

The Impact of Communally Reserved Legislative Seats

A new theory with evidence from Croatia

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Abstract

States, particularly in Eastern Europe, have increasingly seen reserved legislative seats for national minority groups as an effective strategy for creating descriptive representation at the national level. This institutional arrangement undeniably creates descriptive representation, but questions remain about the substantive policy influence minority communities actually exert in such a system. To date, there is no comprehensive, cross-national theory of the impact of communally reserved legislative seats. Progress in the field has largely focused on case studies, from states as diverse as Bolivia, Niger and Romania. These studies, along with studies conducted at the regional and local level in India, consistently find little to no policy impact for minority communities granted reserved legislative seats. In this paper, I will argue that this outcome can no longer be seen as contextually driven, but instead the consequence of the electoral conditions and policy bargaining conditions generated by this institutional arrangement. I use bargaining theoretic and principle agent arguments to show how this institutional arrangement creates strong pressures for status-quo maintenance in regards to issues of minority interest. To investigate the plausibility of these hypotheses, I conducted a qualitative plausibility probe in the state of Croatia, which makes wide use of communally reserved legislative seats, to understand the impacts of the institution on minority representation. Semi-structured interviews with minority community leaders, elected legislators and government officials point to widespread disagreement on the effectiveness of minority legislators in pushing for policy, but general consensus that the system, as currently structured, has major flaws. Community leaders, particularly those not directly involved with national governance, largely discount the value of their elected representatives, while minority legislators and government officials argue that community leaders are not able to see the difficulties of national level governance. The sum of the evidence from the case study indicates the plausibility of the hypotheses generated at the beginning of the paper. To conclude, I discuss ways in which these hypotheses can be tested robustly in a cross-national study, with particular emphasis on ways of drawing out the complex nature of how to measure policy influence and policy bargaining efficacy given the divergent contextual settings found in any cross-national work.

1) Introduction

Democratic states are increasingly aware of the governmental challenges created by sociocultural heterogeneity. While some states have historical experience integrating minority communities into the political community, others are new to this experience. The representational opportunities created by the political systems in these states are often, and not surprisingly, insufficient.

One institutional response, seen more frequently in the post-Cold War period, has been the creation of special reserved districts for communal minorities. Theories of descriptive representation have long suggested that institutions that create a political space for minorities in the political dialogue will have positive representational outputs. These positive outputs in theory are not limited to just creating space for minority viewpoints to be seen and heard. They should

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have tangible benefits, ranging from positive policy changes to greater feelings of integration and satisfaction among marginalized communities. More than a decade's worth of research on gender quotas largely seems to confirm these theoretical claims.

Evidence from case studies on communally reserved minority seats, however, has been at best ambiguous. At most, we can see that these seats provide nationally prominent positions for minority politicians. But in terms of policy provision, the sum of the evidence from these case studies is largely negative. There seem to be few if any policy benefits for minority communities associated with reserved seats. This collective finding flies in the face of the broader theoretical literature, and presents researchers with a major puzzle that challenges the dominant paradigms in representation studies.

I argue that the negative or null findings about the policy impact of reserved seats are not aberrational. In fact, the institution dictates these types of outcomes through the types of political incentives it offers to voters and politicians. By reserving seats, states may guarantee the presence of minority voices in the legislative process. But they also ensure that minority policy issues are politically separated from the arena of mainstream political competition. This, in turn, impacts the overall political influence of minority legislators in three limiting ways: by limiting their support levels; by limiting their coalition bargaining potential; and by limiting their ability to credibly commit to punishing coalition partners in the face of defection.

Descriptive representation theory, in its calls for the inclusion of minority leaders in political decision-making, may be ignoring the role competition plays in the process of policy-making. Inclusion blind to the competitive process and the impacts of institutional design may backfire and create scenarios of tokenism, where minority legislators are effectively *persona non grata* in government formation process. In the majority of democratic states, where governing coalition participation is essential for the implementation of policy, this effectively serves as a roadblock for minority communities. Rather than creating opportunities, reserved seats may actually be harming the realization of their political demands.

I will present this study as follows. First, I will briefly identify what defines communally reserved legislative seats systems, summarizing the recent literature on the topic. Next, I will discuss the theory of descriptive representation, its weaknesses, and propose a new way of thinking about minority representation. After this, I will introduce my theoretical argument for why communally reserved legislative seats systems limit minority representation, and will present three core hypotheses. In the first empirical section, I will present evidence from a plausibility probe using the case of Croatia, which will show how reserved seats in this state in fact create the type of political environment I hypothesize. Finally, I will conclude with a brief quantitative test of the theory, comparing ethnic parties from parties across Europe, which will show that parties elected in reserved seats are far less likely to participate in governing coalitions than ethnic parties elected in other, more competitive systems.

2) What Are Communally Reserved Legislative Seats?

Reserved legislative seats system is a blanket term used to describe a number of institutional arrangements that seek to guarantee minority legislative presence through a formal guarantee of seats for representatives of minority groups. What actually classifies as a reserved legislative seat is more up for debate. Three studies have attempted to construct a schema of reserved legislative seats, and all three have generated slightly different lists of what states are included and what states fall under their definitions.

Reynolds (2005) produced the first typological scheme to see widespread use. For Reynolds, there are four broad types of reserved minority seat systems that can all be understood as leading to similar outcomes. The first is the reserved communal seats system, which is characterized by having a small portion of the overall seats in parliament reserved for groups based upon identity. The second are electoral system manipulations, a broader category that includes any system that grants an advantage to ethnic parties such that they don't face the same types of electoral pressures as other small parties. The third type, what he labels power-sharing agreements, is meant to classify systems that arose directly out of a conflict and where the vast majority of seats are officially reserved, but this is his most unclear type. He does not explain, for example, why he considers Kosovo, where only 17% of seats are reserved, an example of power sharing, but Lebanon a case of electoral system manipulation, considering 100% of the seats are explicitly reserved for members of specific groups. The final type of reserved seat he labels "race-conscious districting," in reference to areas where electoral and administrative boundaries are specifically designed to reflect historical, cultural, linguistic, ethnic and religious differences. Reynolds' typology is broader than most scholars', but he argues that for us to truly understand the impact of these types of institutions on representation, we have to acknowledge them at their broadest possible conceptualization.

Bird (2014) provides a narrower understanding of the types of institutions that we can understand as similar in evaluating outcomes, but not much narrower. She identifies three families of institutions. The first family of institutions is those that guarantee seats to ethnic parties. This can be done through threshold exemptions or proportional distribution of seats to competing ethnic parties. A prominent example of this is Romania, a state that implements something of a floor to ethnic representation, making it nearly impossible for officially recognized communal groups to not get at least one elected representative. The second family of institutions is those that include recognized ethnic groups in broader pan-ethnic parties. This is the most commonly found institution among democratizing states, and is characterized either by implementing ethnic quotas within parties or making use of a best ethnic loser system, such as that found in Mauritius. The final family of institutions features the creation of special electoral districts for ethnic interests. A key defining characteristic of these institutions is that they usually force voters into choosing to vote either in the special electoral districts or in a normal constituency. This tripartite typology is particularly similar to Reynolds', and operates using a similar assumption that the different institutional arrangements will result in somewhat similar representational

outcomes, though Bird is more cognizant of the different political impacts these institutional arrangements may have (20).

While both Reynolds and Bird treat all forms of communal reservation as more or less equal, and at least tacitly indicate that we should understand their implications in similar ways, other scholars reject these similarities. Krook and O'Brien (2010) argue that there are really two modes of group representation: power sharing modes, and protection clauses. Power sharing modes are defined by their impact on the entirety of the political system. They are usually found in post conflict states as part of conflict settlements, and often only in cases where the society is deeply divided between two or more groups of relatively similar sizes. Protection clauses, in contrast, are specifically designed so as to "alloc[ate] seats to groups which constitute a relatively small contingent within the population" (262). Vukelic (2013) echoes this sentiment on the difference between these groups, arguing:

"there is a fundamental qualitative difference between systems that are explicitly grounded in group politics, and those where propositions for group representation are made on the basis of justice and desire to protect the under privileged, rather than on the basis of the survival of the system itself" (12).

Important in this distinction, as she points out, is the emphasis on system functionality in power sharing systems. This has important ramifications for the political implications of these institutions. In a power sharing arrangement, the institution preserves the functioning of the state. Blocking the influence of one communal group is an inherent threat to the peace of the state. In states where reservations serve a protection clause mode, there is no fear among those who govern that locking out minority representatives from decision making will have any necessary influence on the stability of the state.

The critiques of Krook and O'Brien (2010) and Vukelic (2013) are strongly convincing. It seems difficult to suggest that the system found in Lebanon, where all seats are reserved for communal groups, is going to produce similar representation outcomes as Slovenia, where only roughly 2% of the seats are reserved for minority groups. If the focus is to be solely and entirely on a politics of presence as the essence of representation, disregarding any other conceptions of representation and political influence, then the appeal of Reynolds to consider all of these institutions as leading to similar outcomes is justifiable. Fundamentally, as all of these institutional arrangements guarantee at least some seats for minorities, they all fulfill basic descriptive representational criteria. As soon as more complex understandings of representation are introduced into the discussion, however, the justification for analyzing power-sharing situations with situations of minority protection breaks down. The fundamental difference lies in the operation of politics, something Bird was well aware of even in her broader typology. If the stakes of political inclusion and exclusion are different, the bargaining between the various ethnic parties is different, the election dynamics are different, and the possibility for non-ethnic voting is different.

After having eliminated instances of power-sharing and instances of questionable democratic practices, what is left are thirteen states, scattered across all different regions of the globe: five in Eastern Europe (Croatia, Kosovo, Montenegro, Romania and Slovenia); two in Oceania (New Zealand and Samoa); one in Africa (Niger); two in Asia (India and Taiwan); and three in Latin America (Bolivia, Colombia and Panama). While these may not all be well-functioning states, they are all considered functioning democracies.

3) The Current Literature on Communally Reserved Legislative Seats Systems

To date, there are not many cross-national studies of communally reserved legislative seats. Despite pleas from some of the seminal pieces in the field for work at both the case-study and cross-national level (Reynolds 2005, Bird 2005), researchers have largely focused on case-study work. Despite this, the literature on this topic largely agrees that the institution is largely unsuccessful in creating positive representational outcomes for minority groups. A brief summary of some of this work illustrates the point.

New Zealand was likely the first country to adopt communally reserved legislative seats when, in 1867 the government created divided the country into four geographic districts, wherein members of the Maori community could vote for special parliamentary representatives. By the latter half of the 20th century, scholars and policymakers were beginning to question the efficacy of these seats. Fleras (1985) notes that among the biggest critiques of the seats are members of the Maori community themselves, one of whom bemoans the fact that the reserved seats allow for “symbolically empty ritual which [he] believes diverts politicians from involvement in Maori affairs...” (566). Summersby (2009) notes that, even after the substantial electoral reforms of the 1990s, the political efficacy of Maori MPs is heavily limited by party practices, party system characteristics, and the general attitude of non-Maori representatives and government parties towards their Maori peers. In short, in New Zealand scholars tend to agree that there are potential symbolic and descriptive benefits to communally reserved legislative seats, but that the substantive impact largely depends on other factors.

In Bolivia, another state that makes fairly widespread use of communally reserved legislative seats, the evidence is just as ambiguous. In the most comprehensive work on the subject, Htun and Ossa (2013) find that in a state with both gender quotas and ethnically reserved seats, minority groups were unable to achieve the types of political power and substantive outcomes that came from gender quotas in the same country (Htun and Ossa 2013, 5). Agrawal et. al. (2012) have a more positive view on the state of reservations in Bolivia, noting that indigenous legislators tend to operate as a voting bloc on indigenous issues. At the same time, these legislators have had no real impact on the introduction of more minority-targeted legislation, despite the severe problems faced by the indigenous and Afro-Bolivian communities in the country.

The situation is perhaps worse in Colombia, another Latin American country that makes very limited use of communally reserved legislative seats. Alarcon (2015) notes that the two seats reserved for Afro-Colombians, have largely isolated from the broader political discourse Afro-Colombian political issues (20). The representatives elected in these two seats enjoy little to no political influence, and are not integrated at all into the national party system, thus limiting their ability to impact policy-making.

All of this research meshes relatively well with the very large (but potentially idiosyncratic) literature on the effects of quotas in India, where scholars such as Thad Dunning have pointed to the seeming lack of substantive outcomes associated with descriptive representation institutions like ethnic quotas (Dunning and Nilekani 2013). Jensenius (2013) notes that the impact of reserved seats in India, particularly in the role of distributive benefits, is largely filtered by party affiliation rather than ethnicity.

The evidence goes on, but a general pattern is evident. While there are some bright spots associated with communally reserved legislative seats, in general scholars debate whether their effectiveness matches theoretical expectations. The next step is then to re-evaluate our theory, in this case the theory of descriptive representation.

4) The Flaws of Descriptive Representation Theory

The idea of descriptive representation is not a new one. As Pitkin (1967) points out, the thought that a legislative body should represent a nearly mirror image of the population it represents can be traced back to at the latest the era of industrialization in the United Kingdom (61). Recent scholars, perhaps most notably Anne Phillips (1998), have given strong philosophical backing to this concept of representation.

Descriptive representation is by no means a bad thing for a society. As both Pitkin and Phillips note, descriptive representation can improve feelings of inclusion and identification with the state among marginalized groups, and can serve to facilitate the addition of new viewpoints into the policy-making process. Mansbridge (1999) among others questions whether democracy can thrive and survive if historically disadvantaged groups are not provided adequate inclusion into the political process. However, how to achieve descriptive representation is an open question among both scholars and policy-makers.

Many means of guaranteeing descriptive representation have been. Institutional arrangements are the most ubiquitous, ranging from cumulative voting arrangements (Guinier 1994), to racial districting, the implementation of proportional representation systems or the introduction of racial and ethnic quotas. I believe this debate rages largely because scholars in this field have not given adequate thought to the actual process of representation.

Nearly every major scholar who has given significant discussion to the idea of descriptive representation has argued that it can be justified with more than a normative argument (Phillips

1995, Mansbridge 1999, Young 2000, Htun 2004). Most point to how the introduction of new voices, viewpoints and experiences into the legislative process will impact the discourses in political debate and narratives in policy-making. Some point to how these new representatives can serve as a powerful symbol for the marginalized group, serving as a rallying point for minority interests in the political process. At the end of the day, the implication is these new discourses and narratives in the legislative process should produce policy outcomes that are more just and fair in regards to members of marginalized minority communities.

This type of argument implies that representation is, by nature, a process. Descriptive representatives, as Dovi (2002) calls them, very likely produce benefits in and of themselves. Their fully-realized benefit comes, however, only when they are able to impact the full process of representation, when they not only stand as a physical representation of their community but champion issues of concern to the group and are able to actually facilitate policy change.

It is at this point that I believe the current literature on descriptive representation, both theoretical and empirical, breaks down. Pitkin notes that there are many conceivable situations where ensuring perfect descriptive representation, through some institutional means, may very well come at the expense of the ability of the descriptive representative to implement policy changes (1967, 78-80). This indicates that the manner in which descriptive representation is achieved may very well impact the whole process of representation for marginalized communities.

Yet most scholars focus nearly exclusively on the first step of the process of representation. There is an assumption that by creating scenarios of descriptive representation, idea championing and policy change will necessarily come (Mansbridge 1999). The goal then should be to guarantee this descriptive outcome. If institutions are producing this descriptive outcome, it can be said that they are, or will in the near future, realize the full representative process.

This is a dangerous assumption. It colors the way we study representation and the success of representational schemas. For example, the empirical literature on the representation of communal minority groups in national parliaments is dominated by studies that focus on descriptive numbers (Lublin and Wright 2013, Bird 2015). Lost in this focus on numbers is any recognition of the process of representation, which should at least some of the time culminate in policy creation if the dependent variable we are measuring as a conceptualization of representation is to have any resemblance to what any layperson would describe as representation.

This overemphasis on simple descriptive representation invites a necessary recalibration. I propose a new conceptualization that more fully captures the nature of representation as a process of policy generation. Generative representation, as I call it, sees adequate representation as being achieved when communities have a reasonable expectation of not just being included in politics, but also of having their ideas meaningfully included in the policy process and of having policy generated that targets their unique needs and complaints.

All well in theory but, as many scholars would point out, the benefit of simple descriptive representation is the ease with which it crosses political boundaries. We should expect, for example, the political and policy goals and influence of minority communities to be different in the United Kingdom and South Africa. The historical, institutional and social contexts in these two countries are entirely different. White South Africans, an important minority community in South Africa, long-enjoyed socio-political privileges that they are now trying to keep from eroding, a sort of negative policy agenda. Minority communities in the United Kingdom such as South Asians or Afro-Caribbeans, by contrast, have long been marginalized, and their political and policy goals are logically tied to the rectification of this marginalization through new policy creation. How then, if we are focused on representation of minority communities as process, should we operationalize representation in such a way as to capture the different goals and methods minority communities might employ?

I believe we can do this by focusing on the nature of political competition in a state. Political competition and the broader concept of political representation are functionally tied. Representatives in democracies earn their positions through victory, broadly defined, in an electoral competition for the votes of the population. This competition, as Phillips notes (1998), is a competition of ideas and policy platforms, and it does not have to be exclusive of descriptive representation.

In evaluating representation as process, then, we should focus on the competitive process. Are minority communities integrated into the political process? Are minority voters' issue positions seen as worth addressing by mainstream political actors? Are minority representatives integrated into winning coalitions, those coalitions that actually form governments and implement policy platforms? Once in government, can these minority legislators actually implement their policy goals, or hold accountable their mainstream coalition collaborators if they cannot? Answering these questions related to the competitive process of representation I believe can give us a more full understanding of how and when representation is achieved in a society.

5) On the Representational Efficacy of Communally Reserved Legislative Seats

Transitioning back to the study of communally reserved legislative seats, we now have a more robust conceptualization of representation with which to understand the representational efficacy of these seats. If we are to understand the seeming inefficacy of these seats in providing more than simple descriptive representation, we have to theorize about how they impact the space of political and policy competition.

I argue that this institutional arrangement results in the separation of the minority issue space from the broader arena of political competition. While scholars still debate whether space of political competition is uni- or multi-dimensional, scholars tend to agree that parties are competing for the votes of citizens across the entirety of the arena (Budge et. al. 2012, Huber and Powell 1994; Valens and Narud 2007, Dalton 2015). At least in theory, in multicultural societies

where minority groups are somewhat organized parties should have an incentive to compete for votes from the group. Minority issues become a new, salient dimension (Lipset and Rokkan 1967).

Communally reserved seats in the legislature throw this logic on its head. In many of these systems there exist restrictions on the participation of mainstream parties. In more than a few they are explicitly barred from competition. In others candidates must be endorsed by an officially recognized civic association representing the group; only then can a candidate from a mainstream party run. Even in Romania, a state with very loose rules regarding candidacy and voting in reserved seats, mainstream parties are effectively barred from running candidates for minority seats. While mainstream parties are somewhat successful in both New Zealand and Taiwan, these states seem to be the exception rather than the rule.

The harder it is for mainstream parties to compete over these seats, the less likely they are to actually do so. Rising costs are unlikely to be offset by a very small benefit (in most cases a single seat), *if* the party even wins. This victory for mainstream parties is uncertain, however. Minority parties should generally have a strong advantage competing against mainstream parties in reserved districts, as the voting base is exclusively made up of minority voters. Evidence suggests that minority voters are particularly loyal to minority parties, and are unlikely to defect in the face of competitive pressures (Allen 2015; Moser and Scheiner 2013).

Thus, mainstream parties do not have incentives to compete in minority districts. Moreover, if they cannot compete for these voters in the reserved districts, there is little incentive for them to structure their policy program to cater in any way to minority issues. In fact, there may be a disincentive. By taking a positive position on minority issues mainstream parties run the risk of alienating nationalistic voters who might otherwise align with their broader policy platform. Without the boost in support that comes from minority voters, there is little to no benefit, and potential cost associated with taking a firm pro-minority stance.

At the same time, many countries implement a limited vote system, where minority voters actually have to choose whether to vote in their minority district, or to vote in a non-reserved district. In this case, mainstream parties can compete for minority voters without actually having to compete on minority issues. Like all other voters, minority voters have preferences on multiple policies. In reserved seat systems that limit voters to one district, voters know that there *will always* be a representative from their community, and unless they are particularly committed ethnic partisans have a strong incentive to cast their vote for the mainstream party that most closely represents their preferences on the issues found in the broader arena of political competition.

One might think that, in such an arrangement parties have an incentive to compete for these voters explicitly, using minority-targeted policy promises. Upon closer thought, however, this is still unlikely. Mainstream parties still face a problem competing on explicit ethnic issues; they

are unlikely to win over committed ethnic partisans from the minority parties in the reserved districts. Meanwhile, those voters that *are not* committed ethnic partisans and have already chosen to vote for a mainstream party are unlikely to be any more swayed by minority-targeted policy promises than promises more likely to align with a national party's platform. Meanwhile, parties *still* have to fear the potential costs in the broader national arena of being seen as closely aligned with minority voters.

What we have here, then, is a situation where mainstream political parties should have very little incentive to make policy promises and commit political capital towards the winning of minority votes. It is a more rational strategy to simply attempt to win over any necessary minority legislators after the electoral contest, where targeted policy concessions can be made. This, it would seem, opens up a potential path for minority representation. There should certainly be times where mainstream parties need minority parties in order to govern?

While this might seem accurate, I argue that minority parties and legislators elected in communally reserved districts are actually less likely to be included in coalitions than other small parties, including communal minority parties elected in non-reserved settings. This might seem counterintuitive. Minimum-winning coalition theory tells us that parties should be interested in forming the smallest coalition possible in order to build the most stable coalition while minimizing policy concessions (Riker 1962). While coalition theory has advanced somewhat beyond this, the basic logic is still widely used.

When forming coalitions, minority parties elected in reserved districts face distinct disadvantages. First, we established above that mainstream parties have few incentives to integrate minority policy preferences into the party's policy platform. We can assume, then, that mainstream parties have, *at the very best* a status quo preference in what we can call the minority issue space. Next, we also established above that, particularly in systems where voters are forced to choose whether to vote in reserved or national electoral districts, more moderate minority voters have an incentive to leave reserved districts. This means that the constituency of these districts is made of the most committed ethnic ideologues. The result of this should be elected candidates who are equally as extreme in their policy preferences, with a nearly sole focus on the minority issue space. Finally, many parties, particularly parties with a more nationalist appeal, are likely to have preferences in this issue space that target minority rights and privileges.

These three issues all restrict the possibility of coalition formation. First, minority parties and legislators, particularly more committed ideologues, should be essentially unwilling to form a coalition with a party with a preference in the minority issue space that seeks to roll-back the status quo. This limits the number of coalition opportunities. The fact that minority legislators have a strong emphasis on the minority issue space, and mainstream parties have at best a status quo preference, makes coalition formation less likely as well. Bargaining theory tells us that bargains are most likely where side-payments are possible. While mainstream parties with multiple policy preferences might be able to make side payments in order to facilitate a

governing agreement, such payments should be nigh impossible with parties and legislators that are so committed to one issue space. Mainstream parties still face potential electoral costs for making pro-minority policy concessions; they still have few potential electoral gains for making such concessions. Combined, these factors make governing coalition participation for parties elected in reserved districts unlikely, particularly when compared to other small parties.

Finally, in the rare instances where minority political parties make it into a governing coalition, the separate issue space should make it difficult for minority parties and legislators to hold accountable their coalition partners. Mainstream parties, which have status quo preferences in the minority issue space, have electoral incentives to renege on any promises that move the status quo in favor of minority issues. Minority parties and legislators, meanwhile, have strong preferences to move the status quo in favor of minority communities. However, they also know that there exist in the system many parties with negative status quo preferences in regard to the minority issue space. When push comes to shove, minority legislators should be loath to defect from a coalition that has reneged on positive minority issue space promises until and unless the coalition begins to make policy that actively rolls back the status quo in the negative direction. In the process of policy bargaining within the coalition, these positions should come to the fore. The result should be status quo maintenance, and little policy movement in favor of minorities.

The preceding discussion has made the argument for how communally reserved legislative seats can separate off minority issues from the broader arena of political competition. While testing this hypothesis in and of itself would be difficult in a cross-national setting, I have identified three hypotheses for the observable effects of the Separate Issue Space Hypothesis. First, the **Party Support Hypothesis** argues that support for minority parties and legislators in minority districts should be low, and that voters should be more interested in voting for nationally relevant political parties when given the option. Second, in the **Limited Coalition Potential Hypothesis**, I argue that minority parties and legislators elected through reserved seats should be significantly less likely to participate in governing coalitions. Finally, in the **Reneging Hypothesis**, I argue that even when minority parties elected through reserved seats do manage to get into coalitions, the outcome is likely to status quo maintenance in the domain of the minority issue space.

I next conduct two investigations into this theory. In order to test the plausibility and internal validity of the Separate Issue Space Hypothesis, I conduct a plausibility probe of minority representation in Croatia (for discussion of this method, see Levy 2008). Using elite interviews, I will show that minority community leaders as well as mainstream politicians and academics all see a clear distinction and separation between minority issues and mainstream political issues. Next, in a brief test of the Limited Coalition Potential Hypothesis, I will test the coalition participation rates of small parties, small ethnic parties, and small ethnic parties elected through reserved seats systems in order to establish whether those small ethnic parties elected through reserved districts in fact are less likely to participate in governing coalitions.

6) Plausibility Probe: Croatia

Croatia, after declaring independence in 1991, almost immediately implement a system of communally reserved legislative seats, creating special districts for Italians, Serbians and Hungarians, all historically and strategically important groups. In 2003, as democratization continued, this system was expanded, with eight seats now reserved in parliament. Three seats were established for the Serbian community, one each for the Italian, Hungarian and Czech/Slovak communities, and two additional seats, one to be shared by minorities from the former Yugoslavia (Albanians, Bosniaks, Macedonians, Montenegrins, Slovenians) and one for 'other' traditional minority communities (Roma, Germans, Jews, etc.).

By the time fieldwork began in Croatia for this project starting in Fall 2015, some form of communal minority reservations had existed in the country for nearly twenty-five years, and the current arrangement had been in place for twelve. Community leaders we can expect to have had sufficient time to evaluate how the system impacts their constituents.

What I found through my interviews was almost universal agreement that minority issues were essentially non-issues in the broader arena of political competition. Across groups, community leaders that I interviewed spoke rather candidly about their displeasure with the access to adequate policy representation.

One such community leader was Saša Milošević, a high ranking member of the Independent Democratic Serb Party (SDSS), the party that controls all three seats in the Croatian parliament, and a leading member of the Serbian community in Zagreb, the capital of Croatia. In discussing the representational benefits of the reserved seats system, Milošević could identify nothing of merit. He described the system as a "last standing point" where minorities, be they Serbs or other communities, could fight to protect the rights that had been won in previous times or implemented through external pressures. In regards to the policy goals of the SDSS, he claimed that "[the] results are rather questionable," with progress on the key issues of concern to the Serbian community - namely the return of refugees, the progression of war crimes trials, the re-integration of the Serbian community into social life and the repair of wartime damages – basically stalled for most of the last fifteen years. The Serbian leadership, in his estimation, feels as if the community is "neglected and ignored" in the political process, with little say in the governing of the country. This is despite the fact that the SDSS has, in the recent past, been a coalition partner in a governing coalition, an experience Milošević called "mutually good business" but that he lamented was good only for preserving minority protections, not making progress toward policy goals.

This lack of progress towards the policy goals of minority communities is no surprise to Dr. Janko Bekić, a senior research assistant at the Zagreb-based Institute for Development and International Relations. Bekić believes that the system of communally reserved legislative seats gives major parties a free pass to ignore minority issues (June, 2016). Competing in these

districts, while formally legal if the nominee is approved by a recognized minority association, is seen as a potential source of bad publicity if the party loses, a likely outcome. This has led, he argues, to what he calls phantom candidates, who do not have an official affiliation with a party but serve as effective proxies of that party, silently supporting the party for personal gain while allowing the party to isolate themselves from the potential political costs of involvement with minority politicians. Official coalition participation of minority candidates, he argues, is seen as a last resort because of the potential political costs in a country with strong nationalist tendencies.

Not all elites have such a negative take on the reserved seat system. Dr. Furio Radin, the elected representative of the Italian community since 1993 and one of the most senior members of the Croatian parliament, sees the seats as fundamental for the protection of minority cultures. “It is fundamental for use to have these seats,” he stated through an interpreter, “anything else would result in a resonance box, and assimilation would be more rampant,” (November, 2015). While Radin is willing to admit that policy often backslides on minority issues, he is unequivocal that there is no formal parliamentary discrimination against minority issues for any group. Every representative “has a say, and can say what they want,” and despite relatively incendiary comments about minority legislators posted by one of his parliamentary colleagues on social media during the ongoing campaign in 2015, Radin claims he has never had an experience where he felt as if he as a minority legislator was worth less than a Croatian peer.

The experiences of Dr. Radin are largely similar to another parliamentarian, Nikola Mak, who is a former leader of the German national community and served one term in the parliament from 2003-2007 as the representative of the ‘other’ national minorities. Mak speaks highly of the institutional arrangement in Croatia, claiming through an interpreter that “The laws we have are very good as a base for minority and human rights protection,” (June, 2016). During his time in parliament, Mak was a silent supporter of the governing coalition, and had what he called a “gentleman’s agreement” with Prime Minister Ivo Sanader as to the policy concessions he would receive for his support. Interestingly, Mr. Mak was never formally brought into the political coalition, and when I asked him the reason for this, Mr. Mak responded that neither side had felt that it was necessary. Mak insisted that his role as a parliamentarian was not to be overly involved in the broad issues of national politics, but instead to concentrate exclusively on his limited, minority issues mandate. In this, he tried to draw distinct differences between himself and Dr. Radin, who is renowned for his participation in political debates beyond just minority issues.

Dr. Radin and Mr. Mak’s experiences might belie to some extent the way other parties in the political system approach minority communities. Both acknowledge that the largest parties in the system, the Croatian Democratic Union (HDZ) and the Social Democratic Party (SDP), are much more likely to attempt post-election coalitions than try to compete over minority voters. Dr. Juraj Bukša, the president of the Rijeka branch of the left-of-center Croatian People’s Party, sees the situation as more akin to outright bribery. He believes that the electoral strategy of these parties

is to simply buy the parliamentary support of minority legislators, with either personal or communal benefits. Generally speaking, however, these parties are not actively competing for minority voters. “When minorities claim that other parties [other than their ethnic party] do not hear them, they are right,” (June, 2016).

These interviews, and others conducted with other local community leaders and bureaucrats, all largely point to the same thing: minority issues, despite the guaranteed presence of minority legislators in the parliament, are not seen as part of the broader national political agenda by mainstream parties. Many elites, particularly those who have been more intimately involved in national level governance, are more accepting of the flaws of the system, though no less cognizant of those flaws. Both Nikola Mak and Dr. Furio Radin expressed deep concerns about the system and how it allows minority communities to impact policy, but at the same time lauded the system as likely the best for which one could hope.

If the Separate Issue Space Hypothesis can be seen as plausible, as I believe these interviews show, it implies that this theory deserves more testing at the cross-national level. Next, I will show the results from cross-national analysis of parties in Europe, looking at coalition participation rates.

7) Cross-National Analysis of Coalition Participation Rates of Small Parties

Potentially the most important of the three observable implications of the Separate Issue Space Hypothesis is the Limited Coalition Potential Hypothesis. Government participation in the majority of states is integral to the implementation of policy change by parties. Without at least a reasonable expectation of participation in governing coalitions for minority parties, minority communities cannot claim to have achieved meaningful generative representation. As such, to evaluate the efficacy of communally reserved legislative seats, it is necessary to establish whether these seats impact the likelihood of coalition participation of minority parties.

In order to test this, I propose to look at coalition participation rates of parties throughout Europe, with data borrowed from the ParlGov project. Governing coalition participation is limited to European states in order to control, at least to some degree, for sociocultural and historical differences between states. I modify the ParlGov data by disaggregating minority parties elected in reserved districts into separate parties, elected in each district. This reflects the fact that formally these legislators are not linked through party structures, and are free to operate politically without any consultation with their fellow minority legislators. With the ParlGov data, I create a dichotomous dependent variable that represents when a party is an explicit, office-holding member of a governing coalition. I then run a binary logit analysis, where I model the impact of being elected in a reserved district on the likelihood of coalition participation for various parties. I control for seat share of the party, ethnic party status, whether there was a new election, and whether the party was part of the previous governing coalition, as each of these has been linked to the likelihood of participation in coalitions.

The results from the analysis are presented in Table 1. These results show that, at least in the European context, being elected in a reserved electoral district has a substantively significant negative impact on the likelihood a party will participate in a governing coalition. This finding is robust to the size of the party, indicating that even though the parties elected through reserved districts are oftentimes as small as a party can possibly be, these parties still participate less than one would expect.

[INSERT TABLE 1 HERE; SEE APPENDIX]

One claim I make earlier in the piece is that there are likely coalition participation differences between parties elected in reserved seats and other small parties. I test this statement by looking at the coalition participation rates of parties with less than 15% of the seats. The results in Table 2 show that even among this subset of just smaller parties, being elected in a reserved district continues to have a negative impact on coalition participation likelihood.

[INSERT TABLE 2 HERE; SEE APPENDIX]

Finally, I also claim that there should be substantive differences between the coalition participation rates of parties elected in reserved districts and ethnic parties that achieve seats through non-reserved means. This is an important distinction because, if accurate, it implies that beyond being simply benign or ineffective, communally reserved legislative seats systems might be actively hurting the representation of minority communities. Unfortunately, the data from Table 3 indicates that this is in fact the case. Being elected from a reserved district lowers the likelihood of participation in a governing coalition, and the finding is highly statistically significant.

8) Conclusion

With this study, I have attempted to explain the inability of communally reserved legislative seats to provide policy outcomes desired by minority communities through the use of a new theory. This theory, which starts with a new assumption about representation as a generative process, argues that communally reserved seats systems fail, not because they do not create descriptive representation, but because they hinder the competitive mechanisms that drive the translation of descriptive representation into policy. This occurs as a result of the creation of a separate competitive space for minority issues that is a direct result of institutional incentives. Using a series of interviews with political elites in Croatia, I establish the plausibility of this argument and lay the justification for a broader cross-national analysis. I then test one of the observable implications of my hypothesis, related to coalition participation rates, to show that minority parties elected through these reserved districts seem to face strong hurdles to participation in governing coalitions, which in many states is the only surefire way to get policy implemented. These early tests of this new theory indicate that this approach to the study of communally reserved legislative seats is a potentially fruitful one, and worthy of additional study.

Appendix

Table 1

	Model 1	Model 2	Model 3
(Intercept)	-1.94***	-1.96*** (.14)	
Ethnic Party	-.24 (.27)		-1.24*** (.23)
Reserved Seats	-2.69*** (.64)	-2.91*** (.59)	
Seat Share	4.48*** (.45)	4.55*** (.45)	4.59*** (.46)
New PM	.18 (.12)	.17 (.12)	.19 (.12)
New Election	.08 (.12)	.08 (.12)	.11 (.12)
Previous Government	1.68*** (.13)	1.67*** (.13)	1.75*** (.13)
McFadden's R²	.25	.25	.24
N	1945	1945	1945

Table 2

	Model 4
(Intercept)	-2.68***
Ethnic Party	.2 (.29)
Reserved Seats	-2.68*** (.7)
Seat Share	13.4*** (2.06)
New PM	.19 (.17)
New Election	-.05 (.19)
Previous Government	1.97*** (.18)
McFadden's R ²	.25
N	1401

Table 3

	Model 4
(Intercept)	-2.45***
Reserved Seats	-2.36*** (.7)
Seat Share	6.25 (4.34)
New PM	-.44 (.56)
New Election	.09 (.56)
Previous Government	3.01*** (.59)
McFadden's R²	.43
N	428

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