Without unification, there would not be any peak for the years 1990-94. Thus, the relatively high average amendment rate for Germany is produced by factors that not easily can be traced back to characteristics of the amendment procedure. On the other hand, a more rigid amendment procedure in Germany clearly could have prevented unification and generated fewer amendments.\(^{12}\)

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\(^{12}\) This counterfactual hypothesis is what the theory predicts, but it also predicts that, everything else constant, we should find less changes in any country with a more demanding amendment procedure than in Germany (e.g. one with referendum in addition to qualified majority in each of two chambers). The ceteris paribus clause can hardly be met in practice, given that extraordinary events like unification or other “external chocks” affect some countries dramatically.
Lutz (1994), in his cross-national analysis, has demonstrated that the degree of rigidity of a constitution influences the amendment rate. The relationship is negative and curvilinear in his material. Lutz used information from 36 national constitutions. The data set included a wide range of countries, from Western Samoa (1962-84), Kenya (1964-81) and Argentina (1853-1940) to many well-established, western democracies. Only the length and age of constitutions were to some extent brought in as controls. After disaggregating Lutz’ index of difficulty, Ferejohn (1997: 523) in a reanalysis claims that “the requirement of special majorities or separate majorities in different legislative sessions or bicamerality—is the key variable to explaining amendment rates”. He continues by saying that “there is no evidence that a ratification requirement, whether involving states or a popular referendum, has any significant impact on amendment rates” (Ferejohn 1997: 523). In other words, special majorities in the legislature may be both necessary and sufficient to achieve a moderate amendment rate. Lorenz (2005) looks at the effects of several measures of rigidity on both of the amendment rates reproduced in Figure 3 above. The results are mixed, especially with regard to the 1993-2002 amendment rates.\footnote{Lorenz (2005: 353, Table 4) reports adjusted $R^2$ ranging from 0.77 to 0.92 in regression models with rigidity measures and length of constitution as independent variable. For example, Lutz’ index of difficulty and length explain 95 percent of the variance in the dependent variable. It is questionable whether these high coefficients are reliable.}

Rasch and Congleton (2006) reanalyze Lutz’ amendment rates for a small set of 19 OECD-countries. Veto players (or points) and supermajority requirements are among the variables, but the latter surprisingly has no significant effect on changes in any of the models (four models are reproduced in the appendix Table A2). Clearly, the results from these studies are ambiguous and inconclusive. Overall it has not been demonstrated that
the pace of change of constitutions in practice has been slowed down by standard hurdles of constitutional amendment procedures.

More reliable cross-nation results to do however require that the measurement issues related to the dependent variable (amendment rate) and the main independent variables (various aspects of rigidity) have been resolved. Some other challenges also have to be considered. First, there is a question of selection bias. Empirical studies so far exclusively focus on successful reforms, that is, the cases for study are selected on the basis of outcomes on the dependent variable (Geddes 2003). Either failed constitutional proposals also should to be included in the analysis, or negative cases in the form of periods or years of stability should be considered (e.g. by using country-years as observations).

Second, there is a problem of controls. None of the studies so far has included any extra-constitutional control variables, by which I mean variables that are not generated by the constitution itself (as its age, length, and of course, amendment procedure). It would indeed be strange if we could do without control for other influences on processes of constitutional change. At the present stage, then, it might be easier to achieve reliable results in single-country studies (e.g. analyses of time series) and carefully crafted comparative case-studies. In small-N comparative designs it is possible to avoid selection bias, and to select only reasonably similar cases.
6. CONCLUDING REMARKS

This paper mainly has dealt with theoretical and methodological questions. There has been a growing interest in political aspects of constitutional change and the characteristics and effects of amendment procedures. The hypothesis that the difficulty of amendment procedures affects the rate of reform negatively is rather obvious and self-evident. Nevertheless, tests of this proposition have been ambiguous and inconclusive. In the paper I have spelled out in more detail the procedural foundations of constitutional stability. Focus has been on the use of veto players, veto points, majority requirements and agenda setting rules as specified in constitutional amendment clauses. Greater awareness of the underlying mechanisms is a precondition for developing better empirical tests, and, subsequently, a more adequate understanding of constitutional change.
REFERENCES


Rasch, Bjørn Erik 2000. ”Parliamentary Floor Voting Procedures and Agenda Setting in Europe”, *Legislative Studies Quarterly* 25: 3-23.


Table 1. Main types of constitutional change

<table>
<thead>
<tr>
<th><strong>Explicit Change</strong></th>
<th><strong>Legal Constitutional Change</strong></th>
<th><strong>Unconstitutional Change</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Change of constitutional text]</td>
<td>Formal Amendment Procedures</td>
<td>Irregular Procedures</td>
</tr>
<tr>
<td><strong>Implicit Change</strong></td>
<td>Judicial Interpretation</td>
<td>Political Adaptation</td>
</tr>
<tr>
<td>[Change of constitution without changing the text]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 2. Flexible and rigid amendment procedures

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
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<tr>
<td><strong>Majoritarian</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approach</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td><strong>Super-majoritarian</strong></td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Approach</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Multiple Decisions with Voter Involvement**

Note: “Yes” on the dimension of extra-legislative involvement, refers to procedures comprising intervening election and/or mandatory referendum or some other ratification process. Super-majoritarian approaches refer to requirements stronger than absolute majority (e.g. 3/5, 2/3, 3/4, 5/6 qualified majorities).

The variable Constitutional Rigidity I is based on the table. In Constitutional Rigidity II, the values 2 and 3 are interchanged.

Average amendment rate (amendments per year) for each cell:

1 = 13.4 (New Zealand)
2 = 3.8 (Austria, Belgium, Germany, Portugal, Spain)
3 = 1.2 (Australia, Iceland, Ireland, Sweden, Switzerland)
4 = 0.6 (Denmark, Finland, France, Italy, Greece, Japan, Luxembourg, Norway, USA)
Table 3. Correlations (Pearson’s r) between measures of constitutional rigidity; selected countries (N=20).

<table>
<thead>
<tr>
<th></th>
<th>CR I</th>
<th>CR II</th>
<th>QM</th>
<th>Lutz</th>
<th>Lijphart</th>
<th>Anckar Karvonen</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR II</td>
<td>0.719*** (0.000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>QM</td>
<td>0.189 (0.425)</td>
<td>0.744*** (0.000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lutz</td>
<td>0.423* (0.063)</td>
<td>0.136 (0.567)</td>
<td>-0.109 (0.649)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lijphart</td>
<td>0.084 (0.724)</td>
<td>0.295 (0.206)</td>
<td>0.407* (0.075)</td>
<td>0.480** (0.032)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anckar Karvonen</td>
<td>0.357 (0.123)</td>
<td>0.723*** (0.000)</td>
<td>0.630*** (0.003)</td>
<td>0.364 (0.115)</td>
<td>0.591*** (0.006)</td>
<td></td>
</tr>
<tr>
<td>Lorenz</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>0.60*** (0.00) N=22</td>
<td>0.61*** (0.00) N=26</td>
<td>0.37** (0.02) N=39</td>
</tr>
</tbody>
</table>

*** p<0.01 ** p<0.05 * p<0.1 NA=not available yet
1) Taken from Lorenz (2005: 349)

Lutz: Additive index (continuous) from Lutz (1994: 369)
CR I: See Table 2. Four values «no+majoritarian»=1; «no+supermajoritarian»=2; «yes+majoritarian»=3; «yes+supermajoritarian»=4
CR II: As Table 2 with «yes+majoritarian»=2 and «no+supermajoritarian»=3
QM: Dichotomy; qualified majority=1, ordinary majority=0
Lijphart: See Table 12.1 in Lijphart 1999: 220. Four categories: “Super-majorities greater than two-thirds”, “Two-thirds majorities or equivalent”, “Between two-thirds and ordinary majorities”, and “Ordinary majorities”.
Anckar Karvonen: Anckar and Karvonen 2002): Nine categories combining legislative majority and popular majority (ranging from «none+none» (1) to «qualified+qualified» (9))
Figure 3. Amendment rates (yearly) for selected countries. Correlations between series:
Pearson’s r=.072 (sig .776) and Spearman’s rho=.580 (sig .012)

Sources:
Long term series based on Lutz (1994, 1995); Denmark are corrected, and Norway (1814-2001), Sweden
(Instrument of Government only, 1975-2000) and Germany (1949-1994) have been updated.
Short term series 1993-2002 taken from Lorenz (2005), Table A3. (No data for Iceland and Luxembourg.)
Figure 4. Proposals and amendments to the Norwegian Constitution, 1905-2005
Figure 5. Patterns of constitutional change in Sweden 1975-2002. (*Regeringsformen*, which is one out of four constitutional documents, only.)

Figure 6. Patterns of constitutional change in Germany 1949-1998. (Source: Busch 2000.)
### Table A1. Formal amendment rules in selected countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Legislative Decision(s)</th>
<th>Referendum and/or Ratification</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Lower house ½, Upper house ½</td>
<td>Majority (½+)</td>
<td>Constitutional amendment must secure the support of a majority of the whole electorate and majorities in a majority of states (i.e. in 4 of 6 states)</td>
</tr>
<tr>
<td>Austria</td>
<td>Lower house 2/3</td>
<td>(Referendum threat)</td>
<td>Referendum if claimed by more than 1/3 of lower or upper house</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Separate procedure for “total revision” (referendum required)</td>
</tr>
<tr>
<td>Belgium</td>
<td>Pre-election declaration of revision (by federal legislative power), Post-election Lower 2/3, Post-election Upper 2/3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>Pre-election ½, Post-election ½</td>
<td>Majority (½+)</td>
<td>Majority more than 40 percent of electorate</td>
</tr>
<tr>
<td>Estonia</td>
<td>First vote ½, Second vote 3/5</td>
<td>(Selected articles only)</td>
<td>Referendum required to amend important articles (e.g. general provisions). 3/5 in parliament to call referendum. Urgency: Single decision with 4/5 majority</td>
</tr>
<tr>
<td>Finland</td>
<td>Pre-election ½, Post-election 2/3</td>
<td></td>
<td>Urgency: Single decision with 5/6 majority</td>
</tr>
<tr>
<td>France</td>
<td>Either (I), Lower house ½, Upper house ½, (II), Parliament 3/5</td>
<td>Majority (if procedure I)</td>
<td>No referendum if President decides to submit proposed amendment to Parliament convened in Congress (i.e. procedure II). The republican form of government is not subject to amendment</td>
</tr>
<tr>
<td>Germany</td>
<td>Lower house 2/3, Upper house 2/3</td>
<td></td>
<td>Some articles of the constitution can not be amended (e.g. division of federation into states)</td>
</tr>
<tr>
<td>Country</td>
<td>Pre-election</td>
<td>Post-election</td>
<td>Notes</td>
</tr>
<tr>
<td>-------------</td>
<td>--------------</td>
<td>---------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Greece</td>
<td>3/5 twice</td>
<td>½</td>
<td>The pre-election decisions should be separated by at least one month. Reversed majority requirements possible (i.e. absolute majorities before election and 3/5 majority after election). Some articles of the constitution cannot be amended (e.g. the basic form of government)</td>
</tr>
<tr>
<td>Iceland</td>
<td>½</td>
<td>½</td>
<td>Referendum required to change the status of the church</td>
</tr>
<tr>
<td>Ireland</td>
<td>Lower house ½</td>
<td>Upper house ½</td>
<td>Majority ½</td>
</tr>
<tr>
<td>Italy</td>
<td>Either (I)</td>
<td></td>
<td>Referendum according to procedure I (absolute majority – but less than two-thirds – in second vote in the chambers) if claimed by (i) 1/5 of members of either chamber, (ii) 500,000 electors, or (iii) at least five regional councils</td>
</tr>
<tr>
<td>Japan</td>
<td>Lower house 2/3</td>
<td>Upper house 2/3</td>
<td>Majority Referendum requirement: “the affirmative vote of a majority of all votes cast thereon”</td>
</tr>
<tr>
<td>Latvia</td>
<td>2/3 majority in <em>three readings</em></td>
<td></td>
<td>Referendum required to amend important articles (e.g. general provisions)</td>
</tr>
<tr>
<td>Lithuania</td>
<td>First vote 2/3</td>
<td>Second vote 2/3</td>
<td>Referendum required to amend important articles (in which ¾ of electorate support the amendment) Delay of at least 3 months between decisions in parliament</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>½</td>
<td>2/3</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Pre-election Lower ½</td>
<td>Pre-election Upper ½</td>
<td>Ratification by King required</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Majority vote (½)</td>
<td>(Majority)</td>
<td>Confirmation in referendum expected or customary if the amendment is considered sufficiently important</td>
</tr>
<tr>
<td>Country</td>
<td>Pre-election</td>
<td>Post-election</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>Norway</td>
<td>Pre-election proposal by MPs (no decision)</td>
<td>Post-election 2/3 (closed rule)</td>
<td>Delay, but single decision in parliament</td>
</tr>
<tr>
<td>Portugal</td>
<td>Parliament 2/3</td>
<td></td>
<td>Some limits on revision of substance of the constitution specified in Art. 288.</td>
</tr>
</tbody>
</table>
| Spain            | Either (I)  
- Lower house 3/5  
- Upper house 3/5  
or (II)  
- Lower house 2/3  
- Upper house ½ | (Referendum threat) | Referendum if claimed by more than 1/10 of the members of either chamber  
Separate procedure for total revision (i.e. 2/3 majority in each chamber, dissolution, 2/3 majority in both chambers, and ratification by referendum)  
Absolute majority required in the Senate according to procedure II |
| Sweden           | Pre-election ½  
- Post-election ½ | (Referendum threat) | Referendum if claimed by more than 1/3 of MPs |
| Switzerland (Federation) | Lower house ½  
- Upper house ½ | Majority (½+) | In referendum, majority of votes nationwide as well as majority support in a majority of Cantons |
| United States (Federation) | Either (I)  
- Lower house 2/3  
- Upper house 2/3  
or (II)  
- Constitutional Convention (called by 2/3 of the states) | Ratification by ¾ of the states | Procedure II has never been used |

**Key to table:** Simple or absolute majority = ½; qualified majorities indicated by 3/5, 2/3, 4/5, etc.  
**Sources:** Formal constitutions ([www.uni-wuerzburg.de/law](http://www.uni-wuerzburg.de/law)), Taube 2001 and Rasch 1995.
Table A2. Explaining the amendment rate (in Logs, OLS estimates)

<table>
<thead>
<tr>
<th></th>
<th>Model I</th>
<th>Model II</th>
<th>Model III</th>
<th>Model IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Veto Players</td>
<td>−0.789**</td>
<td>−0.864**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.17)</td>
<td>(2.40)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Veto Points</td>
<td></td>
<td>−1.045**</td>
<td>−1.039**</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.82)</td>
<td>(3.68)</td>
<td></td>
</tr>
<tr>
<td>Supermajority Required</td>
<td>0.023</td>
<td></td>
<td>−0.564</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.03)</td>
<td></td>
<td>(0.21)</td>
<td></td>
</tr>
<tr>
<td>Referendum Threat</td>
<td>−1.537**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.40)</td>
<td></td>
<td></td>
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<tr>
<td>Intervening Election</td>
<td>−1.278*</td>
<td></td>
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<tr>
<td>Required</td>
<td></td>
<td>−0.486</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Constitutional Age</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>−0.486</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>(1.37)</td>
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</tr>
<tr>
<td>Constant</td>
<td>0.517</td>
<td>1.819**</td>
<td>1.668**</td>
<td>3.249**</td>
</tr>
<tr>
<td></td>
<td>(1.17)</td>
<td>(2.32)</td>
<td>(3.07)</td>
<td>(2.35)</td>
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<tr>
<td>F-statistic</td>
<td>4.709**</td>
<td>3.44**</td>
<td>14.656**</td>
<td>5.517**</td>
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<tr>
<td>$R^2$</td>
<td>0.22</td>
<td>0.50</td>
<td>0.46</td>
<td>0.52</td>
</tr>
<tr>
<td>N=19</td>
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<td></td>
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</tr>
</tbody>
</table>

*Source: Rasch and Congleton (2006: 335).*

Number of governmental veto players is coded as 0 through 3, with a single point awarded for each institutional veto player beyond (lower house of) parliament (upper house, presidential and federal).

Number of veto points is the number of governmental veto players plus an additional point intervening election and another if referendum is required.