Citizenship and Contemporary Direct Democracy

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Standing out from all other books on direct democracy, *Citizenship and Contemporary Direct Democracy* connects the study of direct democracy to the broader field of comparative democratization and to an important strand in normative democratic theory. Analyzing the relationship between direct democracy and representative government, this book is organized around three main sections: the origins of contemporary direct democracy, its functioning, and the ways to improve the use of direct democracy and its abuse. David Altman argues that citizen-initiated mechanisms of direct democracy constitute an important and viable way to reinvigorate current representative regimes by strengthening democracies' normative foundations – freedom and equity among citizens – which are particularly fragile in the context of unequal societies. The book demonstrates how citizen-initiated mechanisms of direct democracy empower citizens, channel social demands, defuse violence, re-enchant citizens with politics, and break through some of the institutionalized barriers to accountability that arise in representative systems.

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For my parents, Lea and Ruben, and my sister, Janine, without whom I could have not started this beautiful journey; for my wife, Rossana, for her encouragement and support; and for my kids, Naomi and Matías, who give everything meaning

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Preface

Over the last few years, I have attended several meetings on direct democracy. These have been extremely enriching experiences: I have learned much about how initiatives, referendums, and plebiscites are organized around the world, but also – most importantly – I have come to appreciate just how many activists praise direct democracy. They laud it as a solution to most, if not all, diseases – both known and unknown – currently afflicting representative government. They love direct democracy, as I would have expected, but what shocked me was that this love stemmed from their utter disillusionment with the institutions of representative democracy. I have never seen so many smart people so disenchanted and frustrated with the representative game; it concerned me greatly.

On the other hand, when describing how direct democracy works in Switzerland, critics consistently repeat the same tiresome refrain: "Of course it works there; they are Swiss!" What these colleagues miss is that when Switzerland started its experiment with direct democracy, around the mid-nineteenth century, it was one of the poorest countries in Europe. Similarly, when I cite examples of the use of direct democracy in Uruguay, they tend to provoke the same reaction: "Direct democracy works in Uruguay because it has a working party system in the context of a healthy democracy!" Though I do not pretend to provide a comprehensive explanation here, Uruguay (arguably) still has a healthy democracy and a working party system because of (not despite) its use of direct democracy. Evidently, neither Swiss nor Uruguayan democratic progress has been held back by the use of direct democracy.

Initiative balloting can fortify and complement modern representative democracy, but it is not a complete substitute. Indeed, it is abundantly clear that citizens can be perfectly free under a representative government (of the type envisioned by the drafters of the US Constitution, for instance) without direct democracy (of the type America's progressive movement later embraced). The world is, in fact, full of many cases in which great freedom and human

happiness exist without direct democracy. But, there is not a single example of a country where freedom flourishes on the basis of direct democracy alone, absent solid representative institutions.

Given the recent spread of direct democracy, it is disconcerting to think that some of its advocates see it as a substitute for representative democracy. While some inventions and innovations ultimately make existing tools and practices obsolete, that is not the case with direct democracy. It is not possible to simply circumvent the creation of solid representative institutions and go straight to direct balloting as a viable form of governance. The innate problems inherent to representative government must be solved by those same institutions; not every problem with representative democracy can be resolved by appealing to the miraculous and elusive "voice of the people." Those who see direct democracy as a work-around for the problems of representative institutions should be reminded that these shortcomings cannot be solved by democratic crowdsourcing. Doing so is neither possible nor desirable.

These challenges notwithstanding, direct democracy deserves a chance. In recent years, academics, pundits, and governmental officials have examined the reasons behind the uprisings, lootings, and mobilizations that have plagued democracies around the world. In the wake of the May 1968 protests in Paris, it has been argued that this democratic malaise is the culmination of the augmented discrimination that is inherent to voracious capitalist societies, whether this relates to the accessibility to and quality of higher education (Chile), the price of real estate (Israel), youth unemployment and housing shortfalls (Spain), a shrinking welfare state (Greece), or stagnation of social mobility (England). Our stubborn and obstinate search for a reason, for a single cause behind these manifestations, might be blinding us to the truth. Perhaps there is no common cause among these cases; perhaps the most significant thing they have in common is, in fact, something they are missing.

From that point of view, there is one factor that helps to explain why these uprisings occurred where they did and not in other states with similar circumstances: the lack of institutionalized channels for citizens to shift policies when governments do not perform as expected. At critical times when policies are required to be flexible, policies in these countries remain frozen between elections. In other words, once the votes are counted on election day, citizens have no choice but to wait until the next election to punish or reward their politicians. But a lot can change in four or five years, and the situation can become quite frustrating due to the fact that the logics of partisan politics are not necessarily the same as the logics of public policy.

In some democracies, however, citizens reserve the opportunity to remind politicians who is really in charge of politics and public policy: the citizens themselves. In Israel, Chile, Spain, Greece, England, and even France (remembering the riots of a few years ago), normal citizens do not have the opportunity to force politicians to synchronize with public opinion on any given political dimension outside of regular general elections. The reasons for these uprisings

vary from place to place. But it is no accident that we have not witnessed such violent manifestations of discontent in places that do have corrective institutions of citizen-initiated mechanisms of direct democracy – even where these places may experience similar underlying problems.

Of course, Jerusalem is not Madrid, London is not Paris, and Santiago is not Athens; the differences are many. Nevertheless, if Chileans, Brits, Israelis, Greeks, or Spaniards had enjoyed access to mechanisms of direct democracy, things would probably have unfolded differently in recent years. The promise of direct democracy is cherished by those who lack it, and where direct democracy is flourishing, people are loath to give up their direct democratic rights, nor is there evidence of a withdrawal of direct democratic practices – quite the contrary.

It is important to wrestle with the question of how to get direct democracy right, and it will never be right if it is sold as a shortcut to fix a flawed representative structure. The question of how to get representative democracy right is not something to be sidestepped or ignored. I worry that the activists I have met in all of these fora take representative government for granted, or see it as being quaintly passé.

We should be able to agree that citizen-initiated mechanisms of direct democracy cannot replace representative government; it is not and cannot be Democracy 2.0. Representative democracy is freedom's common predicate. Even the most avid fans of direct democracy must guard against the gradual erosion of representative institutions. History shows that when countries lose their republican foundations, darkness ensues.

Citizenship and Contemporary Direct Democracy concentrates on the relationship between direct democracy and representative government. Unlike my previous work (*Direct Democracy Worldwide*, 2011), where direct democracy was studied along the complete regime continuum, this book studies direct democracy in the context of representative government, which is – unless otherwise stated – taken as granted. From this perspective, where it exists, direct democracy is embedded within a framework of representative institutions, and both worlds (direct and representative) interact and affect one another; direct democracy is highly influenced by the institutional design surrounding it, while at the same time it often shapes that context in return.

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Abbreviations

ADAV	General German Workers' Association
AFL	American Federation of Labor
ALBA	Bolivarian Alliance for the Peoples of Our America
CIC	Citizen-Initiated Component of DDPP
CI-MDD	Citizen-Initiated Mechanism of Direct Democracy
CIR	Oregon's Citizens' Initiative Review
DCC	Deliberative Citizens' Commission
DDPP	Direct Democracy Practice Potential
EDI	Electoral Democracy Index
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
GIC	Gravitational Ideological Center
MDD	Mechanism of Direct Democracy
OECD	Organization for Economic Co-Operation and Development
PPERA	United Kingdom Political Parties, Elections and Referendums Act
SPD	Social Democratic Party of Germany (*Sozialdemokratische Partei Deutschlands*)
SPS	Social Democratic Party of Switzerland, aka the Swiss Socialist Party (*Sozialdemokratische Partei der Schweiz*)
SVP	Swiss People's Party (*Schweizerische Volkspartei*)
SQS	Status Quo Surface
TD-MDD	Top-Down Mechanism of Direct Democracy
V-DEM	Varieties of Democracy

1

Democratic Innovations for Representative Governments

Democracy does not exist in a static state, but rather in a constant state of flux. When representative government ceases to function as expected and there is a demand for change, two (non–mutually exclusive) paths for improvement are open that would allow democracies to retain their polyarchical foundations of freedom and equity among citizens. The first involves adjusting existing institutions (such as the electoral system), which tends to preserve political power in the hands of ambitious politicians. The second involves introducing innovative mechanisms of governance, whereby new actors are included, to some degree, in the decision-making process. *Citizenship and Contemporary Direct Democracy* focuses on the latter, arguing that by maintaining democracies' normative foundations, citizen-initiated mechanisms of direct democracy constitute an important, viable way forward among the menu of democratic innovations that have been proposed to reinvigorate current democratic regimes, particularly in the context of highly unequal societies. While acknowledging that citizen-initiated mechanisms of direct democracy can be hijacked by populist leaders or appropriated by extremist members of society, this book further explains how, when properly designed, such risks can be minimized and possibilities multiplied, as these mechanisms empower citizens, re-enchant them with politics, des-encapsulate political parties, defuse social violence, and break down some of the institutionalized barriers to accountability that arise in representative systems.

There are innumerable perspectives on how to reform or improve current democracies. In fact, the reform of existing representative institutions is (arguably) at least as important as adopting direct democracy. Thus, the argument that follows is not meant to suggest that demands for change must be limited to new forms of civic involvement through direct democracy. There is still an amazingly long "to-do list" where representative regimes are concerned. For

example, how should we control the influence of money in politics? Or improve representation? Or enhance participation? Or maximize competition? Fully addressing each of these (and many other) concerns could have an enormous impact on the way citizens experience democracy, but that is beyond the scope of this work. Still, *Citizenship and Contemporary Direct Democracy* claims that direct democracy, particularly when it is in the hands of citizens, offers much more than a simple, pragmatic, safety valve in critical moments when representative democracy seems to be not working as expected.

This introductory chapter proceeds as follows. The next section outlines and assesses some of the multitudinous proposals for democratic innovation that have been offered in response to contemporary democratic fatigue. It argues that there are two clear paths toward reform: either adjusting current representative institutions, or adopting new forms of citizen engagement. Proposals of the latter variety can be subdivided into two groups: those that advocate moving toward deliberative/participative forums, or, as this book suggests, incorporating institutions of direct democracy. The following section defines what direct democracy is and what it is not. The third section then unpacks some of the most commonly cited concerns about the relationship between representative government and direct democracy. This chapter finishes with an overview of the structure of the book and the contents of each chapter.

1.1 DEMOCRATIC FATIGUE AND OPTIONS FOR DEMOCRATIC INNOVATION

Many electoral democracies are currently facing problems of social unrest and a perceived loss of legitimacy. Although these democratic governments were – by definition – elected in free and fair elections, leaders from Brasilia to Madrid and Athens to Santiago de Chile struggle with increasing requests for more participative features within the existing representative democratic framework. Whether we are talking about corruption in Moldova, the price of public transportation in Brazil, or higher education in Chile, the key challenge is the same: We must ask not only how every vote can be counted, but also how every voice can be heard and have influence. In Moldova, Brazil, and Chile, different sides of the various conflicts have called for better democratic performance, but the fact remains that regardless of the contents of these particular proposals, a varied menu of potential (and often contradictory) alternatives is available.

A brief overview of popular mobilizations in recent years provides evidence that something is not working as expected. In Spain, the 15-M movement against the political establishment (*movimiento de los indignados*) has been motivated by economic crisis. Student demonstrations in Chile, the likes of which have not been seen in decades, have targeted the perverse higher education model. Greeks have flooded the streets protesting against the adjustment

policies imposed by the "troika."[1] Israelis have inundated avenues in Tel Aviv, outraged by the high cost of renting or buying real estate. The list goes on. For some pundits, this effervescence is symptomatic of a global dissatisfaction with politics as usual; for others, these isolated cases of unrest are too context-specific to be indicative of a larger pattern.[2] Yet, these movements have at least one common leitmotiv: all demand more democracy, though precisely what is meant by "democracy" is quite different in each context.

As some citizens take to the streets to protest their dissatisfaction with the status quo, others express a similar sentiment by staying home. Alongside the aforementioned unrest and mobilization, another segment of the citizenry has experienced the opposite reaction, becoming disaffected and demobilized to such a degree that they no longer show up at the polls on election day (Streeck and Schäfer 2013). Though not universal, "western citizens are becoming more skeptical about their democracies, more detached from parties, less trustful of political leaders, and less supportive of their system of government and political institutions" (Newton 2012: 4). Yet mobilization and disaffection are two sides of the same coin; two symptoms of the same underlying malaise.[3]

Many explanations have been offered for this trend. Some suggest that it reflects the fact that globalized capitalism has transformed "the tax state into a debt state" (Streeck 2014), resulting in a situation that leaves political elites with less room to maneuver and react to civic demands (Mair 2013), and which detaches the "self-referential political class" from political programs (Crouch 2004).[4] The quest for an answer lies beyond the objective of this research, but virtually no one would disagree that much of the motive behind the unrest and disaffection "lies with governments and politics themselves" (Pharr and Putnam 2000). What we see emerging, in the words of Mair, "is a notion of democracy that is being steadily stripped of its popular component – democracy without a demos" (2006: 25).

The literature is divided on how to achieve more and better democracy. Regardless, in the current discussion about what democracy is, two broad lines of thought are identifiable, though both are animated by a very tangible disaffection, disenchantment, and frustration with current democracies.[5] On the one hand, a significant group of scholars has engaged in a fertile discussion about

[1] The troika refers to a group of institutions – the European Union, International Monetary Fund, European Central Bank – with whom Greece had to negotiate for a cash bailout during the crisis of 2011.

[2] These trends transcend the OECD countries, which are the subjects of more robust literature on the subject of democratic dissatisfaction (Dalton et al. 2001).

[3] See also, Alonso et al. (2011) and Keane (2009).

[4] See also, Streeck and Schäfer (2013).

[5] With the election of Trump to the presidency of the United States in 2016, American pundits and academicians entered into a terse argument about whether democracy is changing into something called "illiberal democracy." While most scholars fear that democracy is in real danger (Isaac 2016; Mounk and Foa 2016), others maintain that support for democracy is not "a major

reforming existing institutions. Most of this literature pivots around the question of which combination of institutions produces higher levels of democracy, subjective well-being, human development, and the like. Topics dealt with in that literature include governing regime type (e.g., parliamentarism versus presidentialism), electoral families (roughly divided between majoritarian or PR systems), federalism, and compulsory voting, among others.[6] On the other hand, a second body of literature tends to offer new institutional arrangements from scratch (e.g., mini-publics, popular assemblies, crowdsourcing, direct legislation). The former literature would retain a modified version of the status quo, since it does not alter the monopoly on power held by the ambitious politicians – regardless how diverse, independent, or new these politicians are. By contrast, the latter tends to be more change-oriented, seeking to break from the status quo by explicitly incorporating new actors and democratic mediums.[7] Though they differ in many respects, perhaps the most crucial difference between these views centers around how the players are selected to start with, if indeed they are selected at all. Figure 1.1 presents a simplified scheme of the larger approaches to democratic innovation.

The incongruous items on the menu of potential innovations available to current democracies do, however, share some common characteristics. Most of this catalog is filled with what might once have been called, "democracy with a human face." The idea behind this motto is that the democratic system needs to be sensitive to all of the demands of the common citizens and not just a façade behind which elected plutocrats can hide, using the "corridors of power" for their own benefit. Contemporary democracies must provide tools for controlling these behaviors both horizontally (by other institutions) and vertically (by citizens). Democracy needs to be returned to the citizens. Moreover, within the menu of options, many voices argue that returning governance to the people can only be done if democracy takes to the streets, the neighborhoods, the municipalities, and even to civic and private interest groups. Few question this assumption, and it seems that these voices agree that "small is beautiful," particularly in regard to democracy. Elsewhere I have called this an "Athenian bias" (Altman 2011: 78).

Of course, "democrats want citizens to reason together" (Goodin 2008). Nonetheless, as it is virtually impossible for all citizens to participate, deliberate, and reason together, most (if not all) democratic innovations have mini-publics as their focal point, whether this is crowdsourced policymaking (Aitamurto 2016), deliberative polls (Fishkin 1997), participatory budgeting

problem in well-established Western democracies. Or at the very least, it's not a bigger problem than it was 20 years ago" (Voeten 2016).

[6] Nearly every scholar has staked out a position on their preferred constellation of democratic institutions; see, for example, Lijphart (2012), Przeworski (2010), Cheibub (2007), Colomer (2001), Przeworski et al. (2000), Held (1996), Hadenius (1992), Sartori (1987), Dahl (1971).

[7] This differentiation is strongly related to what Unger calls "conservative" versus "transformative" strategies (1998: 10–12).

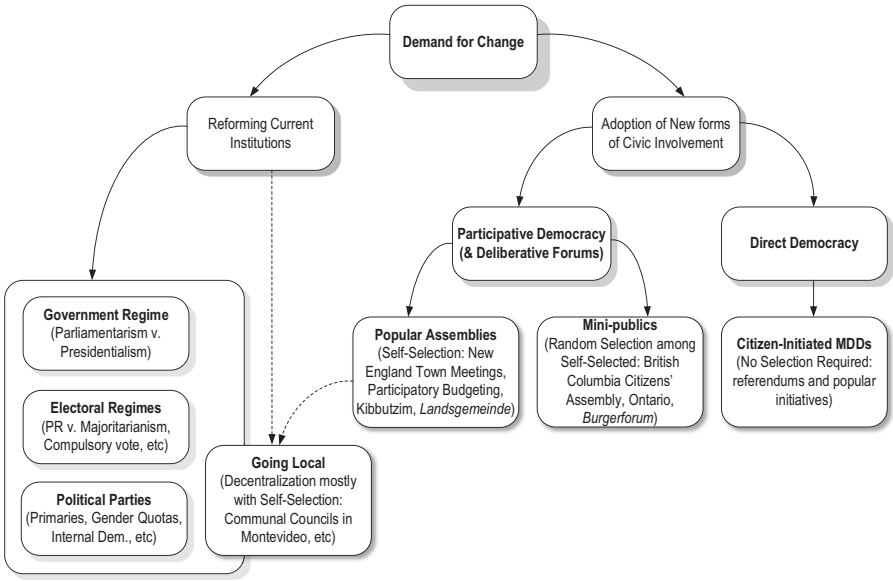


FIGURE 1.1 Simplified alternatives for democratic improvement

(Cabannes 2004), e-democracy (Lee et al. 2011),[8] "Navajo" democracy (Etzioni 1996), or even a more pure and abstract deliberative ideal. Yet these innovations, aimed at strengthening the relationship between democratic decision-making processes and the demos, are also quite demanding in terms of the resources they require of citizens. Factors such as citizens' time, cognitive abilities, rhetorical skill, etc. all play a role. I return to these innovations in Chapter 6.

Although democratic innovations do not occur in a vacuum, the literature routinely ignores the context in which these innovations are most urgently needed. At most, these studies assume the best-case scenario for their implementation. Despite the enormous differences within the democratic world in terms of social inequalities, the fact remains that most democracies are not succeeding at reducing the gaps among their citizens (Corak 2013; Fredriksen 2012). Not every innovation that works in a context of relative social equity (e.g., Norway) will also work in a context of high social segregation (e.g., Peru); to the contrary, such an innovation might even deepen existing inequalities. Yet, if an innovation can be shown to work well in a context of social inequality, it will also most likely work in a context of relative equity. From this point of view, democratic innovations are not easily transplanted.

[8] See also, Kneuer (2016) and Netchaeva (2002). For a study on the relationship between e-Government and democracy, see Maerz (2016).

1.2 DEFINING DIRECT DEMOCRACY

Unlike other common concepts in political science, such as "political parties" or "elections," definitions of direct democracy lack a common connotation. Indeed, direct democracy is a rather polysemic concept. What we understand as direct democracy has different meanings in different places, and the different institutional components of this concept (popular initiatives, referendums, or plebiscites) have diverse normative undertones. For instance, what is referred to as a referendum in one country may be called a plebiscite or even a popular initiative in another. Essentially, "there exists no universal referendum terminology" (Suksi 1993: 10). To complicate things further, in certain countries concepts such as "initiatives," "plebiscites," and "referendums" are often used as synonyms, even within the very same piece of legislation!

To avoid confusion, I begin by clarifying these concepts. I define a *mechanism of direct democracy* as a publicly recognized, institutionalized process by which citizens of a region or country register their choice or opinion on specific issues through a ballot with universal and secret suffrage.[9] This definition is intended to embrace initiatives, referendums, and plebiscites, as those terms are usually understood in the literature. It does not encompass deliberative assemblies or other settings in which the vote is not secret, nor does it apply to elections for authorities (representatives or executive officials), nor even their potential revocation of mandate through *recall*.[10]

This definition attributes special consideration to the secrecy of the vote and its universal character. The secret vote is a magnificent early democratic invention, used as early as in classical Athens and the Roman Republic, which broadened personal freedom – limiting the risk of intimidation or pernicious influences – to previously unknown horizons. Nowadays, the secret vote is virtually unchallenged. The universality of the vote, however, is more complex,

[9] As a popular vote is a sine qua non condition for defining a mechanism of direct democracy, this research does not consider petitions or legislative popular initiatives. These institutions do not require citizens to vote at any stage. A legislative popular initiative exists when the citizenry forces the legislature to consider a proposed action or a bill (though the legislature will not necessarily accept it), which represents control over the agenda rather than a tool for political decision.

[10] This book does not consider *recalls*, which are designed to remove elected officials from office. The focus of a recall is usually a local or national representative or executive officer, ranging from governors to presidents. The literature is evenly divided between those who consider these institutions to be a subgroup of the direct democratic world (e.g., Tuesta Soldevilla 2014), and those who consider them to be a completely different species (e.g., Kaufmann et al. 2010). The recall as an institution, as Bobbio mentions, has its origins in an understanding of representation as a delegation rather than as a fiduciary relationship (Bobbio 1987: see chapter II).

as even some contemporary voices argue against it (e.g., Brennan 2011), yet it remains generally accepted.[11]

Following academic consensus, in this text I use a purely procedural definition of the phenomenon in question and try to avoid the normative implications usually seen in the literature on this topic. Note that this definition of mechanism of direct democracy embraces such diverse cases as California's Proposition 13 in 1978, the Uruguayan referendum against the privatization of public companies in 1992, the Swiss popular initiative against the construction of new minarets in 2009, or the rejection of the Colombian peace deal with the FARC in 2016, among literally thousands of examples.[12]

Elaborating on this definition, I further differentiate between those mechanisms of direct democracy (MDDs) that are "citizen-initiated" (through the gathering of signatures) versus those that are "top-down" (triggered by the sitting legislative assembly, the executive's power, or by constitutional mandate). The first group – citizen-initiated mechanisms of direct democracy (CI-MDDs) – is composed of those mechanisms of direct democracy that are initiated by signature gathering among ordinary citizens: popular initiatives and referendums.[13] The distinction between popular initiatives and referendums is crucial, as popular initiatives are designed to alter the status quo, whereas referendums are created to prevent change.[14] In a popular initiative, citizens are allowed to place matters of concern directly on the ballot, without necessarily receiving the prior consent of the country's main political offices, thereby acting as *proactive* players on certain topics. In a referendum, citizens are also allowed to decide matters of concern directly on the ballot, without necessarily receiving the consent of the country's main political offices, but in these cases citizens are limited to a *reactive* or *veto player* role on certain topics. In the words of Magleby, popular initiatives are a reaction to "sins of omission," while referendums a reaction to "sins of commission" (Magleby 1994).

[11] In reality, the universality of the vote is less complete than the secrecy of the ballot, as many contemporary societies contain significant populations of disenfranchised residents. For instance, as much as 25% of the Swiss population has no voting rights (see Nguyen 2016). Shockingly, that figure even includes many third-generation immigrants! https://goo.gl/k8Qofi [Last accessed, April 16, 2017]. Some cantons and municipal governments do, however, provide some electoral rights to these nationally disenfranchised people. See https://goo.gl/t1rRrI [Last accessed, April 16, 2017].

[12] As observed, this definition is not regime-contingent; it also embraces cases such as the Nazi annexation of Austria in 1938, Pinochet's constitutional reforms of 1980, or the 1994 vote for the extension of President Niyazov's term until 2002 in Turkmenistan.

[13] While there is neither "universal referendum terminology" (Suksi 1993: 10), nor a unique typology (see Hug 2002; Svensson 2011; Vatter 2009), here I employ the terminology used by the National Conference of State Legislatures (www.ncsl.org/) [Last accessed, April 16, 2017], the Initiative and Referendum Institute of the University of Southern California (www.iandrinstitute.org/) [Last accessed, April 16, 2017], and the Centre for Research on Direct Democracy of the University of Zurich (www.c2d.ch/) [Last accessed, April 16, 2017].

[14] There are some exceptions to this norm; they will be dealt with in due course.

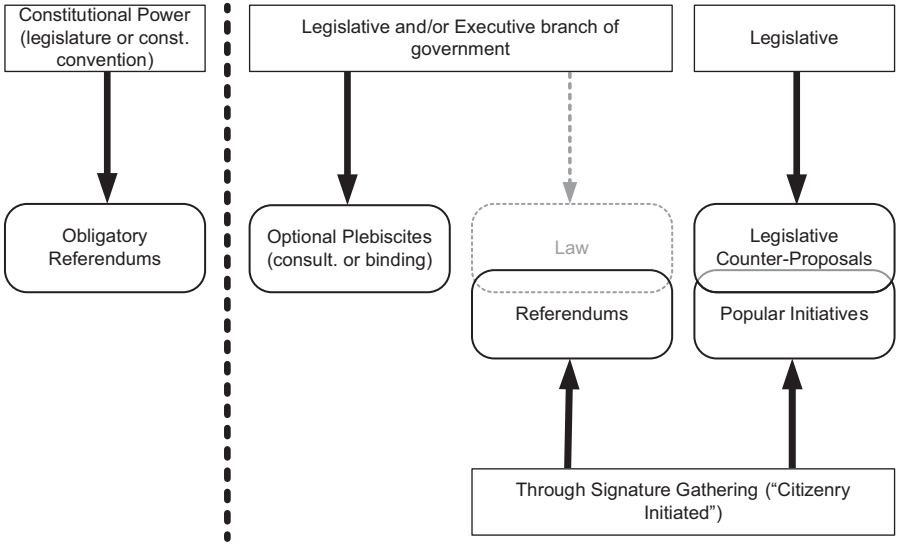


FIGURE 1.2 Simplified typology of mechanisms of direct democracy

The second group is composed of those top-down MDDs (TD-MDDs) that are (directly or indirectly) initiated by authorities: mandatory referendums and plebiscites.[15] Their distinction is also crucial because plebiscites typically represent either the bypassing of one representative institution by another (usually the executive bypassing the legislative branch), the renunciation of responsibility for tough policies, or they are simply used as a tool for the legitimization of extant policies.

Therefore, unless otherwise stated, in this research I use quite a simple typology that recognizes five main subtypes of MDDs: (a) those MDDs that are citizen-initiated with the intention of altering the status quo (citizen-initiatives), (b) those that are also citizen-initiated but aim to defend the status quo (referendums), (c) those that are triggered by authorities (plebiscites), (d) those that are legally mandated (obligatory or mandatory referendums), and finally, (e) legislative counter-initiatives. Figure 1.2 illustrates the different types of MDDs dealt with in this book.

[15] The demarcation between CI-MDDs and TD-MDDs is something of an analytical artifact, as MDDs may well have a mixed origin. The fact that we observe TD-MDDs in a particular context does not necessarily mean that societal actors view the process antagonistically. Although rare, collective actors (such as unions, NGOs, and business associations) may press authorities to trigger a popular vote on a given matter. The crucial points here are the origin of the initiative and whether or not it legally needs the consent of a country's authorities to be put on the ballot.

To clarify the key concepts this research uses, let me describe them even further:

(a) Obligatory Referendums: These are, in most cases, limited to certain specific topics in the constitution, or – as in the case in Switzerland, Uruguay, and all but one of the American states (Delaware) – to an amendment of the constitution. Strictly speaking, however, an obligatory referendum is not a right the population exercises in any active way. Rather, it is a defensive right or a veto right.

(b) Optional Plebiscites (sometimes called authorities' plebiscites, or simply "plebiscites"): TD-MDD plebiscites are direct democratic mechanisms that allow authorities to pose a question to the citizenry for them to answer. These institutions are not necessarily related to popular sovereignty in the traditional sense, which is why some scholars claim that they cannot be characterized as belonging to the direct democratic world (Kaufmann and Waters 2004). Although leaders can use plebiscites perversely, during the vote itself citizens exercise their sovereignty and are thus still fulfilling the defining function of an MDD, as provided previously.[16]

(c) Optional Referendums (sometimes called popular vetoes, or abrogative referendums): Unlike a popular initiative, an optional referendum allows citizens to reject a law passed by the legislature (the "people's veto" in American jargon). Thus, citizens vote reactively – or "defensively" – in that they respond to a previous move by the authorities. Though referendums are less powerful than popular initiatives, they are powerful institutions nonetheless, as referendums open up the possibility of rejecting an act, constitutional amendment, financial decision, etc.

(d) Popular Initiatives: A popular initiative is a bill, statute, or constitutional amendment supported by a group of citizens that offers an alternative to the status quo. Citizens are allowed to decide directly at the ballot box on matters of concern to them, without the consent of the country's main political officials. Popular initiatives therefore allow citizens to play a proactive role on certain topics. This includes an active role for the electorate, and, depending on how this instrument is designed, it can also include amendments to the constitution or ordinary laws.

(e) Legislative Counterproposals: In some countries, such as Switzerland, the legislature has the right to react to a popular initiative, offering an alternative to it. This vote is held concurrently with the original

[16] Institutionally speaking, this is probably the most heterogeneous type of MDDs. Some studies go further, subdividing these TD-MDDs into categories based on who is behind the vote (e.g., executive, legislative majority, legislative minority). See for example, International IDEA (2008).

> initiative and implies multiple (at least three) choices for citizens: the citizens' original proposal, the legislative counterproposal, and the status quo.[17]

In order to trigger a CI-MDD, most countries (or "polities," to use a more generic word) require the participation of a certain minimum fraction of registered voters (e.g., Uruguay, Nebraska); others base their calculation on the proportion of registered voters that actually voted in a preceding election (e.g., Bulgaria, most US states); while still others require the participation of a fixed number of citizens (e.g., Switzerland). In addition, many polities employ a distribution requirement, ensuring that the required signatures must be collected from across the breadth of the polity and not concentrated in a single area (e.g., Bolivia, Alaska). Beyond these overarching requirements, many states regulate the timeline for collecting signatures, which typically varies from a few weeks to no time limit whatsoever. Some polities have adopted restrictions and regulations that limit the allowable scope and content of citizen-initiated proposals (such as limiting CI-MDDs to the subject of taxes). These regulations usually restrict the range of acceptable topics, ranging from notably lax criteria, as in Switzerland, to highly restrictive conditions, as in Hungary. Such regulations may also affect the plausibility of judicial review.

Indeed, ballot measures face additional challenges beyond qualifying for the ballot and receiving a majority of the vote. Some polities require that popular initiatives receive more than a simple majority to "pass," while others set quorums (such as participation, approval, or administrative criteria), and still others demand a combination of these requirements. Moreover, if a popular vote fails, some polities limit how much time must pass before that initiative can be revisited.

Among the many democratic innovations that have been proposed to reinvigorate democracies, mechanisms of direct democracy allow citizens the greatest opportunity to maximize their freedom through secret and universal votes. As Rousseau once claimed (hyperbolically, perhaps, but not entirely incorrectly), "the people of England regards itself as free; but it is grossly mistaken; it is free *only* during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing" (Rousseau 1995 [1762], italics are mine). Mechanisms of direct democracy – particularly if they

[17] In Switzerland, legislative counterproposals have been frequently used as an instrument to derail popular initiatives. These counterproposals often incorporate some of the elements proposed by the popular initiative but typically present only minor changes to the status quo, with the aim of placing the counterproposal closer to the median voter than the popular initiative itself. Therefore, counterproposals have a greater chance of being approved than the original initiatives. However, in the absence of a popular initiative, it seems unlikely that the legislature would make an attempt to change the status quo using this strategy, given that they could simply legislate on the matter instead. From this perspective, legislative counterproposals can be understood as a mild defense of the status quo by the legislature.

are citizen-initiated – are the institutions that best embody the concept of popular sovereignty, where citizens are all equal and free.

At this point in the discussion, readers are likely thinking of several recent, high-profile popular votes, such as Brexit, the Colombian Peace Deal, the Italian constitutional reforms, Hungarian anti-EU migration policies, etc. Given these examples, readers may rightly ask how we can justify the existence of mechanisms of direct democracy at all, given the apparently regressive, xenophobic, and illiberal policies and attitudes that have been crystallized by these votes. In response to these natural objections, three points must be raised.

First, reducing the world of direct democracy down to the results of the popular votes is a myopic approach that does not consider the full spectrum of positive and negative externalities that result from the overlap between direct democracy and representative institutions. Hence, the dynamic nature of the interaction between legislatures and MDDs is a central focus of this book.

Second, as shown by the literature, direct democracy constitutes a complex set of political institutions with rather dissimilar characteristics and political effects (e.g., Kriesi 2005). Indeed, all of the examples just cited are from the same family of MDDs (optional plebiscites), which is just one of many shapes that MDDs can take. Problems that may be typical of one category do not necessarily apply equally to the others.

Third, despite widespread skepticism about the "quality" of these decisions, it does not follow that we ought to discount an entire set of institutions simply because their use has not produced the anticipated or "desired" results. A vote can hardly be described as democratic if the outcome is a foregone conclusion, and "cherry picking" from a small but high-profile minority of cases risks undermining the very architecture of contemporary democratic regimes. Followed to its logical conclusion, such an argument might also require that we eliminate general elections because our preferred candidate tends to lose.[18] To be sure, the aforementioned cases are discussed in greater detail in subsequent chapters – alongside many other, even more controversial examples. Yet despite the risk that MDDs can be instrumentalized and exploited by those with illiberal or regressive intentions, they remain a valuable democratic tool.

1.3 DIRECT DEMOCRACY AND REPRESENTATIVE GOVERNMENT

This chapter began by stating that there has been growing demand for change because representative government is no longer functioning as expected, but it has yet to show why this is the case. The following paragraphs are dedicated to explaining the need to modify representative government, and why mechanisms of direct democracy are especially suited to dealing with current problems.

[18] On the intrinsic value of choice see Sen (1988) and Przeworski (2010), particularly Chapter 4.

They provide an overview of the major advances in the literature regarding the relationship between direct democracy and representative institutions.

Representative regimes have certain common limitations that stem from their very nature as representative. Irrespective of their long-term goals, office-seeking political parties are incentivized to appeal to the median voter on most major societal cleavages. "The result is that the alternatives presented in elections are meager: Choices are few and the range of decisions they offer is paltry" (Przeworski 2010: 99).[19] Notably, Przeworski adds, "not all conceivable and not even all feasible options become subject to collective choice. The choices presented to voters in elections do not include the ideal points, the alternatives they like most, of all citizens" (ibid.). Thus, even when voters find themselves on the winning side of an electoral competition, there are probably some policies pushed by elected officials that they profoundly dislike – or some policies they would prefer, but which remain ignored by the relevant authorities, to say nothing of those times when voters find themselves on the losing side.[20]

Furthermore, even the most democratic representative institutions create "corridors of power" that tend to incentivize perverse interests and behaviors (Pettit 2003). Politicians may fall prey to narrow lobbies (Greenwood and Thomas 1998; Kollman 1997), candidates sometimes manipulate citizens to get elected (Maravall 1999), representatives may betray the principles on which they were elected (Stokes 1996, 2001; Weyland 1998), and lawmakers may be forced to sacrifice their preferred policies in logrolling or compromise-building politics (Carrubba and Volden 2000; Cooter and Gilbert 2010).

Of course, citizens can voice their discontent with such behavior. They can write op-eds in newspapers or demonstrate in the street; such are their rights in any robust democracy. But if the authorities persist, then citizens have no other option besides waiting impatiently until the next election arrives. For those whose preferences are systematically overlooked, the time that elapses between elections may be agonizingly long, and these inter-election spaces constitute the weakest link in current democracies. While I would not go as far as Lord Hailsham (1978), who claimed to be living in an "elective dictatorship" (as he thus characterized the United Kingdom in the 1970s), it seems that Dunn's warning is more acute than ever: "[O]ne day's rule every four years has very much the air of a placebo" (1979: 16).

Contemporary democracies are essentially pluralistic (Bobbio 1987: 58), which means they are divided by multiple sets of crosscutting cleavages (Miller 1983), where the agreement of all members is unattainable. But even assuming that Rousseau's *general will* could be realized, it is only attainable, as Rousseau himself claimed, in small, homogenous, and extremely simple communities

[19] See also, Somer-Topcu (2015).

[20] This effect is likely to be more profound among marginalized groups, who have lower levels of political interest and fewer resources to invest in political knowledge (Kim 2017).

(1995 [1762]). With each day that passes we move farther away from that idyllic (and seemingly quite oppressive and dystopian) type of society. Thus, if we agree that unforced consensus is impossible to attain in a complex society, then the question of which institution best fulfills the democratic ideal remains significant. In searching for an answer, McGann's (2006) deductive approach is instructive, asking which institutions best promote the basic backbones of democracy (i.e., political equity and popular sovereignty). As McGann himself says:

> Popular sovereignty is satisfied if the people are the final arbiter over every matter, should they choose to be. Thus the people may delegate control over many (indeed most) matters but are always the ultimate authority. Political equality is satisfied when all citizens have equal say on such binding decisions. This is operationalized as everyone's vote being equal, a condition that is harder to meet than it might at first appear. It is not sufficient that everyone has a vote and these votes are equally weighted ("one person, one vote"). It is also necessary that the institutions be so constructed so as not to be biased in favor of any voter (or group of voters) or in favor of any alternative (2006: 6).

And this is exactly where citizen-initiated mechanisms of direct democracy come into play. CI-MDDs are the institutions where the four principles of democracy – freedom, equality, sovereignty, and control – are maximized. Przeworski is explicit in this regard: "Nevertheless, *other than referendums*, our representative systems have no institutional mechanisms to guarantee that the opposition be heard, still less that it would prevail, however intense it might be" (Przeworski 2010: 116, emphasis added).

To be clear from the outset, direct democratic institutions should serve as a complement to representative government rather than an alternative to it, as some radical activists advocate. As I have argued in my previous work, I understand mechanisms of direct democracy as a set of innovations designed "to serve as intermittent safety valves against the perverse or unresponsive behavior of representative institutions and politicians" (Altman 2011: 2), not as a replacement for representative government. In this regard, Bobbio claims,

> As for the referendum, which is the only mechanism of direct democracy which can be applied concretely and effectively in most advanced democracies, *this is an extraordinary expedient suited only for extraordinary circumstances*. No one can imagine a state that can be governed via continuous appeals to the people: taking into account the approximate number of laws which are drafted in Italy every year, we would have to call a referendum on average once a day (1987: 54, emphasis added).

Indeed, direct democracy cannot replace representative government for two key reasons. First, representative government has notable and positive externalities for social life, irrespective of whether this is considered a necessary evil, a technical necessity, or a positive good. Second, a purely direct democratic regime "requires that the public agenda be broken down into discrete issues that are voted on separately. This further undermines reasonable democratic deliberation" (McGann 2006: 128). The predictable political costs of doing so

TABLE 1.1 *Eleven voters and eleven questions*

		Voters												
		A	B	C	D	E	F	G	H	I	J	K	Total votes	Result
Questions	1	0	1	1	1	1	0	0	1	1	0	0	6	Approved
	2	0	1	0	1	1	0	0	1	0	1	1	6	Approved
	3	0	1	0	0	1	0	0	1	1	1	1	6	Approved
	4	0	1	0	0	0	1	1	0	1	1	1	6	Approved
	5	0	0	0	0	1	1	1	0	1	1	1	6	Approved
	6	0	0	0	0	0	1	1	1	1	1	1	6	Approved
	7	0	0	0	0	0	1	1	1	1	1	1	6	Approved
	8	1	0	0	0	0	0	1	1	1	1	1	6	Approved
	9	1	0	1	0	0	0	0	1	1	1	1	6	Approved
	10	1	0	1	1	0	0	0	1	1	0	1	6	Approved
	11	1	0	1	1	0	0	0	1	0	1	1	6	Approved
	Winner?	4	4	4	4	4	4	5	9	9	9	10		

55% of voters voted in 64% of decisions in the minority

64% of voters voted in 55% of decisions in the minority

Source: Based on Anscombe (1976: 161).

are substantial, and the hypothetical improvements are distant and indeterminate. "Even if voters make reasonable choices about each issue individually, the overall package of policies taken as a whole may make no sense" (ibid.). To illustrate this point, imagine a situation where eleven voters (A–K), are asked to vote on eleven questions (1–11), see Table 1.1. All of these questions are approved by a 6–5 margin – all of them. Nonetheless, it might readily happen that a majority of voters vote in the minority on a majority of questions, as Anscombe neatly described in 1976.[21] In the example in Table 1.1, the group composed of voters A to G (seven out of eleven voters, or 64 percent), voted in the minority of the decisions in six out of eleven questions. A second group comprised of voters A to F, representing 55 percent of this electorate, voted within the minority on 64 percent of questions! In short, it is perfectly possible that through a series of direct decisions, a majority of the citizens will be on the losing side despite the fact that each decision is adopted by majority rule. Obviously, this is problematic to say the least.

Although the scenario in Table 1.1 is an obvious simplification, the fundamental problem it depicts is not implausible. This is because there are polities

[21] This problem has been reexamined several times, see Saari and Sieberg (2001), and Niou and Lacy (2000).

where decisions taken directly by the citizenry have a constitutionally superior status in relation to decisions made by elected representatives. This difference in status means that any decision that has been made through a popular vote cannot be changed unless the same type of procedure is used again. For example, the Constitution of Armenia of 2015 explicitly states that "Laws adopted through a referendum may be amended only through a referendum" (Article 204).[22] Over time, as more votes occur on different topics, the scope of the political area in which lawmakers can act decreases, limiting the range of policy solutions available to representatives. This is a case of something roughly equivalent to political autophagy, as the very same politicians who initially proposed these rules come to find themselves increasingly constrained by them.

In my 2011 work, I challenged the common assumption that models of direct democracy and representative democracy are necessarily at odds. I also demonstrated how practices of direct and representative democracy interact under different institutional settings, trying to uncover the conditions that allow them to coexist in a mutually reinforcing manner. This has led to another important distinction between CI-MDDs and other forms of direct democracy. Whereas citizen-initiated mechanisms of direct democracy can spur productive relationships between citizens and political parties, other mechanisms of direct democracy often help leaders bypass other representative institutions, undermining republican checks and balances. That research also demonstrated that the embrace of direct democracy is costly, may generate uncertainties and inconsistencies, and in some cases, is easily manipulated. Nevertheless, the promise of direct democracy, I claimed, should not be dismissed.

When authorities do not control the uses of mechanisms of direct democracy, they have stronger incentives to if not follow, at least not ignore, citizens' preferences than if these mechanisms did not exist; this is because citizens have a powerful institutional platform from which they can force a higher degree of accountability. From this perspective, *Citizenship and Contemporary Direct Democracy* is not just a book about direct democracy; it is a book about democracy at large, its functioning, its institutions, and its innovations. Of course, the main interest of the book is direct democracy, particularly when it is beyond the control of authorities. But the book also uses the discussion of direct democracy to delve into issues of citizenship, representation, public policy, and decision-making. Underpinning everything that follows is a common leitmotiv: the quality of democracy.[23]

[22] A similar clause is included in the constitutions of Belarus (Constitution of 2004, Art. 77), South Sudan (Constitution of 2013, Art. 195.3), Tajikistan (Constitutional Law on Referendum of 1995), and Turkmenistan (Constitution of 2008, Art. 94).

[23] The quality of democracy entails the extent to which a given polyarchy actualizes its potential as a political regime. Note that there is a substantial difference between addressing the quality of democracy and the level of democratization of a political regime. Every analysis of the quality of democracy should assume a minimum degree of democratization. When we compare

1.3.1 Open Questions about Direct Democracy

In recent years, the literature has made notable advances in the knowledge of how direct and representative democracies interact. Like any institution, direct democracy is complex, dynamic, and imperfect. Despite being a quintessentially democratic procedure, paradoxically it sometimes encourages anti-democratic political fluxes. Although many of the problems of direct democracy will be analyzed in due course, it is worth stating here that direct and representative rules can coexist without undue difficulty.

Several well-established "old questions," posed by Lupia and Matsusaka (2004), have received extensive treatment elsewhere. Without dwelling too long on these questions, they are worthy of at least some brief discussion here. The first relates to citizens' capacity to make a choice when facing a complex ballot; the second is the role of money in shaping both the process itself and its results. To the first point, there is quite an impressive literature showing that citizens do understand complex problems and can in fact decide from among a variety of choices using heuristics, very much as legislators do (Bowler and Donovan 1998; Lupia 1992, 1994). As to the second point, empirical research indicates that economic resources definitely play a role in the game of direct democracy, albeit a rather nuanced one, as is also the case in regular politics. The literature also suggests that money matters most when spent by opponents – but not proponents – of the initiative in question (Garrett and Gerber 2001; Gerber 1999).[24] In sum, money matters in direct democracy as much as it matters in a typical representative government.

Nonetheless, several questions remain unanswered. When direct popular decision-making occurs alongside representative government, what happens to democratic goods such as participation and satisfaction with democracy as a whole? Is it accurate that citizens will support the status quo when voting directly on public policies? Is it true that radical sectors of society would benefit the most from the use of direct ballots? Beyond a few very particular policy

the quality of democracy among countries we are not comparing which countries are more democratic. Rather, we are analyzing in which countries democracy performs better given some normative standards, such as Dahl's classic coordinates of contestation and participation (1971), or popular sovereignty (Altman 2013a). Indeed, much of the debate about the quality of democracy is about the identification of these normative standards. See Munck (2016) for an updated and comprehensive review of the literature on the quality of democracy and its measurement. See also, Munck (2009), Coppedge (2004), Diamond and Morlino (2004), Munck and Verkuilen (2002), and Altman and Pérez-Liñán (2002).

[24] To mention just a few problems: (1) citizens proposing public policies "with enormous potential fiscal consequences but without any financing scheme built into the proposal" (Frickey 1998: 431); (2) the well-known role of money in DD campaigns (Garrett 1997); and (3) the well-known weaknesses of the American experience, where, as several scholars have described, the process is dominated not by ordinary citizens but by politicians, professional activists, wealthy interests, and well-oiled machines (Ellis 2002). See also, de Figueiredo (2005) Stratmann (2005).

areas, we are still lacking enough evidence to answer these questions. This probably reflects the fact that the comparative literature around direct democracy is still in its infancy. The most developed knowledge on the subject to date is based on single-country studies (or collections of single cases), and few scholars have aimed to build theory from a truly comparative perspective.

One could certainly bypass most of these questions by arguing that every direct democratic vote is unique, and that it is therefore impossible to build theory. It could be argued that mechanisms of direct democracy, in general, are highly idiosyncratic, distinctive events. If this is true, then generalizing across such events would be quite a different matter than, say, generalizing about the internal dynamics of political parties or the legislative process in different polities. It might also be argued that besides the Swiss experience, direct-democratic procedures are sufficiently few and far between such that we could develop tools to code each instance individually. These considerations notwithstanding, this book aims to demonstrate that such concerns are overstated. We *must* move beyond the safe, traditional, case-based approach to direct democracy and jump into the murky waters of "big" comparative politics.

Due to the uneven use of direct democracy worldwide, some cases necessarily exert greater leverage in shaping our view of these institutions as a whole. Without a doubt, Switzerland (at all its administrative levels, whether federal, cantonal, or municipal) and some American states are impossible to ignore, since much of the literature on the topic is guided by these cases. This is not without good reason, as Switzerland accounts for almost 45 percent of all decisions made through direct democracy in the world at the national level, since historic records of such occurrences began. At the same time, American states have been notably active, with Oregon acting as the virtual flagship of the Union (despite being less well known than its Californian counterpart). Nonetheless, this research is also sensitive to other, lesser known yet incredibly rich experiences of direct democracy: from Slovenia to Bolivia, Ghana to New Zealand, and Latvia to Uruguay.

The existing literature seems quite divided on two related yet still very distinct questions. The first refers to the contrast between the process and the results of direct democracy (e.g., the collection of signatures rather than the result of the vote), and asks whether the process itself can have some positive externalities for democratic life in general. The second considers whether the decisions made through these mechanisms of direct democracy are consistent with the spirit of the extension of civil, social, and political rights. To use Christiano's (2003) nomenclature, the first type of question emphasizes the *intrinsic* worth of direct democracy; the second tends to see it from an *instrumental-consequentialist* perspective. In very broad strokes, advocates of direct democracy tend to underline the former, highlighting the pedagogical externalities of mechanisms of direct democracy such as citizen awareness, while opponents of direct democracy tend to underscore the latter dimension, pointing to several controversial decisions that have been made through these

mechanisms. Conveniently for both critics and defenders, there are so many types of MDDs that have produced so many different results, and it is always possible to find an example in support of whatever narrow argument one wants to make.

Swiss Social Democrat Eurodeputy Andreas Gross exemplifies the view shared by the first group:

> I think that the question of how to address the usefulness of direct democracy is less a matter of whether it favors conservative or progressive politics, or whether the citizens favor more or less change, but whether it is able to contribute to creating better-informed citizens, whether it empowers citizens to enhance their self-determination, and whether it reduces their feeling of alienation and powerlessness (2007: 64).

Taking the opposite view, opponents of direct democracy tend to dwell on the consequences of the votes and how frequently these votes fail to devolve power to the masses. The initiative process, in the words of Goebel, "has not empowered ordinary citizens, it has not increased political awareness or participation ... and it has not reduced the power of special interests" (Goebel 2002: 198). Moreover, studying the decisions made in what they call crypto-initiatives, which are initiatives that use direct democracy as an instrument to achieve non-policy–related goals, Kousser and McCubbins support the idea that "initiatives will only infrequently improve the public's welfare" (2005).[25] In short, "despite the hopes and rhetoric of many direct democracy champions ... there is little evidence that contemporary initiatives are galvanizing public engagement and revolutionizing political participation" (Pratchett 2012: 117).

In the US literature there is a friction between those who agree that direct democracy has many positive implications for democratic life, particularly in terms of civic engagement, awareness (Donovan and Karp 2006; Smith and Tolbert 2004), and the way citizens relate to the democratic process as a whole, and those who support the opposite view (Dyck 2009; Dyck and Lascher 2009). Even if we accept the view that citizens are the winners of the direct democratic game, there is robust evidence that they are not the only winners. Some of the sclerotic institutions that were the very objects that motivated the embrace of direct democracy (e.g., political parties, lobbies) have shown a notable elasticity in adjusting to the process itself. Several have succeeded in preserving and even expanding their established and privileged position. From this viewpoint, the very same institutions and practices that direct democracy was intended to correct have shown great adaptability in playing in the new direct democracy game, sometimes even using it to expand their influence. In

[25] For other scholars with strongly anti-direct democracy views, see Bell (1978), Frickey (1998), Hill (2003), Stearns (2012).

that sense, direct democracy seems to have opened new avenues for all, including the "bad guys."

Given the strong claims on either side of this contentious debate, unpacking the reasons why some people shift their opinions regarding direct democracy seems more captivating than studying the entrenched positions of its advocates or detractors. For example, President Woodrow Wilson's perspective on the initiative process notably evolved over time. While a younger Wilson claimed that "where it [the initiative process] has been employed, it has not promised either progress or enlightenment, leading rather to doubtful experiments and to reactionary displays of prejudice than to really useful legislation" (Wilson (1898) cited by Smith and Tolbert 2004: 1), years later he claimed that citizen lawmaking was a "gun behind the door – for use only in case of emergency, but a mighty good persuader, nevertheless" (2001: 2).[26]

Most studies of direct democracy tend to include these popular votes as an independent variable, as they are typically concerned with the effect they have on a particular policy area.[27] Interestingly enough, most of these studies assume that the impact of direct democracy is somehow cumulative, e.g., the more it is used, the more the dependent variable of interest emerges (e.g., accountability) (McGrath 2011). Very few studies, however, attempt to go beyond the boundaries of a particular policy area to pay attention to why MDDs are accepted to start with. By analyzing *all* of the cases of mechanisms of direct democracy (referendums, popular initiatives, plebiscites, legislative counterproposals, and mandatory referendums) held worldwide at the national level since 1980, this research expands on previous work on direct democracy. This topic has been under-studied from a general comparative perspective, and the aim of this research is to alter this state of affairs.

[26] The degree to which the threat of a ballot measure has an effect on the political attitudes of government is still a debated topic. On this point, see Gerber (1999) and Altman (2016), who argue strongly in this regard, or Lascher et al. (1996), who claim that the effect is rather marginal.

[27] See, for example, the following studies: on policy making (Wagschal 1997), on fiscal policies and taxation (Blomberg et al. 2001; Matsusaka 2004; Phillips 2008), on the size of government (Funk and Gathmann 2011), on sovereignty (Suksi 1993; Sussman 2012), on redistribution (Berry 2009; Flavin 2015), on turnout in general elections (Binder and Childers 2012; Everson 1981; Lacey 2005), on popular mobilization and protests (Fatke and Freitag 2013; Tolbert et al. 2009), on political distrust (Dyck 2010), on accountability (Lupia and Matsusaka 2004), on political financing (Pippen et al. 2002), on citizens' enlightenment (Smith and Tolbert 2004), on abortion (Arceneaux 2002; Gerber 1996), on minority rights (Christmann and Danaci 2012; Lewis 2013; Marxer 2012), on gay rights (Gamble 1997; Haider-Markel et al. 2007), on same-sex marriage (Lewis 2011b; Smith et al. 2006), on official languages (Preuhs 2005; Schildkraut 2001; Tatalovich 1995), on ethnic conflict (Qvortrup 2014b), on ethnic minorities (Bochsler and Hug 2015; Dyck 2012; Hajnal et al. 2002), on immigration and naturalization of foreign residents (Hainmueller and Hangartner 2013), and so on and so forth.

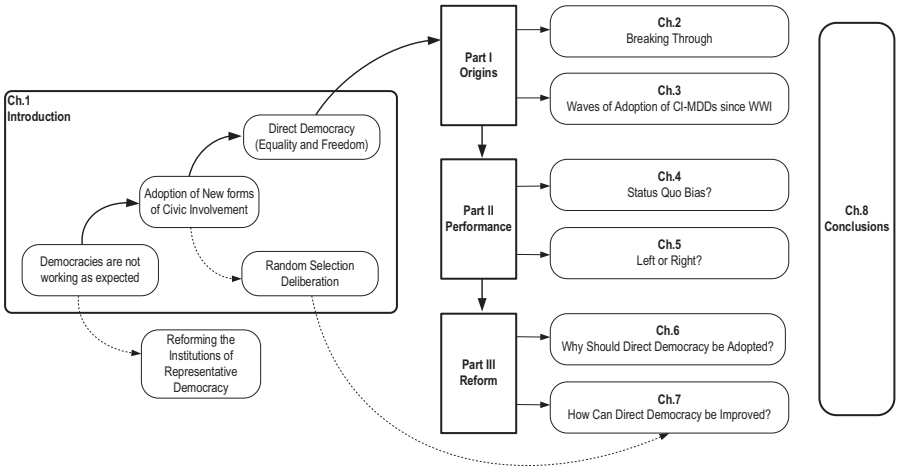


FIGURE 1.3 Book structure

1.4 ORGANIZATION OF THE BOOK

Citizenship and Contemporary Direct Democracy concentrates on the relationship between direct democracy and representative government, as the former is often touted as an alternative therapy for the latter. To understand this relationship, we need to know more about direct democracy's contemporary origins, how it works, the effects it produces (its performance), and, eventually, how to improve it (reform). Thus, the *origins*, *performance*, and *reform* constitute the backbone of this book. Each broad concept is explored in a separate section of the book, each of which is subdivided into two chapters. A broad picture of the book's structure is represented in Figure 1.3.

The three sections of the book address questions scholars and activists systematically pose when discussing direct democracy: how MDDs came to be, whether MDDs are truly neutral tools (in the sense of not favoring particular sides), and – due to their imperfections – whether there are ways to improve them. Studying the origins of direct democracy is crucial because there is no theory on why direct democracy, particularly of the citizen-initiated variety, is adopted in different polities. Many explanations of its adoption do not go beyond voluntaristic approaches. However, the adoption of direct democracy transcends the simple will of some political leaders. Likewise, it is also fundamental to analyze the performance of direct democracy because current common knowledge paradoxically suggests that either democracy is a tool for of the extremes of the ideological divide, or that direct democracy does not change anything at all. Perhaps unsurprisingly, these seemingly contradictory claims are typically supported by evidence that is essentially anecdotal and rarely approaches a systematic comparative effort. In order to offer a more reliable answer, this book uses a database composed of all MDDs held in the

world at the national level since 1980.[28] Finally, in studying the reform of direct democracy, I show that there is room for institutional improvement and innovation. The contents of the remaining chapters proceed as follows.

The first section of the book – Chapters 2 and 3 – pivots on the adoption of citizen-initiated mechanisms of direct democracy within the current institutional architecture of democracies. When studying citizen-initiated mechanisms of direct democracy, in particular, there is an ever-present paradox: If CI-MDDs are truly such powerful tools for diluting the power of authorities, why did these same power-seeking authorities ever accept such institutions in the first place? It seems improbable that rational political actors would adopt CI-MDDs unless the alternative to accepting these measures appeared much worse. The problem is obvious: Direct democracy (at least in the hands of the citizens) abolishes the monopoly of power held by professional politicians. Since no politician wants to decrease his or her power without reason (especially if that power is monopolistic), we should expect authorities to categorically reject any reforms in that direction.

Yet citizen-initiated mechanisms of direct democracy exist in a wide variety of countries. If direct democracy is one of the potential innovations available to current democracies, then it is helpful to understand where and how CI-MDDs first came into existence, in Switzerland, the United States, and Germany. Thus, Chapter 2 answers the question of why authorities in these cases accepted such a threat to their interests. The analysis considers the rational calculus politicians made in choosing to accept the new institutions, and the political environments that conditioned their choices. Examining historical records, two critical moments are identifiable in the adoption of MDDs: The first period stretches from the late eighteenth century (when the very first MDDs were adopted by nation-states) up to the end of World War I; the second coincides with the end of World War I, specifically with the constitution of the Weimar Republic in Germany. This second moment is the object of analysis in the subsequent chapter.

Chapter 3 studies when and why countries adopt citizen-initiated mechanisms of direct democracy. The chapter examines all countries in the world up to the present day, and unpacks the local and international conditions at the time of CI-MDD adoption. At the beginning of the twentieth century, only one country allowed for national CI-MDDs (Switzerland). A century later, at the time this book was written, fifty countries (representing one-quarter of the countries currently in existence) permitted CI-MDDs, at least in a formal sense. Though the particular political environment surrounding adoption is unique in every case, statistical analysis reveals that both local conditions as well as international diffusion have clearly driven the spread of citizen-initiated mechanisms of direct democracy around the world.

[28] To improve readability, this book tries to maximize the use of visual aids and minimize the presentation of statistical tables and technical language as much as possible. Readers with a more technical eye will find substantive material is developed in the chapter appendices.

As expected, elected representatives do not, by their own volition, give up their exclusive domain over the legislative agenda without a strong reason to do so. The adoption of citizen-initiated mechanisms of direct democracy tends to occur in times of political instability: times when, for one reason or another, lawmakers believed that a new page in a nation's history is being turned. History also matters in the sense that prior experience with mechanisms of direct democracy (regardless of their type or success at the ballot box) is a strong predictor of future adoption of CI-MDDs, as is a higher level of democracy overall. Going beyond national borders, the analysis also tests, with strongly positive results, how other countries' use of CI-MDDs around the world affects a state's probability of adopting CI-MDDs, taking into consideration relative geographic proximity as well as democratic reputation. The theoretical and empirical contributions of this chapter constitute the very first truly cross-national, exhaustive, comparative analysis of the origins of CI-MDDs on a global scale.

The second section of the book (Chapters 4 and 5) tackles some of the challenges and apprehensions common in the literature on direct democracy. Specifically, it addresses the consequences of having citizen-initiated mechanisms of direct democracy. Of course, as it is impossible to tackle each and every concern, the primary focus remains on those arguments that appear to be most critical but have not yet been addressed in a systematic and comparative way, namely: whether MDDs show a systematic status quo bias, and whether MDDs are mainly used by extremist elements within society.

To avoid serious biases and, therefore, invalid inferences, Chapters 4 and 5 use an original database that includes all national uses of MDDs (whatever their type) on an annual basis in all countries in the world from 1980 to 2016 (approximately 1,150 cases in all). The foci of study at this stage are the tools of direct democracy used at the national level only; the database does not consider non-official or subnational MDDs. Also, these chapters are restricted to actual uses of MDDs, rather than the legal (but unrealized) possibility of their use (as in Chapter 3.)

Chapter 4 asks to what degree can these institutions be considered successful in terms of their results for their promoters (authorities or citizens)? Is it true that naysayers systematically win? This chapter finds that, in the context of democratic regimes, citizen-initiated mechanisms of direct democracy succeed in about one-quarter of all attempts. This success is strongly contingent upon whether the vote is concurrent with a general election, how demanding the quorums for participation and approval are, and the economic conditions of the society in which they transpire. Concomitantly, this chapter also tests whether ballots initiated by elected officials systematically tend to favor their preferred outcome. The evidence is mixed in this regard. Generally, policy change is more likely to occur when the executive recommends it, when lower quorums are required for approval, where a polity shows lower levels of democracy, and where society is less diverse.

Chapter 5 challenges another serious concern regarding direct democracy, one that has become particularly salient in light of recent popular votes: Is direct democracy exploited by extremist forces in society? If so, what are those

forces? These questions tackle one of the most compelling apprehensions regarding direct democracy – yet, at the same time, they are among the least studied in the literature, at least from a cross-national perspective. To uncover the location of CI-MDD instigators on the ideological continuum, the analysis estimates their Gravitational Ideological Center (GIC), which is a weighted average of their ideological locations and representation in parliament. This is then compared with a similar measure indicating the ideological locations of governments, which allows for the estimation of the absolute and relative location of promoters of CI-MDDs.

This research finds that CI-MDDs, as a group of institutions, are neither statistically biased toward the left nor the right, as some elements within the literature have insinuated. In regard to the winners, two alternative hypotheses are tested. The first relates to the idea that those who trigger MDDs are sincere in that they really seek to win the popular vote. The second alternative, however, assumes that campaigners instrumentalize CI-MDDs as a means to achieve some other, larger goal, and therefore the actual success or failure of the ballot measure is not necessarily important, per se. I call this the degree of capitalization. While results show that proponents' ideological location (GIC) is not statistically relevant for the approval of a CI-MDD, this location is clearly related to CI-MDD capitalization: The farther to the right instigators are, the more likely they are to capitalize on the use of a CI-MDD.

The third and last section of the book deals with a more normative perspective on direct democracy. In doing so, this section asks why citizen-initiated mechanisms of direct democracy should be adopted and how existing institutions can be improved. For this purpose, this book suggests a new institutional mechanism aimed at augmenting the options citizens have on a given contentious topic when a popular vote is on the table, offering an alternative to both sides of the policy under scrutiny.

Chapter 6 asks why citizen-initiated mechanisms of direct democracy should be embraced by contemporary representative regimes. It argues that citizen-initiated mechanisms of direct democracy have important spillover effects on the overall democratic life of a polity, even if the results do not reflect the original goals of the promoters. These spillover effects occur in two major arenas: the political game itself (by generating incentives for political consensus, moderating circumstantial majorities, and expanding the political playing field), and the relationship between representative institutions and the citizenry (by augmenting policy congruence, women's empowerment, civic participation, satisfaction with democracy, and broadening the topics subject to popular consideration). This chapter continues the discussion around new forms of civic involvement, making the case that CI-MDDs perform better than other democratic alternatives suggested by the literature (decentralization, deliberation, or e-democracy) to deal with the current democratic malaise.

Chapter 7 begins by acknowledging the fact that representative institutions and direct democracy mechanisms are here to stay, and that the expectation that these could eventually be usurped by deliberative bodies is both unrealistic

and futile. This chapter, however, recognizes the strengths of deliberation, and, taking this as a starting point, goes on to propose a mechanism designed to channel these three different views of democracy into a viable institutional tool, notwithstanding the evident tensions among these streams of democratic theory. The objective is to strengthen representative and direct democracy with a new deliberative institution: *Citizens' Commissions* in charge of advancing *Citizens' Counterproposals* any time an initiative or referendum is scheduled. This institutional transformation will benefit the functioning of contemporary democracy at large. It does so by enlarging public views on a contentious topic, offering an alternative to both sides of the popular vote that can be captured by narrow interests, but will also, alongside other institutional transformations – such as compulsory voting – help minimize class bias and negative campaigns.

Finally, Chapter 8 concludes by arguing that in the context of unequal societies, CI-MDDs are an important and viable way forward among the menu of democratic innovations that have been proposed to invigorate current democratic regimes. In particular, their strength is derived from the fact that they strongly defend two pillars of democratic thought: freedom and equality among citizens. I do acknowledge, however, that this is not the only viable democratic innovation. That said, I show that other alternatives either build upon naïve expectations about citizens' engagement, or would erode, if indirectly, the principles of freedom and/or equality. Nonetheless, as with any institution, CI-MDDs can be used and abused. And from this perspective, I also understand the fear that opening the door to CI-MDDs has instilled, especially in light of recent developments and misuses of TD-MDDs.

Recent years have shown how some political leaders bet on the perverse use of plebiscites to achieve controversial policy goals (Brexit, Orbán's EU immigration quotas, Colombia's Peace Plan, Catalonian independence, etc.). However, the fact that some leaders have instrumentalized and abused plebiscites cannot and should not lead anyone to infer that CI-MDDs can be equally misused in a similar fashion. Despite a superficial resemblance in terms of their mechanics, these institutions are substantively different.

Moreover, there is the ever-present concern about citizens' capabilities of going beyond basic impulses and populist motivations in order to make complex decisions at the polls. Even in sophisticated and progressive circles, many question the minimal competence of what they consider to be "average citizens." This is a dangerous line of reasoning, which, in some ways, echoes those concerns that were voiced during the extension of suffrage, first to working class men and, later, to women.

A central claim of this book is that CI-MDDs are not necessarily affected by status quo biases, nor are they clearly tilted to systematically favor any particular side of the ideological cleavage. On the contrary, CI-MDDs empower citizens by forcing a harmonization between representatives and voters, thereby making representative democracy more representative of the views of citizens and making democracy work better.

PART I

ORIGINS

2

Breaking Through

The Rebirth of Direct Democracy in the Age of the Nation-State

When studying the adoption of citizen-initiated mechanisms of direct democracy (CI-MDDs) in any country, there is an ever-present paradox. Why would politicians create institutional tools that limit their decision-making abilities? Why would they create a device for citizens to stand in the way of party-led legislation? Behind rhetorical claims appealing to democratic values and citizen empowerment – even sincere ones – there is an incentive structure that might make it attractive for politicians to push for the incorporation of CI-MDDs in the institutional repertoire. Learning from the modern early adopters of CI-MDDs (Switzerland, the United States, and Germany), this chapter brings together the theoretical explanations of the adoption of CI-MDDs that the current literature provides – which were, in fact, mainly tailored for these particular national cases, there being no single comparative theory on the topic. Thus, this chapter is divided into two major sections. The first section examines the three historical cases, and the second starts to draw out a theoretical framework that will be tested cross-nationally in the following chapter.

Although the adoption of direct democracy has received considerable prior treatment, most of this work focuses on the analysis of the implementation of plebiscites or obligatory referendums (denoted previously as top-down mechanisms of direct democracy, "TD-MDDs") and has less to say about popular initiatives or optional referendums. This is probably because CI-MDDs are used in far fewer places than TD-MDDs (see Table A2.1 in the Appendix).[1] Little research has specifically attempted to build a theory of CI-MDD adoption from a comparative perspective, and virtually none has tackled this topic from a

[1] Since 1980, 132 countries have used at least one MDD and just twenty-six have used at least one CI-MDD at the national level. Nonetheless, about thirty countries have the institutional architecture allowing for CI-MDDs, but where they have never been used. I expand on this subject in the next chapter.

truly comparative, empirical, cross-national perspective. This chapter, as well as the one that follows, attempts to change this state of affairs.

The major problem we face is that, despite several disconnected ideas accounting for the reasons behind the adoption of TD-MDDs, there is no general theory of CI-MDD inclusion yet. This might be due to the perception that adoptions of CI-MDDs seem to be highly idiosyncratic scattered events, and therefore not prone to general theorizing. In this regard, Bogdanor claims that we should admit "defeat in the search for general propositions and theories to explain why some countries used referendum and others did not" (1994: 87). Studying the American states, Matsusaka (2005a: 197) mirrors Bogdanor when he claims that "we do not yet understand why certain states adopted the process and others did not." Although we have few arguments to tackle the paradox of the adoption of CI-MDDs, the situation is not as desperate as it first appears because some "common elements can sometimes be detected" (Butler and Ranney 1978: 18).

Broadly speaking, there are two sources from where a push for citizen-initiated mechanisms of direct democracy can originate: the citizenry or politicians. When the demand to implement CI-MDDs comes from citizens, it usually responds to a disconnect between parties and the electorate (Scarrow 1999). That is to say, the representative system is unable to channel and address the concerns of the voters, who seek to modify the system to expand their direct role in the legislative process (Kriesi and Wisler 1999). On the other hand, when CI-MDDs are called for by the political elite, they usually include incentives that make the alternative work in their favor.[2]

Politicians are, by nature, maximizing power agents (Downs 1957), or strategic actors with career ambitions (Schlesinger 1966).[3] They seek to hold onto their positions and augment their influence in the decision-making processes of government (Mayhew 1974), and the evidence of minority parties pushing for institution-weakening reforms is robust. Challengers want to have a shot at affecting the legislative process, and the populist allure of MDDs can help them succeed in fostering support from the voters, particularly in a context of crisis and economic dislocation. A politician might push to expand the role of citizens in the legislative process because she finds the process to be innocuous and has been unable to affect the law-making process in any other meaningful way. Moreover, politicians might even believe they can rally citizens to support it. This can take the form of a minority party trying to pass a piece of legislation opposed by the majority party in parliament (Bowler et al. 2002;

[2] In this case, the term political elite refers to political parties and members of the legislative and executive branches.

[3] Of course, the Downsian view on politicians is something of an oversimplification of reality, almost to the point of exaggeration. The idea that politicians are also statesmen, idealists, and specialized persons interested in only one subject borders on caricature. If that statement were true, it would be easier to deal with politicians than it actually is.

Fridkin and Smith 2008), or a government seeking the power to bypass another actor by subjecting a piece of legislation to a popular vote (Altman 2011).

Despite the fact that citizen-initiated mechanisms of direct democracy allow citizens to bypass the legislature, some politicians likely expect that they might still be able to control the process because citizens do not and cannot act in a vacuum. The process of bringing a CI-MDD to a vote is, more often than not, mediated by the participation of legislators, parties, and their machines. As such, they have a stake in the issue being put to a vote. They want to appeal to their constituents by supporting a side, while at the same time, pushing their wider ideological agenda. Yet, if TD-MDDs can sometimes backfire on those who initiate them (just think of Brexit, or the Colombian Peace Plan), citizen-initiated mechanisms of direct democracy can be even more unpredictable. The citizenry might easily end up voting differently than political strategists predicted. Much more certainty is assured with the conduct of the deliberation process inside the walls of a parliament, with its closed offices and protected phone lines. The reasons why politicians give up this certainty, and allow – or even facilitate – TD-MDDs and CI-MDDs are various and most likely different. Consider the following examples.

The advancement of direct democracy in Switzerland results from a threefold combination of factors: a premodern tradition of local democracy (*Landsgemeinde* and *consiliums*), catalyzed by foreign imposition (French Empire), during the eve of the state's amalgamation in the first half of the nineteenth century.[4] At least in its modern form, direct democracy appeared there in the early part of the century, particularly at the cantonal level, where deep economic, religious, and political conflicts were felt more strongly. The tensions between Liberals and Radicals, Catholics and Protestants, produced a series of civil wars, demands, and concessions that culminated in the constitution of Zurich of 1869, which was probably the most advanced in the world at the time. This charter constitutes a turning point in the study of modern direct democracy due to its enormous influence on the institutional federal reforms of the 1870s and 1890s. These reforms occurred in the context of foreign invasions and the consolidation of a nation-state in one of the poorest and most backward economies in Europe.[5]

In the United States, during the last decades of the nineteenth century and the beginning of the twentieth century, the Progressive and Populist movements campaigned for the introduction of CI-MDDs in the American states (Cronin

[4] Landsgemeinde and consiliums are medieval forms of popular communal government. The *Consiliums* appeared first during the twelfth century close to the southern Italian communities and the *Landsgemeinde* since the thirteenth century, at the heart of the Alpine and central regions. See Komáromi (2015), Schaub (2012), and Parkinson and Reinisch (2007).

[5] Therefore, to understand the adoption of direct democracy during the nineteen century, it is recommendable to leave aside any image we might have of contemporary Switzerland as an extremely rich, institutionalized, consensual, and peaceful country.

1999; Gerber 1999; Magleby 1984).[6] Of course, the idea of self-government was not extraneous in the American context; to the contrary, the *New England Town Meetings* of the seventeenth and eighteenth centuries are among the finest such examples (Bryan 2004; Zimmerman 1999), and the notion was prevalent in revolutionary America (Schmidt 1989). But it was only at the turn of the twentieth century that this ethos became institutionally materialized. Economic dislocation, institutional fluidity, social unrest, and a set of coherent proposals proved to be the perfect mix, leading state after state to open their doors to constitutional referendums and, particularly in the western states, the inclusion of CI-MDDs. Inspired by Switzerland's experience, James W. Sullivan (following the continental ideas of Karl Bürkli), succeeded in building a strong alliance with Samuel Gompers, president of the American Federation of Labor who turned "AFL offices into centers of CI-MDDs agitation" (Schmidt 1989: 7). The combination proved to be unstoppable. Such is the importance of these institutions that it is hard to understand current American politics without considering the initiative process (Hagen 2002; Tolbert 2003).

In both Switzerland and the United States, voters had experienced severe economic crisis due to nationwide depressions. Both also experienced high levels of political dissatisfaction, disaffection, and even social unrest. Their representative regimes were unable to react to the demands of their citizens, but these regimes were the ones that (motivated by a different coalition of actors) resorted to CI-MDDs as a way to channel political discontent in an attempt to alleviate political tensions.

2.1 HISTORICAL CASES

This section offers a narrative of the way in which citizen-initiated mechanisms of direct democracy come into being. The focus is on those crucial cases that served as the first springboards to launch this set of institutions; in other words, discussion follows the pivotal links that connect long chains of circumstances, rather than offering a close study of the most recent links to have been added. This section is devoted, then, to the study of three major cases: Switzerland, the United States, and Germany. This historic overview shows the concatenation of ideas and even personal influence that opened the path for CI-MDDs.

2.1.1 Switzerland

As a case study, Switzerland offers endless material for the discussion of how political, institutional, historical, and social characteristics can affect an active, dynamic, and modern direct democracy. Stein Rokkan once said that

[6] Obligatory referendums were already adopted by all states (but Delaware). The first vote to ratify a state constitution was Massachusetts in 1778.

Switzerland is a microcosm of Europe due to its linguistic, cultural, religious, and regional diversity. Anyone who wants to understand Europe should start by understanding Switzerland (Rokkan in Linder 2010: xvi).

As mentioned, a quick look at the development of Swiss direct democracy might lead one to conclude that these powerful institutions are strongly anchored in an ancient practice of local democracy, imposed by the French Empire, on the eve of state consolidation during the first half of the nineteenth century. Though partially correct, this extremely simple perspective does not do justice to all the twists and turns that Swiss direct democracy has taken to reach the pinnacle it currently occupies in the world.

Before the Napoleonic invasion of Switzerland (1798–1802), the country was not much more than a loose alliance of relatively independent territories (cantons). "Although early forms of local democracy go back as far as the twelfth century, it was primarily through the reception of ideas stemming from the French Revolution that direct democracy was extended, modernized and institutionalized at the cantonal level" (Kriesi and Trechsel 2008: 49). Despite their lax association, these cantons "provide for the foundations and the repertoire of political institutions of modern Switzerland" (Serdült 2014: 67).

French occupation brought a new order to Switzerland: the Helvetic Republic (1798–1803). A new constitution was imposed. "Although the 1798 constitutional system was fraught with weaknesses and elements alien to Swiss convention, it echoed Swiss tradition in one important respect - it laid the foundation for direct democracy at the national level" (Kobach 1993). Although this constitution was not itself subject to popular ratification, it did include a provision for future constitutional referendums. The constitutional referendum, "an import from North America, was there to stay. It found its way from France to Switzerland and later spread across Europe" (Kaufmann et al. 2010: 36). In 1802, the provision came into effect when the fifth constitution was submitted to the people for approval. Switzerland witnessed its first nationwide popular vote. This constitution was seen as unfair and extremely centralized, and uprisings threatened to topple the government. A new constitution that restored cantonal sovereignty was imposed in 1803.

The convulsions of Europe in the 1830s left their mark on Switzerland, too. As cantonal governments encroached on old-fashioned aristocracies with feudal roots, popular gatherings demanded greater political rights. These gatherings called themselves *Landsgemeinde*, and, modeled after them, this period is called the Restoration. These demands pushed several cantons to rewrite their constitutions, and a vast majority included optional legislative plebiscites. In the eyes of elites, it would appear that "a prudent concession to popular opinion was better than a revolution" (Fossedal 2002: 89).

During the following years, Switzerland was locked in constant struggle between the Liberals (representing the establishment) and the Radical Democrats (a modernizing force). While both agreed that sovereignty resides with the people, they had absolutely different ideas as to how this should be

institutionalized. The Liberals were profoundly skeptical about people's capacity to make decisions; the Radical Democrats, however, saw the people as the supreme voice. Radical Democrats succeeded in including the "veto" (the institutional precursor to the referendum) in St. Gallen in 1831.[7]

The Swiss federal state of 1848 was born out of bitter struggles and civil war (Kaufmann et al. 2008; Kobach 1993). It essentially created the Switzerland we know today, establishing a federal state with a seven-member collegial executive power and a bicameral parliament that emulated the US model (Kobach 1993) – further evidence of the American influence on the confederation. More importantly for the purposes of this study, it included popular votes for a total revision of the constitution and obligatory constitutional referendums (Linder 2007). But it was not until the 1870s that direct democracy truly came into its own, first in Zurich, then elsewhere.

In the late 1860s, Zurich was moving forward in terms of direct democracy, and the approval of the 1869 constitution represented a big stride in that direction. Karl Bürkli, a socialist in the tradition of Fourier and Considérant, strongly influenced and inspired by Moritz Rittinghausen's ideas (Sullivan 1892: 16), championed a drastic extension of direct democratic rights in Zurich. This was partially achieved in the constitutional reforms of 1865,[8] but acting as one of the authors of the Zurich Constitution of 1869 (alongside Friedrich Albert Lange) gave Bürkli the opportunity to push direct democracy another step further.[9] This constitution institutionalized direct democracy – the constitutional and legislative initiatives, the obligatory legislative and constitutional referendums, and the finance referendum – to a degree that "had never existed anywhere else before that time. It served as a model for the change in the political system from indirect to direct democracy in other cantons and in the federation" (Kaufmann et al. 2010: 35).[10]

[7] But the Liberal-Radical divide was not the only significant cleavage in Switzerland. Equally important were the religious confrontations between Protestants and Catholics that culminated in the Sonderbund War of 1847. The name "Sonderbund" comes from a secret alliance that conservative and Catholic cantons made to resist the secular and liberal reforms of the 1830s. This alliance was politically and militarily crushed by the Radical establishment.

[8] Arguably, the very term "direct democracy" belongs to Considérant (Beecher 2001). See Considérant's *La Solution, ou le gouvernement direct du peuple* (1850).

[9] Of course, for Bürkli, direct democracy was not only a (sincere) promise to democratize politics, but also offered a tangible opportunity to challenge the prevailing economic system dominated by monopolies, moneyed elites, and oligarchies. This economic system was known in Zurich as the "Escher system," following Alfred Escher, who was possibly one of the most influential political figures in Switzerland in the nineteenth century, particularly in the worlds of finance and trains. Its legacy includes the foundation of Schweizerische Kreditanstalt (now Credit Suisse), and the Gotthard railway. Bürkli was a strong opponent of the liberal order embodied in the Escher system.

[10] It also included progressive taxation, etc. On the role of citizens in crafting the constitution see Massuger and Tornic (2007: 129).

The federal facultative referendum was instituted in 1874, and the popular initiative in 1891. By the turn of the twentiety century, all major forms of MDDs had already been incorporated into the Federal Constitution. Since then, only minor adjustments and extensions have been made, such as the provision for obligatory referendums on international treaties (1921, extended again in 1977 and 2003), referendums against "emergency measures" (1949), and the so-called "Double-Yes" tie-break option in cases where citizens are faced with both an initiative and a counterproposal, effectively allowing them to support both with a final settling question (1988, extended again in 1999 and 2003).[11] What is particularly interesting is that all these extensions and innovations were introduced through popular initiatives. Popular initiatives in Switzerland constitute institutional devices that allow for the development of democracy at large.

Of course, assuming that all these changes were tension-free would be an absurd simplification of reality. "The constitutional initiative [. . .] was looked upon as an extremely dangerous innovation by the conservative publicists of the day. By 1848, however, it had been generally recognized to be what it undoubtedly is, a very effective safeguard against violent outbursts of popular discontent" (Rappard 1912a: 353–4).[12] In the late nineteenth century, politics pivoted around two major political poles: a dominant Liberal Party, and a weaker Conservative Party. While the Conservative Party favored the adoption of new popular rights, the majority of the Liberal Party was hostile to it, "since it would diminish the party's power and make the decision-making process more difficult to control. However, due to a split in the Liberal party – a minority of the radical democratic wing was in favor of the new rights – there was a majority in parliament in favor of introducing the new direct democratic rights" (Lutz 2006: 47).

The importance of Switzerland in the history of direct democracy is hard to quantify. After all, Switzerland was a long way from being a continental power; to the contrary, it could be described as a "poor region of mountain farmers" (Linder 2010: 1). Nonetheless, its pivotal role is twofold: First, the extent of its democratic innovations (regardless of whether they were a simple coincidence or the result of political design) was truly unprecedented; and second, because of those democratic innovations, the country served as a sanctuary for many influential European intellectuals, particularly socialists.

[11] Given that legislative counterproposals were sometimes used to derail popular initiatives in Switzerland, in the reform of the Swiss Constitution of 1999, Art. 139 (6) stipulates that citizens may vote simultaneously for the popular initiative as well for the counterproposal made by the legislature, against the status quo. In a separate question, citizens may also indicate which drafts they prefer (in case they voted for two of the proposals against the status quo). As Serdült mentions, before this reform: "one could only give a vote to either the citizens' initiative or the counter proposal which were therefore cannibalizing each other's votes" (2014: 73).

[12] In this regard, see also, Rappard (1912b) and Steinberg (1978).

Fueled by Bismarck's Anti-Socialist Law of 1878 of the German Empire,[13] many German Socialist leaders and intellectuals operated from Switzerland, and Zurich in particular. Moreover, Zurich was not only the refuge of exiled Germans, it was then "the foremost meeting place for exiled radical students and thinkers from the Tsarist Empire, from the Balkans and even from the USA" (Sassoon 1996: 11).[14] There is a good reason why Feuer calls Zurich "The Peaceful Cradle of European Revolution" (1982: 4). In other words, "Switzerland was, at the turn of the century, the crossroads of Europe's revolutionary forces" (Weizmann in Feuer 1982: 8). Simply imagine the effervescence of intellectual circles in Switzerland harboring, almost simultaneously, Wilhelm Liebknecht, Karl Marx, Vladimir Lenin, Rosa Luxemburg, Karl Kautsky, Eduard Bernstein, George Plekhanov, Pavel Axelrod, Mikhail Bakunin, Leo Deutsch, and even the revolutionary Albert Einstein! All of these intellectuals and politicians had a firsthand experience with direct democracy, which, for better or worse, shaped the way they perceived and influenced the world.

2.1.2 United States

While the United States does not permit citizen-initiated mechanisms of direct democracy at the federal level (no MDDs of any kind for that matter), it remains one of the world's most active users of CI-MDDs due to their popularity at the state level. About half of states allow for citizen initiatives and referendums, though referendums are substantially less common than initiatives.

Although the roots of American direct democracy can be traced to the New England Town Meetings of the seventeenth century (Bryan 2004; Zimmerman 1999; Zuckerman 1970), it was not until the Progressive Era (1890–920) that direct democracy made its debut in the Union.[15] Nonetheless, this was a gradual progression of events. In 1775, Jefferson was the first of the Founding Fathers to propose statewide popular votes (Schmidt 1989).[16] Now, all states,

[13] Officially known as "Gesetz gegen die gemeingefährlichen Bestrebungen der Sozialdemokratie" (Law against the Public Danger of Social Democratic Endeavors).

[14] On the eve of the Paris Commune (1871), Zurich welcomed a number of Russian revolutionaries who sought asylum from tsarist prisons. Moreover, the Russian library of Zurich played a crucial role in enabling women to break from the misogynistic atmosphere that dominated in Russia (Hartnett 2014: 40–1).

[15] The origins of these town meetings can be traced to the political ideas of Protestantism and the guilds that Pilgrims had used even before immigrating to America (Komáromi 2012). Despite having been founded by a religious sect, Puritan towns maintained a separation between church and state, and allowed people their freedom of religion.

[16] Shortly thereafter, Madison took off his gloves in *Federalist* #49. He claims:

> As the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived, it seems strictly consonant to the republican theory, to recur to the same original

except Delaware, require any constitutional amendment to be approved directly by the people.[17] The very first direct vote at the state level was held in Massachusetts in 1778; it failed tremendously, forcing the legislature to rewrite the constitution. Since then, all states have followed suit (with the exception of Delaware). Komároni argues that "It is certainly no accident that the first appearance of this institution can be observed in those former New England colonies which already had an experience with direct popular participation in political decision-making" (2015: 61). Nevertheless, the spread of CI-MDDs was, as expected, much less straightforward.

At the turn of the twentieth century, many citizens felt alienated from the political system. There was a broad perception that powerful interest groups dominated the political arena, and politicians were seen as terribly irresponsive towards citizens' needs (Hartpole 1981). Step by step, an amorphous yet strong political movement amalgamated around the idea of incorporating these disaffected masses into the democratic game. One of the major traits of this movement was its anti-partisan motivation.[18] This group came to be known as the Progressive movement, however, beyond sharing a common motto, it lacked a unified or clear set of concrete goals (Gerber 1999; Greenberg 2015).[19] Among the very few common denominators that united Progressives was their rejection of party machines and the large corporations of the time (best embodied by the railways).[20] Thus, various institutional changes were envisioned as tools to fight the evils of politics and economics, among which mechanisms of direct democracy occupied a significant role (Tolbert 2003).[21]

> authority, not only whenever it may be necessary to enlarge, diminish, or new-model the powers of the government, but also whenever any one of the departments may commit encroachments on the chartered authorities of the others (Madison 1961 [1788]: 281–2).

[17] The first state to allow citizens to propose constitutional amendments was Georgia (in its first constitution of 1777). Amendments could only be proposed by "petitions signed by a majority of voters in each county, then to be ratified or rejected by a convention called by the legislature for the purpose" (Fisch 2006: 494).

[18] Some scholars, however, see a much less romantic vision of the Progressive era. Greenberg mentions that during the Progressive era a "whole gamut of 'reforms' was instituted whose purpose was to decrease significantly the voting participation of dangerous elements in the population: blacks, lower-class rural whites, recent immigrants, and the urban working class" (2015: 89).

[19] See Rodgers (1998: particularly chapters 2 and 3) for an extraordinarily detailed description of the Progressive era on both sides of the Atlantic.

[20] Among the monopolies of the time, railways offered the most significant example of political unscrupulousness and dishonest, corrupt business practices. While the relevance of the Southern Pacific Transportation Company in connecting the West with the rest of the United States is indisputable, this monopoly too often suppressed government reform and economic growth through dubious ethics of fraud and deceit (Moody 1919).

[21] It is interesting to note that of all of the reforms Progressives advocated, the one with the strongest impact on the American political landscape is probably direct party primaries. These primaries "succeeded in the goal of denying the bosses control over party nominations and has effectively eliminated party bosses altogether from American politics. In doing this, it has also transformed American politics, greatly weakening the parties as a representative and mediating

But Progressives were not the first to advocate for direct democracy. In 1885 Father Robert W. Haire and labor activist Benjamin Urner became the first reformers to propose initiatives and referendums in the United States (Schmidt 1989). In 1888, labor activist James W. Sullivan went abroad to study how direct democracy worked in Switzerland and how it might be adapted for use in the United States. Upon returning, he wrote *Direct Legislation through the Initiative and Referendum* (Sullivan 1892). Sullivan's book served as a strong inspiration for the incorporation of direct democracy in states' constitutions as a counter to these special interests (Piott 2003).[22] However, though Sullivan's book was highly influential, the introduction of direct democracy was a cooperative endeavor.

By the early 1890s, the platforms of the Socialist Labor Party and the Populist Party included the initiative and the referendum. Samuel Gompers, president of the American Federation of Labor (now the AFL-CIO), saw these mechanisms as a way to achieve union objectives without the violence that worker strikes might bring about.[23] "Under Gompers' leadership, state AFL offices became centers of I&R agitation" (Schmidt 1989: 6).[24] This enthusiasm started to materialize into tangible successes when, in 1897, Nebraska passed a state law allowing state cities to include initiatives and referendums, and in 1898 South Dakota became the first state to include citizen-initiated constitutional amendments in its constitution (Smith and Fridkin 2008). Nonetheless, it was only in June of 1904 that Oregonians approved the first two popular initiatives to appear on a state ballot. The resulting domino effect was virtually unstoppable: Between 1898 and 1916, almost twenty-five states approved citizen-initiated constitutional amendments in their constitutions.

Although most studies of direct democracy in the American context assume that its adoption was mainly a by-product of the Progressive Movement at the turn of the twentieth century, the precise chain of events that led to the adoption of state-level CI-MDDs remains poorly specified. Geographically speaking, it is clear that the spread originates from the Far West (Matsusaka 2005b). Why? These states were arguably the youngest in the Union; in fact, eight of them had been states for less than fifteen years at the turn of the century. Obviously, the political systems in this region could not be suffering

institution and reducing their role to little more than that of a fund-raiser for candidates who win party nominations. [. . .] The reformers sought to make candidates the focus of voter choice, and in this, they have succeeded far more than they could have imagined and perhaps more than they desired" (Bailey and Mileur 2015: 7).

[22] As acknowledged by the very same Sullivan (1892: 15–6), Bürkli and Sullivan were engaged in intensive dialogue and cooperation.

[23] Eventually, Wilson appointed Gompers to the Commission on International Labor Legislation at the Versailles Peace Conference, where Gompers helped create what would become the International Labor Organization (ILO). https://goo.gl/x01wTh [Last accessed April 17, 2017].

[24] See Kazin (1995: particularly chapter 3) for a detailed description of American Labor and the left during Gompers' years leading the AFL (1886–1924).

from the same sclerotic ailments that had long afflicted the eastern states. So what explains their apparent willingness to experiment with a direct democratic cure? The existing literature is divided on this question.

On the one hand, Bowler, Donovan, and Lawrence (2005) argue that economic interest was the main backdrop for the adoption of direct democracy. As the emerging economy of the West started to consolidate, it remained dependent on monopolistic companies that were, in turn, highly dependent on the transport and infrastructure projects of central government. MDDs helped to weaken these monopolies and corporations, allowing citizens to put a "wedge" in the process of making decisions that had previously been significantly biased in favor of big interests.

On the other hand, Smith and Findklin (2008) offer a new explanation of the mechanics of the adoption of direct democracy in the American states. They claim that direct democracy was a consequence of particular patterns of partisan competition, and not a populist wave from the West. According to this explanation, when a major faction believes that it might soon become a minority, or when a minority party achieves circumstantial control of the legislature, their representatives are motivated to weaken the legislature by empowering the median voter (Fridkin and Smith 2008; Phillips 2008). Explaining the adoption of direct democracy mechanisms in this way, they claim, undermines the somewhat impressionistic and ad hoc assumptions made by current literature (ibid.). This compelling argument is accompanied by a solid study that bypasses a critical problem of its predecessors: selection bias, as most previous studies that examine the origins of direct democracy have done so by studying only those states that have successfully adopted direct democratic measures.

Both perspectives are probably correct to some degree. The question then turns on the relative weight of each explanation. While these studies provide convincing explanations for why Oregon and Indiana have such different direct democracy provisions, little has been offered to explain the differences in the uses of direct democracy between Washington and Colorado (two clearly Western states). This important question will be addressed here in due course.

Leaving aside the reasons for the incorporation of direct democracy, some authors, such as Matsusaka (2004, 2005b), point out that the real impact of these institutions has acquired a much more important role since California's Proposition 13 of 1978. California's Proposition 13 (a typical popular initiative) constitutes a landmark in the study of direct democracy. In this proposition, Californians voted to drastically cut property and other taxes in an act that, for many, appeared to have been motivated by the selfishness of homeowners. This measure concomitantly spilled over into several other states. The effect of this vote was enormous in the American literature dealing with direct democracy, leading many authors to claim that direct democracy produces populist and irresponsible policies. It asks, "[w]ho would be as irrational as to vote against one's own interests?" Yet these authors often fail to consider the

fact that California's Propositions 99 (1988) and 108 (1990), for example, actually *increased* taxes and public spending.[25]

A typical concern within the American literature is the high frequency with which direct democracy is exploited by narrow interests – small groups with vast resources and virtually unlimited spending powers – that utilize these mechanisms for their own profit. Of course, there is certainly room to debate whether this is truly a problem of citizens deciding directly on certain topics, or the result of a series of questionable decisions by the US Supreme Court in refusing to limit campaign contributions (Altman 2014b). In any case, Braunstein shows how electors are more sophisticated than many believe, that voters exhibit preferences for measures that confer benefits on a broad section of the population, and that ballot-issue elections can generate widely inclusive policy even when those elections are funded by special interests (2004). These findings challenge the widespread perception that only special interests, professional consultants, or governing elites dominate direct democracy.

2.1.3 Germany

Germany has never been a big user of MDDs, nor can it be considered an institutional innovator on the scale of Switzerland or the United States at the end of the nineteenth century. Nonetheless, Germany occupies a decisive place in the history of direct democracy for at least two reasons. First, the country became a socialist epicenter on the continent in the late nineteenth century, which prompted the creation of the most significant social democratic party in the world of that time, the Social Democratic Party (SPD). The SPD transformed politics on the continent, not only because of its ideological commitment to workers' rights, but also because of its embrace of direct popular legislation. Indeed, "most social-democratic parties were created after the German SPD and followed its lead as a 'model' – for instance, the Austrian (1889), the Swedish (1889) and the Swiss parties (1888)" (Sassoon 1996: 11).[26]

Second, during the political reconfiguration of the continent in the aftermath of the World War I, the new Weimar Republic became a magnet in the international arena due to its institutional innovations, which included the use of CI-MDDs at the federal level (as well as in its states, the "Länder"). The Weimar Constitution, strongly shaped by the SPD, was notably influential in the constitutional discussion in the Baltic countries, in Ireland and Italy,

[25] For a rich discussion on California's political system, see Mathews and Paul (2010), and for a study on diffusion among the US states, see Walker (1969).

[26] In fact, "The German Social Democratic Party's Gotha Program, with its call for the people to have a direct link to legislative power, was translated and integrated in the manifestos of the Scandinavian Social Democratic Parties at the end of the nineteenth century" (Bjørklund 2009: 121).

and even in Uruguay. In short, we cannot comprehend the evolution of contemporary direct democracy without understanding the German link, which is closely related to the Swiss, and, indirectly, to the American experiences.

Most events related to direct democracy occurred simultaneously with the process of national unification. The General German Workers' Association ("ADAV" from *Allgemeiner Deutscher Arbeiter-Verein*) was initiated in 1863 under the leadership of Ferdinand Lassalle, and constituted a crucial building block for what, a few years later, would become known as the SPD. Though ADAV included an important liberal component (Roth 1963), Bismark managed to co-opt this element, leading the workers' association to oppose a liberal-conservative government (Luebbert 1991: 115–20). It was only then that ADAV adopted a socialist program (Morgan 1965).[27]

The seeds of direct democracy had already been planted, not necessarily as a complement to parliamentary politics, but as a replacement for it. Indeed, "Jellinek called this an expression of an unconscious Rousseauism" (Nippel 2016: 299). Moritz Rittinghausen (one of the founders of the SDAP) was probably the most significant socialist thinker to push in this direction.[28] Ritthinghausen was the first who "made a brilliant attempt to give a real basis for direct legislation by the people [...] No legislative proposal was to come from above. The government should have no further initiative than to determine that on a given day all the sections should discuss a given argument" (Michels 1999 (1911): 63). Ritthinghausen's efforts for legislation by the people crystallized into the three programs (Eisenach, Gotha, and Erfurt), which included some explicit mentions of "direct popular legislation" in differing degrees. When crafting the Eisenach program, Rittinghausen used Zurich as a virtuous example for the rule of the people (Nippel 2016: 300).[29]

From its inception as a political party, manifested in the Gotha Program, the SPD demanded direct legislation by the people. "The Socialist Labor party of Germany demands as the foundation of the state: 1. Universal, equal and direct suffrage, with secret, obligatory voting by all citizens at all elections in state or community. 2. Direct legislation by the people. Decision as to peace or war by the people." (Socialist Workers' Party of Germany 1875).

[27] A similar scenario occurred in non-Prussian territories with the VDAV (*Verband Deutscher Arbeiter-Verein*), which became the SDAP (*Sozialdemokratische Arbeiterpartei*) in the Eisenach program of 1869. In 1875, the ADAV and the VDAV merged into the SPD at a congress in Gotha, whose major output was the famous Gotha Program (1875), which was upgraded and integrated, in 1891, into the Erfurt Program.

[28] After the German revolution of 1848–1849, Rittinghausen left for Paris, from where, in 1850, he wrote *The Direct Legislation by the People* (*Die direkte Gesetzgebung durch das Volk*).

[29] The influence of Zurich beyond its cantonal limits is undeniable, not only in Switzerland, but in the work of particular thinkers like Karl Bürkli (and, through him, Sullivan in the United States).

Nonetheless, in his famous critique to the Gotha Program, Marx strongly contended that:

> Its political demands contain nothing but the old democratic litany that the whole world knows: 'universal suffrage,' 'direct legislation,' 'administration of justice by the people,' 'arming of the nation,' etc. They are a mere echo of the middle-class People's Party, of the League for Freedom and Peace; they are all demands that, so far as they are not of an exaggerated phantastic conception, are realized now. Only the State, in which they are found, is not situated within the boundary lines of the German Empire, but in Switzerland, the United States, etc. This sort of "Future State" is present State, though existing outside the limits of the German Empire (Marx 1875).

Despite Marx's critique, direct legislation by the people was developed even further in the Erfurt Program (1891) of the SPD. In this regard, popular initiatives, referendums, and recalls emerged more concretely than in the previously ambiguous calls for "direct legislation by the people." The text of the program reads:

> Proceeding from these principles, the German Social Democratic Party demands, first of all: [. . .] 2. Direct legislation by the people through the rights of proposal and rejection. Self-determination and self-government of the people in Reich, state, province, and municipality. Election by the people of magistrates, who are answerable and liable to them. Annual voting of taxes (German Social Democratic Party 1891).

As expected, direct legislation by the people was hotly debated in the "Second International" (1889–916). The discussion pivoted on whether direct democracy was a progressive demand, and therefore whether it was worthy of the support of the workers' movement. Although the Swiss envoys fought strongly in favor of "direct legislation by the people," the general view – as is evident in Kautsky (1893) – was a rather unfavorable one (despite Kautsky having been one of the main writers of the Erfurt Program, alongside Bernstein and Bebel). Karl Bürkli, an early Swiss Socialist who attended the meeting, "described Switzerland as a possible model for the future World Republic, since four different nationalities and cultures co-existed peacefully unified by their rich democratic traditions" (Callahan 2010: 126). Probably, however, as Kriesi and Wisler (1999: 53) argue, socialists from countries without strong, concrete experiences of direct democracy were more reluctant to embrace it, as they were more likely to find it distant, impracticable, and lacking a "cultural resonance."

The difference is evident in Kautsky's words: "We fully understand when party comrades [Parteigenossen] in Switzerland most vigorously advocate direct legislation. Nowhere are the preconditions for it as perfectly developed as in the [Swiss] Confederation . . . But one thing does not work for everyone. We Germans and Austrians have other things to do. We have a great and bitter struggle to fight against militarism and absolutism" (Kautsky 1893). The same type of argument was posed by Engels who, in a letter to Bebel, claimed that the

demand for popular legislation was fashionable nonsense and that in Switzerland it had done more harm than good (Nippel 2016: 300). Note that in Switzerland, referendums and popular initiatives were already included in the Federal constitution by the time Kautsky reacted (1874 and 1891 respectively), and their integration was strongly influenced by changes in the Zurich Canton in the 1860s (as discussed earlier).

Germany experienced a convulsive period during the first part of the twentieth century, transitioning through military autocracy, war, revolution, and democracy. In October 1918, Germany capitulated. The only party able to assume the responsibility of governing was the SPD, but for that it needed the tacit support of the army and big business.[30] The party made the necessary alliances with these two important actors through the Ebert–Groener Pact of November 10, 1918, and the Stinnes–Legien Agreement of November 15, 1918, respectively.

Though these pacts were obviously unwelcome among the more radical factions of the SPD, they were the prelude to the Weimar Constitution (August 1919) – probably the most liberal constitution in Europe at the time. This constitution had a massive impact not only on Germany itself, but also elsewhere, particularly in neighboring European countries. Later on, it was even used as the basis for drafting the "Basic Law" for postwar West Germany in 1949. This constitution was drafted principally by the bourgeois left-liberal Hugo Preuss, who was appointed by Friedrich Ebert, alongside Hans Kelsen and Carl Schmitt (Jacobson and Schlink 2000).

Preuss' first draft of the constitution only allowed for a rather restricted use of referendums.

> During the course of the debates, further provisions permitting fairly free use of the initiative, as well as greatly extending the list of circumstances in which referenda might be held, were added. Apparently these changes represented concessions to the Social Democrats which the middle-class republican parties were able to make at a minimum cost to their principles (West 1985: 16–17).[31]

Of course, even the members of the SPD were not unanimously fervent champions of popular initiatives or referendums. While these institutions were included explicitly in the constitution (particularly in Articles 73–6), subtle details, such as quorums of participation, were included, too, in order to make

[30] It is important to point out that before World War I ended, the SPD was clearly divided in relation to the war: A majority faction supported the war effort, while a minority, including Marxist hardliners, and the Independent Socialists, were against it (this minority faction would eventually become the Spartacus League, with Karl Liebknecht and Rosa Luxemburg as its principal exponents and leaders).

[31] "Article 60 of the first published draft permitted the president to call for a referendum if the two houses of the legislature could not agree, and after five years would have required referenda on constitutional amendments (Art. 51)" (West 1985: 16, footnote 41).

the process more cumbersome.[32] Such were the barriers that Gmelin (1921) referred to the provisions for CI-MDDs as a "democratic embellishment" (cited in West 1985: 17).

From the adoption of the Weimar Constitution in 1919 until its collapse in 1933 (although it technically remained in effect throughout the Nazi era from 1933 to 1945), four nationwide popular votes occurred. Students of that period tend to agree that the popular votes were not used in the most constructive way. In the words of West,

> Although intended in theory to provide a kind of ultrademocratic alternative to decision-making by parliament bodies, the initiative and referendum were, in fact, never successfully used in a constructive way. Rather they were exploited by anti-republican parties for purposes of mass agitation through which the process of inter-party compromise inherent in the parliamentary system could be discredited, and the hold of the more responsible political parties on their following shaken (West 1985: 15–16).

In June 1926, a popular initiative was held under the auspices of the Communist Party and the SPD. It aimed to expropriate the former German ruling houses without any compensation. The bitter campaign shifted focus and "reduced itself to the formula: Republic *versus* Monarchy" (West 1985: 11). The initiative gathered an affirmative vote of 96 percent of participants; nonetheless it was not enough to make the opinion legally binding, as only 39 percent of citizens participated. Another popular initiative was held in Germany in December 1929. This time, the initiative came from the conservative-nationalist side of the ideological divide, and attempted to renounce the Treaty of Versailles and the entire reparations program that had been imposed upon Germany. Again, the participation quorum meant the vote was not legally binding, as less than 15 percent of citizens participated (yet again, 94.5 percent of those who voted had been in favor of the proposition).[33]

Figure 2.1 illustrates the major influences that individuals and cases had on one another. This is an extreme simplification of history, and must therefore be taken as a heuristic visual aid to help the reader, rather than the exhaustive product of detailed historic research. The figure is divided into three regions: The top left quadrant depicts the Swiss experience; the top right, the American. Both are notably interconnected. Finally, the lower section of the figure, which corresponds with the end of World War I and the birth of the Weimar Republic, illustrates the tremendous influence of the Weimar Constitution, which represents a sine qua non turning point in the history of direct democracy and had a crucial impact on the rest of Europe and the beyond. The analysis of Figure 2.1 will be elaborated on in the next chapter.

[32] For an English translation of the Weimar Constitution, see https://goo.gl/KcJhIX [Last accessed on April 17, 2017].

[33] For a more complete analysis of these popular votes, see Mommsen (1996).

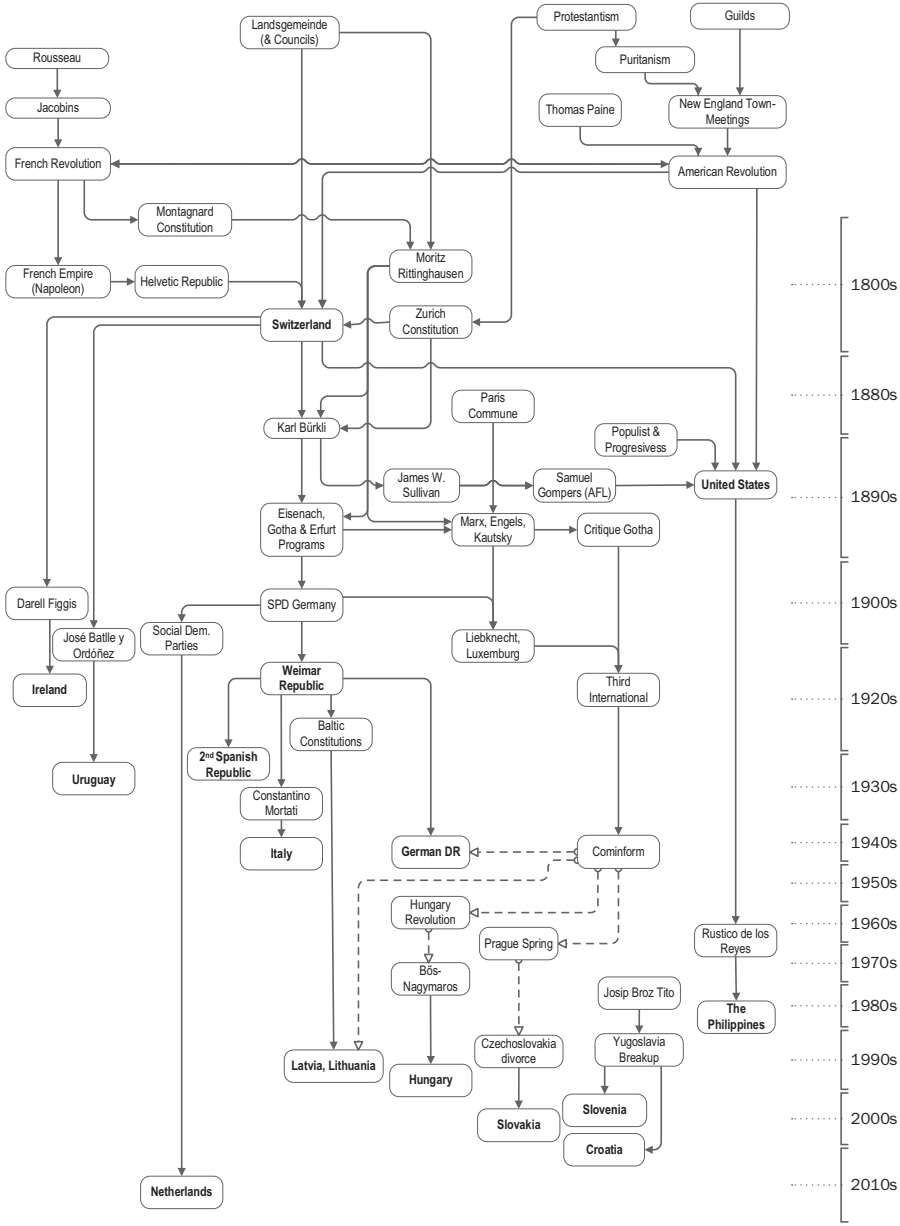


FIGURE 2.1 Genealogy of citizen-initiated mechanisms of direct democracy in select countries

2.2 WHAT DO WE KNOW ABOUT CI-MDD ADOPTION?

Regardless of how segmented the literature appears due to the lack of substantive and systematic cross-national research on the adoption of citizen-initiated mechanisms of direct democracy, it does contain some undeniable clues about why and how these measures were adopted in the particular contexts described earlier. If the presence of TD-MDDs is a puzzle, the presence of a CI-MDD is doubly perplexing. Regarding the former, Bjørklund mentions that "at first glance it may appear paradoxical that a political majority in a voluntary referendum consents to uncouple itself from the decision-making process and turn the question over to the voters" (Bjørklund 1982: 247). From this angle, the crucial aspect to consider is why leaders assume the risk of tying their hands by "inviting" the citizenry to wield the balance of political power on certain critical issues.[34]

Generally speaking, there is a near-universal trait common to virtually all adoptions of direct democracy: These measures are usually introduced in times of political change and instability. These times produce windows of opportunity that are usually accompanied by a sensation of anxiety, crisis, frustration, and discontent. These moments of societal and political stress are, more likely than not, accompanied by anti-party and apolitical beliefs – situations where there is a willingness to break with the past in one way or another.

In Switzerland, for example, every expansion of direct democracy from the Napoleonic invasions until the turn of the twentieth century occurred alongside a rise in an anti-party sentiment. Rappard is clear in this respect: "[of] the causes which lead to the establishment of the initiative and of the referendum, we find that popular discontent with the ruling party was always and everywhere the most potent factor" (Rappard 1912a: 355). Paradoxically, these anti-party feelings act as springboards for what Bjørklund calls "political mayflies"; political outsiders "who wished admittance to the inner circles of power found that they could make their entrance on the shoulders of the people" (Bjørklund 1982: 241). Thus, "aspiring leaders in the cantons called for the adoption of various referendum devices, winning massive public support and personal acclaim by doing so. Opposing such a democratic call was difficult" (Kobach 1993).[35]

Trying to transcend national particularities, Schiller (2012, 2013) distinguishes three scenarios that are likely to open the door for TD-MDDs (though not necessarily for CI-MDDs):[36] (1) the internal conflict model, (2) the national

[34] This question has been raised in relation to other political phenomena; see for instance, De La O (2015), or Rius (2001).

[35] A similar phenomenon occurs in the US context. For Donovan, "constitutional conventions at a time of economic crisis thus provided opportunities for changing the nature of democratic institutions in some states" (2014: 125).

[36] Komáromi (2013) contends that there are two basic models, a French "top-down," more plebiscitarian model (adopted by countries in the former Soviet Union), and a Swiss

independence model, and (3) the democratic transformation model. The internal conflict model is based on strategic actions taken by political elites, usually in a democratic context. The national independence model relates to situations where jurisdictions challenge an "imperial" center. In this context, MDDs mobilize the national will, reinforce national identity, and shield politicians in the newly independent state. Finally, the democratic transformation model concerns the transition from an authoritarian to a democratic regime. MDDs are used against the ancien régime and are designed to serve as complementary instruments of representative power and safeguards to preserve the democratic establishment during future crises.

Of these models, the one that has so far attracted the most attention in the literature is that of internal conflict, which pivots on the strategic and tactical considerations of incumbents (Donovan 2014; Fridkin and Smith 2008; Leemann 2014). Bjørklund (1982) asserts that a distinction has to be made between the demand for a vote on a certain issue and the demand to allow direct votes as a regular practice. If the demand is to resolve a particular point of contention – "an ad hoc solution to a particular problem" (Butler and Ranney 1978: 221) – there may be several reasons why a vote might be necessary. First, it could be the last resort of a minority faction of a ruling party or coalition that has failed to achieve its desired outcome through more traditional legislative means. Second, a popular vote could also be used as a mediation device. Even if the minority does not ask for a popular vote, there are situations in which the majority may have an incentive to let the people decide directly as a way to relieve internal tension (Tridimas 2007). This is particularly true when different sides on a contentious issue are close to being evenly distributed within a party. Finally, it could also be used as a "lightning rod" for dissent, thereby removing a potentially controversial issue from the normal political game and absolving politicians of their legislative responsibility (Bjørklund 1982: 248–9). This latter scenario clearly corresponds with contentious contemporary examples like Cameron's *Brexit*.[37]

"bottom-up" model that was adopted in other countries such as Lithuania, Slovakia, and Slovenia (see also, Komáromi 2015).

[37] There is a fourth possibility that does not necessarily have anything to do with immediate domestic politics: the use of a popular vote to strengthen one's country's bargaining position on an international issue. These votes can take two forms: either that of a threat mechanism against a third party ("if you do not concede this, we will do that"), or as a show of strength ("my people overwhelmingly support our stand in relation to this topic"). Brexit is probably the best example of the first case, while the Greek vote of 2015 on its economic and financial policy and the Hungarian vote of October 2016 on the European Union policy on refugees quotas epitomize the second group. The Greek and Hungarian votes might indicate a new habit of some European governments attempting to exacerbate nationalist feelings when dealing with the EU.

Of course, the coalitions that backed direct democracy were to a certain extent dissimilar in each location where they pressed for change:

> but their success [was] dependent, in part, on various combinations of these groups being able to win influence over one of the major political parties and/or win seats in the legislatures. Vehicles for achieving sufficient influence over the state legislature were sympathetic governors (Smith and Fridkin 2008), 'third' party movements (...) that secured seats in the legislature directly (Lawrence et al. 2009) and 'fusion' of a 'third' party with one of the major ones (Donovan 2014: 125).

In short, "competition between the major political parties played a decisive role in the introduction of direct democracy" (Lutz 2006: 47).[38]

The inclusion of CI-MDDs, however, can be seen as a subset of the incorporation of MDDs at large and, as happens with virtually any institution, their adoption results from the combination of a particular context, a window of opportunity, and the necessary political will. Careful consideration of these three components will dominate much of the proceeding analysis. First, the adoption of CI-MDDs is the conscious, calculated result of the strategic, tactical considerations of political actors. Second, actors must have some opportunity structure that enables them to pursue this objective, such as the national or regional environment, or perhaps, the degree of institutionalization of the state. Third, CI-MDDs will only take root if the climate is just right, as they require an environment of anti-party sentiment that is favorable to popular participation. That said, as will be explained in due time, these three components do not constitute a teleological sequence.

Though mainstream institutionalist political scientists tend to be somewhat reluctant to include political culture in their studies, the probability that CI-MDDs will take hold in a given place increases if there is what Kriesi and Wisler (1999) call "narrative fidelity." By this, they mean that CI-MDDs should resonate with the political and institutional traditions of that place (as with the *Landsgemeinde* in Switzerland, or the *New England Town Meetings* in the United States). In other words, when dealing with possible alterations of institutions, politicians do not include *all* the potential choices available to them, but rather a *subset* of these choices. This subset of choices is highly contingent on politicians' "political repertoire" and expectations (Ostrom 1990).

Another focal point in the literature is the political opportunity structure. A highly institutionalized state is inimical for the adoption of CI-MDDs (and for this matter, for any significant institutional change). The extremely decentralized character of Switzerland and the United States (at the time of state consolidation) offered a unique environment for institutional experimentation. As elaborated earlier, cantons and states were pivotal for the development of CI-MDDs. In this regard, Ostrom considers that "success in starting small-scale initial institutions enables a group of individuals to build on the social capital

[38] Studying the Swiss case in depth, Leemann (2014) arrives at similar conclusions. See also, Cortés (2017) and his study on the introduction of mechanisms of direct democracy in Mexico.

thus created to solve larger problems with larger and more complex institutional arrangements" (1990: 190). Politicians also learn from previous processes of trial and error of alternative institutional designs.

Thus, so far we have three major scenarios that explain the adoption of MDDs, all of which have *crises* as their common denominator. The success of CI-MDDs will also be contingent on historical and institutional local resonances. Most of these works, however, share a key attribute: They tend to downplay the role of *policy diffusion*, if not neglect it altogether.[39]

In relation to the link between ideology and MDDs, it would be useful to study the role of diffusion in the spread of MDDs. The United States was inspired by the Swiss model, however, the idea of modern MDDs in Europe was disseminated during the eighteenth and nineteenth centuries as a legacy of the French Revolution (Kriesi and Wisler 1999). Diffusion certainly plays a role in the dynamics behind the adoption of MDDs, and constrains the "particular set of rules that appropriators, or others, contemplate" since geographical (or other) proximity would make MDDs "likely to be in a repertoire of rules already familiar to those who propose them" (Ostrom 1990: 209). This topic will be approached in detail in the next chapter.

In short, there is no unified theory of CI-MDD adoption. At most, there is scattered evidence from a few cases (mostly based on the United States and Switzerland), but virtually nothing solid enough to understand the process of their incorporation beyond the aforementioned countries.

2.3 CONCLUSIONS

By identifying the contexts in which citizen-initiated mechanisms of direct democracy were adopted in the key cases of Switzerland, Germany, and the United States, this chapter set up the puzzle and the conditions that help to explain the early adoption of these institutions. In these early cases, causal explanations can basically be divided between "critical moments" (e.g., political crises, state formation, economic dislocation) on the one hand, and the spread of ideas through networks of influential thinkers and the documents they created on the other. So far, the literature has been skewed toward the former, pushing the diffusion theory to a notably less prominent place. This relegation of diffusion arguments is likely due to the fact that, as mentioned, the literature still lacks a systematic comparative character.

Despite what we might naturally expect in this contemporary age of connectivity and immediacy, political thinkers of the nineteenth century were notably linked: They dialogued, discussed, and – regardless of literally oceans

[39] The study of diffusion is fueled by the fact that jurisdictional units "choose similar institutions within a fairly circumscribed period of time. Such behavior results in temporal and spatial clusters of policy reform" (Elkins and Simmons 2005: 34). For more precise definition of diffusion see Dolowitz and Marsh (2000) and Simmons and Elkins (2004).

of separation – they influenced one another.[40] This was evident regarding the adoption of CI-MDDs: It is impossible to isolate Sullivan from Bürkli, Rittinghausen from Considérant, and Fourier from Gompers.

While the process of CI-MDD adoption differed from one country to the next, the three cases illustrated show that CI-MDDs made their breakthroughs in times of change marked by a profound willingness to sever from the status quo. These cases also share common moments of state expansion and consolidation, either as the reconstruction of a country after a terrible war (Germany), physical enlargement to the West (the United States), or harmonization within (Switzerland).

There are, nevertheless, subtle differences among the cases. While in Switzerland CI-MDDs were seen more as corrective instruments of politics, the American evidence shows a somewhat more radical instrumentalization of these institutions to bypass the malaise political parties were thought to have engendered. This does not mean that deep dissatisfaction with representative democracy did not exist, arising from the abuses of the Southern Pacific Railroad Company in California or the Escher system in Zurich (Kriesi and Wisler 1999). In the long run, these CI-MDD adoptions took different paths: "[w]hile in the US states direct policy voting undermined the influence of parties, in Switzerland and a few other countries direct democracy coexisted with parties and legislatures" (Lutz 2006: 47–8).

Toward the end of the nineteenth century, two major epicenters of direct democracy and incipient uses of CI-MDDs existed: Switzerland and the American states. Nonetheless, it was with the amalgamation of the German SPD that direct democracy finally began to resonate with a larger audience. This was so because "by the middle of [the] 1890s, at a time when other socialist parties were still in their infancy, the Social Democrats were the largest party in Germany, so it is no surprise that they exerted such an influence on the thinking of socialists elsewhere" (Luebbert 1991: 119).

For some champions of direct democracy, such as Bürkli, the adoption of direct democracy by the Social Democrats was somewhat soft and merely symbolic. "Although direct democracy had become part of the Social Democrats' program in Germany in the 1860s, Bürkli considered this development to be nothing but 'decoration'" (Kriesi and Wisler 1999: 52). Although perhaps not to the fullest extent possible, direct democracy was included in the Weimar Constitution of 1919. Though the German link abruptly ended with the rise of the Third Reich in 1933, its then-groundbreaking constitution of 1919 served as a basis for emulation in many polities across space and time. This will be addressed further in the next chapter.

[40] On the subject of the amazingly connected world of the nineteenth century, see Weyland (2014). See also, Garcé (2017).

Appendix

TABLE A2.1 *Mechanisms of direct democracy since 1900 (by type and country)*[a]

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Afghanistan	0			0
Albania	3	0	1998	3
Algeria	12			12
Andorra	4			4
Angola	0			0
Antigua and Barbuda	0			0
Argentina	1			1
Armenia	5			5
Australia	51			51
Austria	4			4
Azerbaijan	69			69
Bahamas	11			11
Bahrain	1			1
Bangladesh	3			3
Barbados	0			0
Belarus	12	0	1995	12
Belgium	1			1
Belize	1	0	2008	1
Benin	7			7
Bhutan	0			0
Bolivia	19	1	2004	20
Bosnia and Herzegovina	1			1
Botswana	12			12
Brazil	4			4

(*continued*)

TABLE A2.1 (*continued*)

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Brunei	0			0
Bulgaria	5	3	2009	8
Burkina Faso	5			5
Burma/Myanmar	2			2
Burundi	4			4
Cambodia	11			11
Cameroon	2			2
Canada	2			2
Cape Verde	0	0	1992	0
Central African Republic	5			5
Chad	3			3
Chile	6			6
China	0			0
Colombia	18	1	1991	19
Comoros	8			8
Congo, Dem. Rep. of	6			6
Congo, Republic of the	6			6
Costa Rica	1	0	2002	1
Croatia	1	1	2001	2
Cuba	1			1
Cyprus	1			1
Czech Republic	2			2
Denmark	18			18
Djibouti	4			4
Dominica	0			0
Dominican Republic	0			0
East Timor	1			1
Ecuador	53	0	1998	53
Egypt	28			28
El Salvador	0			0
Equatorial Guinea	6			6
Eritrea	1			1
Estonia	9	0	1920–1937	9
Ethiopia	1			1
Fiji	0			0
Finland	2			2
France	14			14
Gabon	1			1
Gambia	3			3
Georgia	3	1	1995	4
German Dem. Rep.	3	0	1949–1967	3
Germany	3	2	1919–1945	5
Ghana	4			4

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Greece	8			8
Grenada	7			7
Guatemala	7			7
Guinea	3			3
Guinea-Bissau	1			1
Guyana	1			1
Haiti	21			21
Honduras	0	0	2009	0
Hungary	3	10	1949	13
Iceland	14			14
India	0			0
Indonesia	0			0
Iran	5			5
Iraq	3			3
Ireland	41	0	1922–1928	41
Israel	0			0
Italy	8	66	1948	74
Ivory Coast	2			2
Jamaica	1			1
Japan	0			0
Jordan	0			0
Kazakhstan	2	0	1995	2
Kenya	2	0	2010	2
Kiribati	1			1
Korea, North	0			0
Korea, South	6			6
Kosovo	0			0
Kuwait	0			0
Kyrgyzstan	12	0	1994	12
Laos	0			0
Latvia	3	11	1922–1940/ 1990	14
Lebanon	0			0
Lesotho	0			0
Liberia	15	0	1986	15
Libya	1			1
Liechtenstein	42	63	1921	105
Lithuania	10	11	1922–1926/ 1992	21
Luxembourg	7	0	2006	7
Macau	0			0
Macedonia	1	1	1991	2

(*continued*)

TABLE A2.1 (*continued*)

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Madagascar	7			7
Malawi	1			1
Malaysia	0			0
Maldives	5			5
Mali	2			2
Malta	4	1	1973	5
Marshall Islands	44	0	1979	44
Mauritania	2			2
Mauritius	0			0
Mexico	0	0	2012	0
Micronesia, Fed. States of	55	4	1975	59
Moldova	3	0	1997	3
Monaco	0			0
Mongolia	2			2
Montenegro	1	0	2007	1
Morocco	11			11
Mozambique	0			0
Namibia	2			2
Nauru	1			1
Nepal	1			1
Netherlands	1	1	2015	2
New Zealand	39	5	1993	44
Nicaragua	0	0	2000	0
Niger	7			7
Nigeria	1			1
Norway	6			6
Oman	0			0
Pakistan	2			2
Palau	42	6	1979	48
Panama	6	0	2004	6
Papua New Guinea	0			0
Paraguay	3	0	1992	3
Peru	3	1	1993	4
Philippines	27	1	1987	28
Poland	15			15
Portugal	4			4
Qatar	1			1
Romania	9			9
Russia	7	0	1993	7
Rwanda	5			5
Saint Kitts and Nevis	0			0
Saint Lucia	0			0

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Saint Vincent and the Gren.	1			1
Samoa	4			4
San Marino	3	23	1994	26
Sao Tomé and Principe	1			1
Saudi Arabia	0			0
Senegal	4			4
Serbia	6	0	1990	6
Seychelles	2			2
Sierra Leone	2			2
Singapore	1			1
Slovakia	4	14	1993	18
Slovenia	13	9	1991	22
Solomon Islands	0			0
Somalia	2			2
South Africa	3			3
South Sudan	1			1
South Yemen	0			0
Spain	7	0	1931–1940	7
Sri Lanka	1			1
Sudan	4			4
Suriname	1			1
Swaziland	2			2
Sweden	6			6
Switzerland	207	356	1871	563
Syria	16		.	16
Taiwan	2	4	2004	6
Tajikistan	4			4
Tanzania	0			0
Thailand	3			3
Togo	6	0	1992	6
Tonga	0			0
Trinidad and Tobago	0			0
Tunisia	1			1
Turkey	6			6
Turkmenistan	3	0	1991	3
Tuvalu	3			3
Uganda	2	0	1995	2
Ukraine	2	4	1996	6
United Arab Emirates	0			0
United Kingdom	3			3
United States	0			0

(*continued*)

TABLE A2.1 (*continued*)

Country	Amount of TD-MDDs	Amount of CI-MDDs	CI-MDDs' Adoption	Amount of MDDs
Uruguay	16	21	1934	37
Uzbekistan	5			5
Vanuatu	0			0
Vatican City	0			0
Venezuela	8	0	1999	8
Vietnam, Dem. Rep. of	0			0
Vietnam, Republic of	1			1
Yemen	2			2
Zambia	2			2
Zimbabwe	2			2
Total	**1372**	**621**		**1993**

[a] These figures include mechanisms of direct democracy at the national level only from 1900 until December 2016. If there is a blank cell in the column *Amount of CI-MDDs* it means that the country did not allow for such a mechanism of direct democracy. If there is a zero, it means that CI-MDDs were institutionally permitted but never held.

3

Catching On

Waves of Adoption of Citizen-Initiated Mechanisms of Direct Democracy since World War I

Using a large-N comparative statistical analysis, this chapter offers a new theory of why, when, and where citizen-initiated mechanisms of direct democracy are adopted into the institutional architecture of a country or political jurisdiction. It shows that the adoption of CI-MDDs responds to both national as well as international factors. In so doing, it transcends the country-based explanations provided in the previous chapter, despite the fact that lessons from that historical analysis strongly inspired this approach.

To begin with, it is highly unlikely a country will adopt CI-MDDs unless there is a demand for change in that direction by either citizens or politicians. If such demand exists, previous experience of having had a national MDD (regardless of either its type or results) makes the adoption of CI-MDDs more likely. Also, because CI-MDDs represent the antithesis of what a typical authoritarian regime looks like, CI-MDD adoption becomes more likely the more democratic the country is. But this is just part of the story.

Most regimes are not isolated from the world, even if they might want to be; contagion is a fact. What happens in the world influences each country, and surrounding institutional innovations and experiences play a role in local politics. This is also true of CI-MDDs. As more of a country's neighbors adopt and use CI-MDDs, that country becomes more likely to follow suit. Expanding the study both geographically, to include the whole world, and temporally, from the beginning of the twentieth century to the present, this analysis represents a groundbreaking approach to the comparative study of direct democracy.

This chapter proceeds as follows. First, it develops a new, general theory that explains how both local factors and the international environment affect the likelihood of CI-MDD adoption in a given country. Then, it explains how the dependent variable, the adoption of CI-MDDs, is operationalized using a measure that captures the *de jure* capability of citizen-initiated mechanisms of

direct democracy for all countries in the world from 1900 (or since their independence) until the present. The third section of the chapter describes and operationalizes the independent variables. In the fourth section, different specifications of survival models are studied, the results are discussed, and some exemplary cases are used to describe the interactions that affect the probability that a particular country will adopt a form of CI-MDD. The final section reflects on the analysis and offers some conclusions.

3.1 ADOPTION OF CI-MDDS: THE PUZZLE

A historical review shows that in any given state, the adoption of direct democracy has always been the result of a combination of some general causes plus other factors unique to that country, much as Huntington described the spread of democracy in *The Third Wave* (1991: 107). The diffusion of ideas represents an important part of this account. As the preceding chapter showed, it is difficult to isolate Sullivan in the United States from Bürkli in Switzerland, for example. Of course, there was a particular "moment" – a set of circumstances – in the United States that paved the road for the adoption of CI-MDDs in several states, but their adoption cannot be fully explained by that moment alone. The international contagion of ideas is vital to this explanation. In this regard, Komáromi argues that "regulation and practice both depend on the historical situation, the political circumstances and the culture and views of the actors. However, the most unique traditions can have an influence on other countries as well" (2013: 230).[1]

It is certainly true that what is going on within a state's national borders plays a crucial role in the expansion of direct democracy. Yet, why, when, and where CI-MDDs are adopted is still an open question. A considerable amount of contemporary political science research is devoted, explicitly or implicitly, to the study of institutional change and innovation. Adopting CI-MDDs is a major, costly, and risky institutional change, similar to other profound changes at the turn of the twentieth century, such as the introduction of the secret ballot (Aidt and Jensen 2016; Mares 2015; Teorell et al. 2016), women's suffrage (Paxton 2008; Paxton et al. 2006; Rubio-Marín 2014), or the spread of proportional representation (Boix 1999; Calvo 2009; Leemann and Mares 2014; Negretto and Visconti forthcoming). From this literature, we learn that without serious momentum, there is seldom incentive for institutional innovation, and institutions therefore tend to remain stable over time.

Nonetheless, faced with a crisis of sufficient proportions – one that is large enough to motivate politicians to make radical changes to the system that got

[1] Recent studies try to overcome the simplistic tendency to identify a single variable such as class alliances as the engine behind democratization. Democratization responds to a complex combination of factors including (but not necessarily limited to) religious conflict, ethnic cleavages, and the diffusion of ideas; see Capoccia and Ziblatt (2010).

them elected in the first place – politicians will turn to different places for political inspiration.[2] First, they will look back in time to remember whether they have ever faced a similar situation, and, if so, how they addressed it in the past. But not all previous solutions are available all of the time. Imagine a situation where, for example, there is a strong demand to broaden political participation when it comes to making decisions on a certain topic (e.g., redistribution). In this example, this is not the first time that politicians have experienced similar demands, yet in the past, typically, those in charge resorted to repression to control the political demand. This time, however, repression is no longer a viable option, either because it is normatively intolerable or factually impossible, or both! However, there was another occasion in the not-so-distant past when citizens were directly consulted in deciding a political matter related to a redistributive policy via plebiscite. Irrespective of the results of that earlier vote – that is, whether the specific measure in question passed or failed – politicians will remember the fact that the plebiscite served the larger purpose of meeting the demand for increased participation.

At the same time, politicians will also be influenced by events happening outside their national borders. In an increasingly globalized world, such influence is inescapable. CI-MDDs are not adopted in a vacuum, "but from political debate and struggle" (Taagepera and Shugart 1989: 23). As the preceding chapter showed, debates about democratic institutions tend to draw heavily on the experiences of neighboring countries. There are several ways in which this influence can occur. It may be that lawmakers faced with a crisis consciously seek out democratic innovations employed by similar states to solve similar problems. Or, it may be that general knowledge of MDDs in neighboring states leads to public demand for similar measures at home. In either case, it is clear that international patterns of CI-MDD use are relevant to the choice to adopt such measures domestically. Therefore, without considering the diffusion of ideas, any statistical model will be incomplete.

In sum, CI-MDD adoption occurs in response to a particular combination of factors that motivates authorities to find solutions based on their own past experiences and their contemporary circle of reference. Obviously, the fact that just one neighbor uses a particular solution does not make lawmakers elsewhere especially likely to adopt that solution right away. Nonetheless, if politicians looking for solutions see that many of their peers are adopting CI-MDDs, they will be more likely to consider this type of radical institutional change more seriously. In this way, Ostrom claims:

> The particular set of rules that appropriators, or others, contemplate rarely contains all possible rules that might be used to govern an operational situation. The rules proposed

[2] The word "crisis" derives from the Greek word *krinein* ("decide"). Its present use has different connotations, as it tends to be used to describe negative situations of chaos or disorder. However, thusly understood, it should be taken to mean a "decisive point."

are likely to be in a repertoire of rules already familiar to those who propose them. Given the substantial uncertainty associated with any change in rules, individuals are less likely to adopt unfamiliar rules than they are to adopt rules used by others in similar circumstances that have been known to work relatively well (1990: 209).[3]

Finally, as with other democratic innovations such as proportional representation, women's suffrage, or the secret ballot, once CI-MDDs are adopted it is often difficult to repeal them.[4] This is not only because the public tends to object to the perceived rollback of newly acquired democratic rights, but because the very existence of CI-MDDs means that an obligatory referendum will almost certainly be required to end the practice of holding similar votes in the future. This requires the same citizens who stand to lose these rights to actively vote to disenfranchise themselves.[5] Thus, CI-MDDs tend to be "sticky," in that once they are adopted they tend to stay in place for good. This fact is important in setting up the methodological logic that underpins the remainder of this chapter.

3.2 MEASURING CITIZEN-INITIATED MECHANISMS OF DIRECT DEMOCRACY

How can we determine the amount of direct democracy in a particular time and place? Despite the fact that there has clearly been a positive and statistically significant increase in the national use of mechanisms of direct democracy worldwide since 1900, little can be learned or inferred from this trend in terms of when and where CI-MDDs were adopted. Figure 3.1 shows the overall ratio of the number of national MDDs to countries since 1900 (it uses the ratio country–year because the number of countries in the world quadrupled between 1900 and the present day). This figure also includes the regression line and its confidence interval. In 2016, this relationship reached its historic peak with an average of 0.4 MDDs per country–year, which is equivalent to the global use of almost eighty MDDs at the national level.[6]

[3] See also, Tilly (1978: 171) and Tarrow (1993).

[4] CI-MDDs have only been repealed in a handful of cases. In two cases, Lithuania and Latvia, this was due to a foreign invasion that dissolved most of the existing democratic institutions, including CI-MDDs. In another two cases, Spain and Germany, this was due to coups d'état. Only once – in Ireland – has a CI-MDD been successfully repealed through a democratic process.

[5] See Auer (2007).

[6] In cases when citizens had to vote on a series of questions, each question was coded as a unique MDD unless the choices were mutually exclusive. However, there is an exception to this rule when the origin of the initiative differs (by origin, I mean those individuals or institutions who triggered the MDD). For example, if the executive branch of government initiates a vote to obtain approval of reform "X," but opposition legislators propose alternative option "Z," then the two alternatives have been treated as independent observations, despite the fact that the alternatives occur in the same event and are mutually exclusive. This exception does not hold if the law requires the inclusion of an alternative choice.

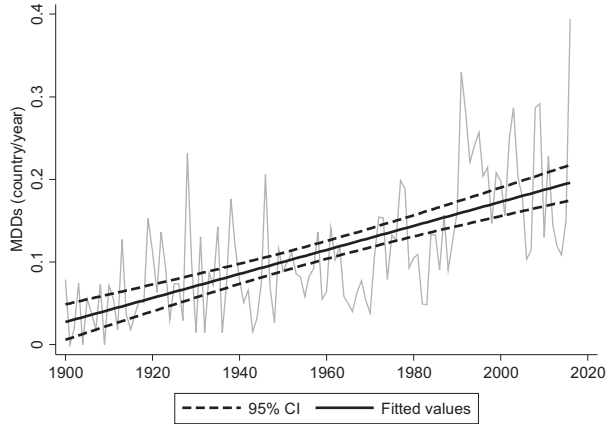


FIGURE 3.1 Uses of mechanisms of direct democracy since 1900 (occurrences per country–year)

Some scholars have tried to identify patterns in the expansion of direct democracy in certain areas of the world. For example, studying eighteen Western European countries, Setälä (1999b) has suggested that mechanisms of direct democracy occur in waves (she refers to all mechanisms of direct democracy, not just those which are citizen-initiated).[7] She uses the frequency with which MDDs occur as her major empirical tool.[8] However, employing the frequency of MDD use as a proxy for diffusion is complicated and problematic where CI-MDDs are concerned.

To begin with, the credible threat of triggering a citizen-initiated mechanism of direct democracy (be it a reactive referendum or a proactive popular initiative) plays a crucial role in moderating political decisions and shifting the political dialogue, even before the gathering of signatures starts (e.g., Papadopoulos 2001). Several years ago, former Uruguayan Presidents Jorge Batlle and Julio María Sanguinetti were asked in an interview whether and to what extent they took into account the fact that a popular referendum could potentially be triggered when they submitted a bill to congress. Their answers were crystal clear. Sanguinetti argued: "If one did not take that into account, he was almost committing suicide. It was decisive." Batlle said: "Of course! What – the other players do not play?" (Batlle in Altman 2011: 180).[9] The problem therefore

[7] The popularity of Huntington's (1991) notion of "democratic waves" exemplifies how natural and resonant this approach is. On democratic diffusion see also, Starr (1991), O'Laughlin et al. (1998), and Brinks and Coppedge (2006).

[8] Vanhanen (2000) takes a similar approach in counting MDDs as a component of the participation index in "Measures of Democracy 1810–2008." Ignoring the direct democracy paradox, he departs from the risky assumption that plebiscites "have *usually* been held in nondemocratic countries" (Vanhanen 2003: 63).

[9] For the complete interviews with former presidents, see Altman (2011: 180–186).

becomes quantifying something that seldom occurs, yet whose potential use has an enormous impact on political life.

Thus understood, simply counting the occurrence of MDDs is meaningless for measuring the real amount of direct democracy potential that exists in a given country. Such an approach would "reward" divided societies where political compromise is more difficult, leading politicians to turn to other institutional tools such as popular initiatives to reach their goals.[10] On the flip side, a society in which political resolutions are often reached before lawmakers resort to the strongest weapon in their institutional arsenal – i.e., an MDD – would be "punished" by such a measure. Thus, conceptually, two different places might have the very same "amount" of direct democracy, but country "A" might hold several MDDs per year, whereas in country "B" MDDs might rarely be actually triggered, although their threat remains ever-present (Altman 2013a: 622).

So, to what extent is direct democracy achieved in current polities? To answer this question, I use the *Direct Democracy Practice Potential (DDPP)* index, which is applied to 200 polities worldwide.[11] This index, DDPP, results from the addition of the scores of each type of popular vote studied (popular initiatives, referendums, plebiscites, and obligatory referendums).[12] It measures: (1) how easy it is to initiate and approve each type of popular vote and (2) how consequential that vote is (if approved).[13] Regarding each type of popular vote (i.e., popular initiative), the ease of initiation is measured by: (a) the existence of that direct democracy process, (b) the number of signatures needed, (c) time limits for the collection of signatures, and (d) the level of government (national and/or subnational). The relative ease of approval is measured by the surface of the polygon determined by: (a) the participation quorum, (b) the approval quorum, and (c) supermajority requirements. The resulting score is then multiplied by: (d) district majority. Consequences are measured by: (a) the legal status of the decision made by citizens (binding versus

[10] This type of approach was taken by Tolbert et al. (2001).

[11] The term "popular" as it is used here is not intended to refer to how fashionable something is (popular vs. unpopular); rather, I use the etymological meaning of the term as indicating something that is of or relating to "the people." From this point on, "direct popular decision making" should be read as "direct citizen decision making," or "direct decision making."

[12] For a detailed description of the index, its operationalization, the aggregation of its components, and different validation checks, see my previous work entitled "The Potential of Direct Democracy: A Global Measure (1900–2014)" published in *Social Indicators Research* (Altman 2017). This index serves as the basis for the direct democracy index in the V-DEM database and codebook (Coppedge et al. 2017a; Coppedge et al. 2017b), which constitutes one of the components of the participatory variety of democracy as described in greater detail by Coppedge et al. (2011).

[13] Popular votes do not occur in an institutional vacuum and the extent to which they are free and fair is crucial in the same way it is for regular elections. As with any electoral procedure, a popular vote held in an autocratic setting is notably different from the same type of vote in a democratic context.

consultative), and (b) the frequency and degree of success with which direct popular votes have been held in the past.[14]

Although the DDPP combines all major types of MDDs, it can be disaggregated to describe a particular subset of MDDs.[15] We can talk about the *citizen-initiated component* (CIC) if we combine the scores of popular initiatives and referendums; similarly, we can talk about a term called the top-down component (TDC) if we combine plebiscites and obligatory referendums. This chapter is only concerned with the adoption of citizen-initiated mechanisms of direct democracy. Therefore, it does not elaborate further on the top-down component. Consequently, the proceeding analysis considers citizen-initiated mechanisms of direct democracy (the dependent variable) to have been adopted when the value of CIC is greater than zero (i.e., CIC $>$ 0).

Figure 3.2 shows the expansion of the legal possibilities of triggering citizen-initiated mechanisms of direct democracy at the national level in the world based on the CIC component of DDPP. Two measures are shown: the percentage of countries with CI-MDD capabilities since 1900 (left vertical axis, solid line), and the overall number of countries that percentage represents (right vertical axis, dashed line). The reason for this combination is the fact that the number of countries increased fourfold during this 117-year period. It is important to underscore, once again, that CIC does not measure the actual occurrences of citizen-initiated mechanisms of direct democracy, but rather the possibility of triggering these institutions (i.e., if a country has a CIC larger than zero, it is considered to be among the group of polities with "some" potential).

Figure 3.2 is notably telling. At first glance, two moments of expansion seem evident. The first occurs at the end of World War I, reaching its peak

[14] Each term works like a chain defined by its weakest link, and the aggregation provides an equal weighting to each. In other words, the ease of initiation is as important as the ease of approval. As the terms are independent from each other but have conditions of mutual necessity, I propose an aggregation architecture of the practice potential for each MDD that does not adhere uniquely to defaults such as additivity, but combines two logic operators (∗) and (+)(Goertz 2005). From the perspective of aggregation, each MDD's practice potential becomes a complex index and it is aggregated using this formula:

$$DDPP_{xt} = \sum \left[(\exists_{xti})\ (1\text{–}S_{xti})\ (CT_{xti}) + \left(\frac{1\text{–}SQS_{xti}}{0.5}\right)(AQ_{xti}) \right](D_{xti})\ (T_{xti})$$

where x refers to country, t to a particular year, and i to a particular MDD.

[15] The index of *Direct Democracy Practice Potential* attempts to overcome a flaw that was present, to different degrees, in previous indices. These indices were tailored to a limited number of observations and thus their generalizable power was reduced, as most of those observations (like cantons in Switzerland) shared many attributes. These studies have either countries as units of analysis, such as those in Continental Western Europe (Gross and Kaufmann 2002; Vatter 2009), Latin America (Breuer 2011; Madroñal 2005), and Southeast Asia (Hwang 2005), or subnational units, such as Swiss cantons (Freitag and Stadelmann-Steffen 2010; Frey et al. 2001; Stutzer 1999; Serdült and Trechsel 1999), American states (Bowler and Donovan 2004; Gerber 1999), or German Länder (Scarrow 1997; Schiller 2011; Stadelmann-Steffen and Vatter 2013).

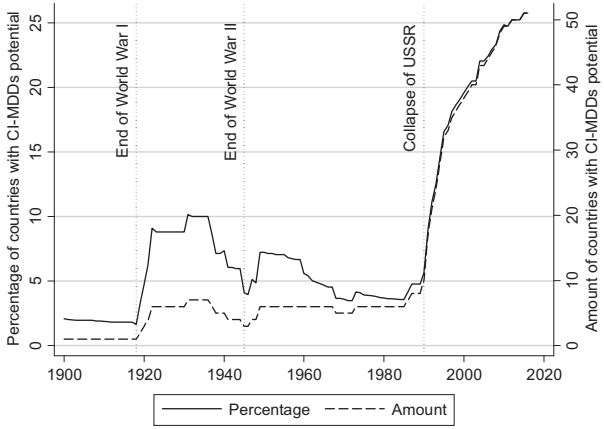


FIGURE 3.2 Countries in the world with CI-MDD potential since 1900

in 1931 when seven countries had national CI-MDD potential (representing just over 10 percent of the countries in the world at the time). At that moment, only European countries (Estonia, Germany, Ireland, Latvia, Liechtenstein, Spain, and Switzerland) allowed for the use of CI-MDDs at the national level.[16] Up to that time, during the first two decades of the twentieth century, the flat dashed line reflects the fact that only one country allowed for the national use of CI-MDDs: Switzerland.

From the interwar period until the early 1990s, the proportion of countries with CI-MDD potential actually decreased (the solid line has a negative slope), reaching a low of 3.5 percent in 1984. However, the total number of countries with CIC capabilities remained constant throughout this period (the dashed line remains relatively flat). The apparent decrease is therefore largely explained by the "explosion" of independent countries due to decolonization (few of which adopted CI-MDDs right away), although a small number of countries did revoke their CI-MDDs. What it is clear, however, is that since the 1990s, CI-MDD use has expanded vertiginously.

Since 1990, thirty-nine new countries have adapted their institutional environments to allow CI-MDDs at the national level. One-third of these newcomers (n = 13) were formerly members of the Soviet Union, and about another third (30 percent, n = 12) are concentrated in Latin America. The rest are a sampling from all continents: four countries are from the former Yugoslavia (representing 13 percent of newcomers); four cases are from sub-Saharan Africa; four cases are from rich OECD countries; and, finally, there is also one Asian case (Taiwan). In short, by the end of 2016, more than 25 percent of

[16] As I am only considering the potential of CI-MDDs at the national level, the United States never appears in Figure 3.2 despite being one of the most prolific users of sub-national CI-MDDs worldwide.

the countries in the world allowed for the use of CI-MDDs at the national level, representing fifty-one countries in total.

At the end of World War II, circa 1950, 7.3 percent of independent countries in the world (n = 6) had constitutional provisions that allowed for the possibility of CI-MDDs: the German Democratic Republic, Hungary, Italy, Liechtenstein, Switzerland, and Uruguay.[17] Looking at the preceding period from the end of World War I until the end of World War II, if we consider the countries that adopted and then revoked the use of CI-MDDs, this looks more like a period of trial and error than anything else. During this period, some polities left the CI-MDD world either due to drastic internal political changes (e.g., the collapse of the Spanish Republic and the Irish Free State) or because of direct foreign imposition (e.g., the Soviet invasion of Estonia, Latvia, and Lithuania). Figure A3.1, in the Appendix, shows a detailed breakdown of when countries adopted and repealed CI-MDDs.

Figure 3.2 suggests that the adoption of citizen-initiated mechanisms of direct democracy occurred in waves. If this is so, then an important question arises: To what degree we should take into consideration international factors when explaining the incorporation of CI-MDDs instead of focusing mainly on the domestic context, as the current literature does? This question cannot be answered straightforwardly, and similar questions have been raised before in relation to different objects of study. Indeed, a vast body of literature on democratization has tried to balance this equation in order to explain transitions to democracy.[18] Today, contemporary research suggests that democratization cannot be satisfactorily explained by either domestic factors or international forces alone. Though national characteristics are crucial to understanding democratization, the evidence of diffusion is also robust, and it is not for nothing that Brinks and Coppedge (2006) titled their influential contribution to the subject "Democratic Diffusion is No Illusion."[19]

[17] When talking about possibility of CI-MDD use, it is convenient to think about this number as the upper limit of countries that (theoretically) allow citizens to trigger CI-MDDs. In practical terms, the number tends to be smaller, as CI-MDDs were never a real alternative for citizens of either the GDR or Hungary.

[18] Though virtually any political scientist would agree that transitions to democracy are due to a combination of national and international factors, most empirical studies were modeled around national characteristics, such as class alliances, or the strategic motivation of actors (e.g., Boix 2003; Luebbert 1991; Moore 1966). Nonetheless, the transition models in the comparative literature have been moving to embrace domestic and international factors more and more. This move has been quite significant to the point that, for some scholars, domestic factors lose virtually any explanatory power in accounting for regime change. Along these lines, Gleditsch and Ward argue that "although democratization can come about in multiple ways and can involve a wide range of different actors, international context and external shocks generally provide better indicators of the prospects for transition than do the attributes of individual states" (2006: 912).

[19] See also, Elkink (2011), and Lindborg and Starr (2003).

Of course, as previously explained, this is not to suggest that local factors do not play a role in the expansion of direct democracy. But it seems clear that systemic shocks such as the world wars or the end of the Cold War are associated with clear waves of expansion of CI-MDD use globally.[20] Nonetheless, "foreign ideas, solutions and patterns [can] only exercise their influence within the confines of internal political conditions" (Komáromi 2015: 70).

Previous research has examined why some countries use mechanisms of direct democracy exceptionally frequently, others rarely, and still others not at all (Altman 2011). Both local context and diffusion play a crucial role in explaining the frequency with which MDDs are actually used, but this research has not yet tackled the important question of when, where, and why countries adopt CI-MDDs to begin with. For this research, the focus of study is the legal capability to use CI-MDDs, considering all countries in the world since 1900. Up to now, no theory has offered a comprehensive answer to this question, and most conjectures have so far been based on anecdotal evidence from a few selected cases. This research intends to fill this lacuna.[21]

3.3 REASONS BEHIND THE ADOPTION OF CITIZEN-INITIATED MECHANISMS OF DIRECT DEMOCRACY

Based on the theory described earlier, and inspired by the Swiss, American, and German cases, the following are hypothesized to be crucial domestic determinants of CI-MDD adoption: crisis, past use of MDDs, and the level of democracy.[22] Crisis, or a profound moment of political instability, is operationalized as an *absolute* change in V-DEM's index of democracy – which oscillates from

[20] Interestingly, if these two moments of change are "waves," they overlap perfectly with Huntington's first wave of democracy and the collapse of the Soviet Union, which, for some colleagues, represents a "Hungtingtonian" fourth wave of democracy (McFaul 2002). If we consider the positive changes after the end of World War II, that increase would correspond with Huntington's second wave of democracy. On waves of democracy see also, Markoff (1996).

[21] A similar puzzle was theorized about in the study of constitutional diffusion, and there has also been a substantial debate about the conditions that trigger political reforms. Unlike the study of constitutional diffusion – a virtually universal institution (Elkins 2010) – the study of CI-MDDs offers different challenges, as not every place includes these rights.

[22] Based on the previous chapter, someone could reasonably argue that some of the factors that explain the adoption of TD-MDDs – particularly the strategic and tactical considerations of incumbents – could also explain the adoption of CI-MDDs. For example, an incumbent's expectation of political decline increases the probability of the adoption of CI-MDDs. This is reasonable and actually, similar hypotheses have been tested to explain electoral reforms (see Benoit 2004; Boix 1999; Buquet 2007; Shepsle 2001). Nonetheless, the broad inclusive nature of this study precludes me from tackling these hypotheses for which I would need currently unavailable resources.

a minimum of 0 to a maximum of 1 – larger than 0.1 from one year to another, regardless of the baseline.[23] Using this definition, there are at least two different types of "crisis" moments: If the difference in democratic scores between two contiguous years is positive, it is assumed that there is a process of rapid democratization, creating a golden opportunity for institutional innovation; alternatively, if the difference is negative, this implies some sort of democratic relapse. The first hypothesis is therefore, that *the existence of a rapid democratization increases the probability of the adoption of CI-MDDs*.

Facing demand for political change, political elites will resort to different types of shortcuts. As explained, the first strategy is to recall past solutions (a diachronic strategy); the second (synchronic) is to turn to their circle of reference. Based on the diachronic approach, the second hypothesis stands as follows: *previous exercises of mechanisms of direct democracy (regardless of type and results, e.g., plebiscites, ad hoc obligatory referendums) increase the probability of the adoption of CI-MDDs*. I call this variable "memory," and – as in life – memory is not a constant: It tends to fade as time goes by.

The operationalization of memory should be understood as a discount factor or a decay function that reflects the amount of time that has passed since the last time a particular MDD occurred. Once a certain amount of time has passed since the last MDD, the memory becomes so faded that it practically disappears. While it is difficult to attribute a concrete number to the length of this memory cycle, the analysis follows Jefferson in assuming that political cycles last for about twenty years.[24] Nonetheless, it makes sense to think that the second year after a particular event – when memories are notably fresh – is drastically different than some nineteen years later. Thus, if the last MDD occurred in the previous five years, memory=1, after which time it decreases by 0.6 percentage points per year until the twentieth year, where memory acquires its minimum value of 0.1 (this is the minimum value for countries that have previously held MDDs; for countries that have no prior CI-MDD use, the minimum and indeed only value is 0). In short, the "fresher" the memory, the more likely it is that country will adopt CI-MDDs.

The last control that relates to purely local factors is the level of democracy. By definition, CI-MDDs belong to the world of democracies. As explained in Chapter 1, it is extremely unlikely, though not impossible, that an autocratic

[23] I operationalize democracy as the variable *v2x_polyarchy* of V-DEM (v.7). As V-DEM's measurement model is based on Bayesian item response theory (IRT) modeling techniques to estimate the latent characteristics of its collection of expert ratings (Pemstein et al. 2015), it should not be a surprise that some countries change their polyarchic scores for the same year in different versions of the data (the measurement model is constantly readjusting itself once new waves of data come in). For example, countries that had an index of electoral democracy larger than 0.75 when research for this study was originally done, might have a score below that level in a different version of the dataset, or otherwise. For a discussion about the V-DEM measurement model's efficiency and robustness, see Marquardt and Pemstein (2017).

[24] In this regard, see also, Elkins et al. (2009).

regime would permit its citizens to engage in the activities required to trigger a popular initiative or a referendum. Thus, *the higher the level of democracy, the greater the probability of the adoption of CI-MDDs*. For this test, democracy is operationalized using the V-DEM's index of electoral democracy.[25]

Nonetheless, my theory transcends national borders as I claim that the adoption of CI-MDDs *also* responds to the influence of foreign examples (policy diffusion). The question here is which countries are influential enough to have an effect on the decisions taken by others? However, the concept of "influence" is complicated to capture for such a diverse group of countries over such a long period of time. In that sense, influence could encompass several meanings: It could relate to ideological families, economic alliances, countries with shared traditions and institutions due to a common past (such as a former colonial relationship), or it could relate to geographic proximity.[26]

In short, regardless of the criteria used, we can say that A has influence over B if B uses A as a benchmark for comparison. Following the literature, I use proximity (geographic) as one of the crucial components for assessing influence: *As CI-MDDs proliferate, the likelihood that any given country will find at least one CI-MDD adopter among those within its sphere of reference increases; and as a country finds more and more CI-MDD adopters among its sphere of reference, its likelihood of adopting CI-MDDs also increases.* If a country is surrounded by several countries that have adopted CI-MDDs at time t, it will experience more peer pressure to adopt CI-MDDs at $t+1$ than a county located farther away in the very same year. For example, the pressure exerted by Italy, Switzerland, Liechtenstein, Slovenia, Hungary, and Slovakia – all of which have adopted CI-MDDs – on Austria, will be much greater than the pressure those same countries exert over Botswana.

Perhaps, the most crucial aspect of diffusion is not how many countries have adopted CI-MDDs into their institutional repertoires, but rather exposure to the repeated use of CI-MDDs nearby. In other words, it is the actual exercise of CI-MDDs that pushes others to emulate them rather than a neighbor's mere capacity to do so. If this is the case, then an alternative statement suggests that

[25] About twenty-five small countries in the world have not yet been included in V-DEM's database. Some of these countries are intensive users of CI-MDDs (e.g., San Marino, Liechtenstein). This presents a dilemma: Excluding them from the analysis would omit an important group of countries from which we may learn a lot, but including them would require filling gaps in terms of data. Due to the fact that most indices of democracy are extremely highly correlated (at the aggregate level), the act of "importing" data for these twenty-five countries from another index is unlikely to be fatally disruptive. As a result, the analysis does include these microstates; gaps in the V-DEM data are filled using normalized scores of political rights and civil liberties from Freedom House. Nonetheless, for the readers' peace of mind, and as a Solomonic solution, the models are tested with and without these imported scores to see if there is any significant difference.

[26] Following the literature on democratization, I include a control variable accounting for the existence of a British colonial past.

as CI-MDDs are used more frequently by more countries in the world, the likelihood that any given country will find at least one example of CI-MDD use among its sphere of reference increases; and as a country finds more and more instances of CI-MDD use among its sphere of reference, its likelihood of adopting CI-MDDs also increases. If a country's neighbors use popular initiatives and referendums quite often, exposure to these events will exert more pressure on that country than would the very same number of popular initiatives and referendums being held in a distant place.

Nonetheless, the process of diffusion is more complex than geographic proximity can capture. The most important consideration may not be how many countries belong to the CI-MDD world, nor even how many CI-MDDs actually took place, but rather whether these experiences were successful. Political elites do not merely copy institutions without taking into consideration their consequences. Therefore, as a country's sphere of reference includes more and more examples of successful CI-MDD use, it becomes more likely that that country will emulate those institutions. However, if these CI-MDD experiences are considered failures, it is unlikely that peers and neighbors will emulate them.

It is virtually impossible to evaluate the degree of success of each CI-MDD held in the world. It is not even obvious how one would go about doing so. As will become apparent in Chapter 5, evaluating the success rate of CI-MDDs represents a real challenge because the outcome of a vote (i.e., pass or fail) is not always the most important criteria for evaluating "success," which may have instrumental value for its promoters and citizens in general. Presumably, however, good use of these institutions will have a positive impact on the overall quality of democracy. Thus, using V-DEM's Index of Electoral Democracy (or that of Freedom House in select cases), a country's level of democracy in the last five years is used as a proxy for the degree of the regime's success.[27] In other words, if my neighbor has a very bad democratic reputation, I probably will not want to emulate its solutions (i.e., institutional innovations). Nonetheless, if my neighbor has a strong democratic reputation, I will pay more attention to its solutions. For example, from the Chilean perspective, despite the fact that Uruguay lies farther away than Argentina, the Uruguayan experience will likely have a deeper impact on Chile because the quality of democracy in Uruguay is greater than it is in Argentina. Therefore, Uruguay's greater democratic reputation makes it a more interesting example to emulate.

Following this logic, each country that adopts or uses CI-MDDs exerts a certain amount of pressure on all of the countries in the world, contingent on the distance between those countries (calculated as the distance between two countries' capital cities), and that country's democratic reputation.[28] To make

[27] The average level of democracy serves as a heuristic device – an inferential shortcut – decision-makers use to make choices. On the use of heuristics by policy makers see Weyland (2014).

[28] I thank Tore Wig for his valuable help in building the matrix of capital distances between all capitals of the world. This matrix, measured in kilometers, is computed using the CShapes

an analogy: The effect is like a lighthouse; the closer we are to it, the brighter the light we perceive, but the brightness of the light also depends on the wattage of the light bulb. So, the pressure a country experiences at a given time is the cumulative result of the pressures that all other countries exert on it, which is best understood as an interaction between proximity and democratic reputation.

Two measures allow us to estimate the global pressure exerted on a country in a given year based on the number of countries that are theoretically capable of holding CI-MDDs (Capabilities Diffusion) and the number of countries that actually held CI-MDDs (Occurrences Diffusion) in the previous year.[29] These variables simultaneously operationalize three predictions from the theoretical model just articulated. First, countries influence each other. Second, this influence is a virtuous cycle in that as more countries adopt (or use) CI-MDDs, the cumulative pressure they exert on other countries to do the same increases, which leads more countries to adopt (and use) CI-MDDs, which further increases the pressure on the remaining holdouts. Finally, the third prediction is that this influence is contingent on proximity and reputation.[30]

Operationalizing diffusion in this way offers two important advantages because it bypasses at least two typical problems. First, it does not divide the world into artificial regions. There are obviously huge controversies in defining and delimiting countries as belonging to particular regions (e.g., does Haiti belong to the Caribbean or to Latin America?). Second, this operationalization avoids a common problem whereby scholars fall prey to the assumption that diffusion is a hierarchical and spatial mechanism, extending from the core to the periphery (e.g., on social security, Collier and Messick 1975).[31]

package and following the instructions in this link: http://nils.weidmann.ws/projects/cshapes [Last accessed May 29, 2017].

[29] Therefore, the variable that operationalizes diffusion based on other countries' CI-MDD *capabilities* is calculated as follows: diffusion effect on country i, at time $t+1 = \sum_{n=1}^{n}\left(\frac{c_{n,t}}{p_{i,n}} * d_t\right)$, where $c_{n,t}$ is the CIC capability of country n at time t, p_{in} is the proximity between capital cities of country i and n, and d_t is the democratic reputation (five-year average of country n at time t.) The variable that operationalizes diffusion based on the *occurrences* of CI-MDDs in other countries is basically the same, but substitutes the term $c_{n,t}$ with a new term, $k_{n,t}$, where k responds to whether country n at time t had at least one CI-MDD; i.e., $\sum_{n=1}^{n}\left(\frac{k_{n,t}}{p_{i,n}} * d_t\right)$.

[30] For simplicity and readability, the occurrence of a CI-MDD is operationalized as a dummy variable that adopts the value of one if a CI-MDD was held in a given country–year regardless of the number of questions, or zero otherwise. Earlier iterations of the models (not reported here) tested this effect based on the exact number of questions ("events") in a given country–year. Those results suggest that there is no statistical difference between the alternate operationalizations.

[31] Recent studies, however, challenge these patterns: "for the past two centuries the great innovations in the invention of democratic institutions have generally not taken place in the world's centers of wealth and power" (Markoff 1999: 663).

3.4 EMPIRICAL EVIDENCE

This chapter's empirical puzzle is framed as a survival model. Survival analysis is concerned with time-to-event data; the event under consideration is the adoption of CI-MDDs, operationalized as a dichotomous indicator with a value of one if CIC > 0; otherwise it has a value of zero. Because this chapter is interested in the determinants of CI-MDD adoption, rather than their endurance, once a country adopts CI-MDDs it leaves the study. Thus, to apply the terms of the survival metaphor used in the model, the analysis examines the "survival" of the status quo, which "dies" when representative institutions are reformed to allow the use of CI-MDDs.

Adoption of CI-MDDs is estimated for all countries of the world from 1900 (or independence) until 2016 in a yearly fashion (n = 13,714). Thus, some countries only enter the study in the 1990s (when they became independent; e.g., Slovenia), while others enter in 1900 (e.g., France). One of the problems with this technique is that, unlike in lab experiments where subjects start all at once, real life subjects enter at different moments throughout the duration of the study. Thus, there is a substantial difference between calendar time and time of exposure. Therefore, each country (including the late entrants like Slovenia) enters the study at year zero, regardless of the actual calendar date.

Because some countries such as Switzerland, the Marshall Islands, and Palau already used CI-MDDs before the beginning of the observation period, these cases are excluded.[32] Conversely, many countries did not adopt CI-MDDs at any point during the 100+ years under observation; therefore, this data is right-censored. This is another reason why survival analysis is particularly appropriate in this instance, since this technique is particularly capable of handling censored observations without treating them as missing data (Hazra and Nithya 2017). Summary statistics are presented in Table A3.1 in the Appendix.

Before presenting the results of the survival models, several tools are available to illustrate the shape of the data. For categorical variables, Kaplan–Meier curves provide insight into the shape of the survival function for each group and give an idea as to whether or not these groups are proportional (i.e., the survival functions are approximately parallel).[33] The curves depict the proportion of cases in each group that are "surviving" (i.e., continuing without adopting CI-MDDs) at time *t*. These are not statistical tests (and no statistical

[32] These countries, however, are only excluded from the dependent variable, while the pressure they exert is still relevant, because obviously the Swiss case has huge influence in Europe and beyond.

[33] Kaplan–Meier curves provide an excellent visualization tool for categorical variables, but they are inappropriate for visualizing continuous variables. This is because there would be a different line for each level of the predictor, and, by definition, a continuous predictor simply has too many different levels to be visualized effectively in this way.

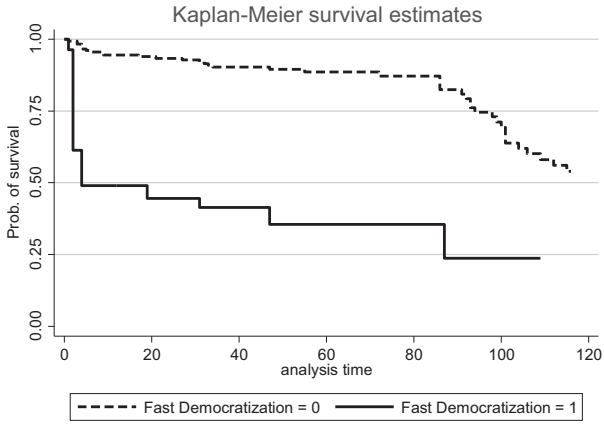


FIGURE 3.3 Kaplan–Meier survival estimates for fast democratization

inferences should be taken from these figures), but they are useful for visualizing trends in the data. For example, there is theoretical reason to expect that rapid democratization will lead countries to adopt CI-MDDs sooner than those countries that democratize more slowly. This means that countries that democratize rapidly will see the status quo "fail" or "die" more quickly. Figure 3.3 shows the Kaplan–Meier curves based on the speed of democratization. This figure is notably telling of the tremendous impact this variable has on the probability of adopting citizen-initiated mechanisms of direct democracy. It suggests that rapid democratization has a strong effect on CI-MDD adoption. By the fourth year, 50 percent of countries that experienced rapid democratization have adopted CI-MDDs.

Table A3.2, in the Appendix, shows the different specifications that were run based on the complete set of variables derived from the previously advanced hypotheses.[34] The first model includes all theoretically relevant variables and controls identified earlier, including: both diffusion measures (capability and occurrence), memory of MDD use, quality of democracy, rapid democratization, and a variable measuring democratic backsliding (the opposite of rapid democratization). This model reveals that four factors are crucial in explaining the adoption of citizen-initiated mechanisms of direct democracy: the level of democracy, memory of MDD use, rapid democratization, and diffusion based on capabilities. Democratic backsliding and diffusion based on actual occurrences of CI-MDDs in the world are not

[34] In terms of the statistical models themselves, there are several ways to proceed with a survival analysis. One strategy is to run a separate Cox proportional hazards model with a single predictor for each independent variable, and then select those variables that overcome a certain threshold of significance.

statistically significant predictors of a state's adoption of citizen-initiated mechanisms of direct democracy.[35]

The theory of the adoption of CI-MDDs also opens the door to potential interactions between the aforementioned variables, the most obvious being the possible interaction between fast democratization and capabilities, and that between fast democratization and occurrences. Although none of the interactions is statistically significant, all other variables remain notably stable in terms of their direction, magnitude, and significance (see, Model 2). There is also a third interaction that must be considered: the relationship between fast democratization and memory. This interaction is particularly relevant given the nature of the theory about the role of memory elaborated on previously. If, as stated, memory is most relevant during moments of crisis when leaders are looking for solutions, this is a conditional argument that assumes an interaction. However, the interaction term is not significant (Model 3). Models 4 and 5 add further controls: the natural log of population (common wisdom suggests that direct democracy is best suited to smaller societies), as well as having had a British colonial past (as it has been customary to include this in democratization studies).[36] Neither of these two variables is significant at the standard levels, though British colonial legacy is relatively close to significance and with the expected slope. All the variables of the basic model remain notably constant.

In short, this statistical analysis strongly supports the working hypotheses, and the results overall conform to the theoretical expectations. In each survival model, it is clear that rapid democratization, memory of a recent MDD, the level of democracy, and pressure from states with the capability to use CI-MDDs are all strongly significant and relevant predictors that greatly increase a state's "risk" of adopting CI-MDDs. In other words, the adoption of CI-MDDs is more likely when a polity has recently experienced rapid democratization, has a relatively high degree of democracy, and has relatively fresh memories of previous experiences of other MDDs. Importantly, the analysis also shows that the diffusion effect is real: The decision to adopt CI-MDDs appears to be strongly influenced by global trends. However, the important "contagion" factor is not the actual use of CI-MDDs, but rather the institutional capacity to use them. An interesting twist on the proposed theory is that there are no evident conditional effects among critical variables, which means that, for

[35] In addition, out of an abundance of caution regarding the mixing of data from the Varieties of Democracy dataset and Freedom House, an alternative version of M1 was also run that omitted those countries for which the Freedom House data was used (they were treated as missing observations). The results are not reported, but despite a decrease in the number of observations, all variables remained identical in both significance and slope.

[36] See for example, Bollen and Jackman (1995) and Muller (1995).

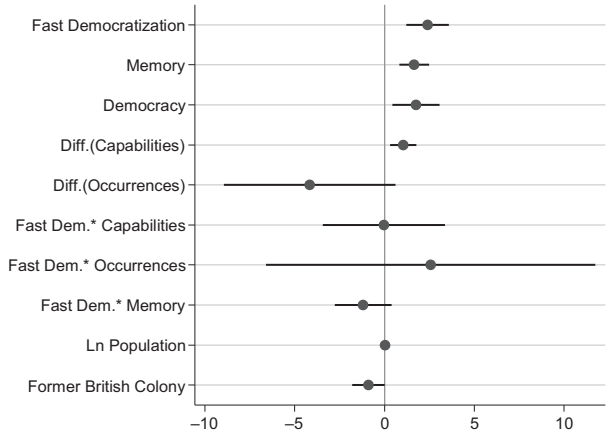


FIGURE 3.4 Hazard coefficients predicting the adoption of CI-MDDs

example, a polity does not need to experience democratization for international diffusion to play a role.[37]

Figure 3.4 graphically represents the last model, which includes all interactions and controls. Unlike the models presented in the Appendix, this figure shows plain hazards based on the hazard ratios for graphical readability. The figure (named *coefplot*) uses small circles to illustrate coefficients and horizontal bands to represent confidence intervals.[38] If the bar of a given coefficient crosses the vertical line drawn at zero on the x-axis, it means we cannot statistically differentiate it from zero, and therefore the coefficient is "statistically insignificant."

Table 3.1 summarizes the mean values of the significant independent variables (as determined in Table A3.2 in the Appendix) for countries at the time they adopted CI-MDDs. This table is quite telling since it provides a snapshot of the average conditions that existed at the moment states chose to introduce CI-MDDs, which allows for the comparison of both groups (CI-MDD adopters versus "the rest"). For example, the mean value of memory for all observations from countries that do not allow CI-MDDs is 0.30; for those countries that adopted CI-MDDs during the observation period, the average value of memory is 0.66 in the year that the change occurred. This means that on average, memory is 2.2 times stronger at the moment of CI-MDD adoption than it is

[37] Some diffusion models include an annual dummy variable to control for time-specific global effects, but this makes less theoretical sense in this context given that the diffusion variables in the model are already based on global trends (where the effect is moderated by distance), rather than the actions of neighboring countries exclusively. Similarly, regional controls have been replaced with more theoretically precise colonial relationship dummies that are intended to give a clearer picture of constitutional legacies and institutional familiarity.

[38] Bars represent 0.95 confidence intervals, as is standard in the social sciences.

TABLE 3.1 *Comparison of countries at time of CI-MDD adoption versus the rest*

	(1) Countries That Had Not Adopted CI-MDDs				(2) Values at Year of Adoption				Ratio
	Mean	SD	Min.	Max.	Mean	SD	Min.	Max.	(2)/(1)
Memory	**0.30**	0.40	0.00	1.00	**0.66**	0.46	0.00	1.00	**2.2**
Rapid Democratization	**0.04**	0.19	0.00	1.00	**0.19**	0.39	0.00	1.00	**4.8**
Polyarchy	**0.41**	0.29	0.01	1.00	**0.57**	0.24	0.12	1.00	**1.4**
Diffusion Capabilities	**0.28**	0.76	0.00	18.63	**0.59**	0.69	0.03	2.85	**2.1**

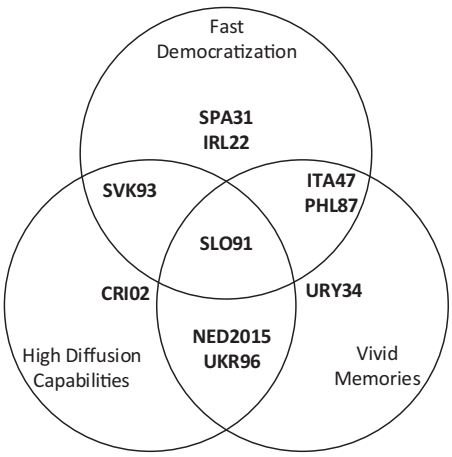


FIGURE 3.5 Venn diagram of CI-MDD adoption (selected cases, acronyms-year)

in the average, non-CI-MDD using state. A similar trend is evident in relation to rapid democratization: The global average among non-CI-MDD using polities is just 0.04, but this value is almost five times stronger (0.19) among recent CI-MDD adopters.

Using the mean values of the independent variables presented in Table A3.2 (column 2) as cut-points, Figure 3.5 sketches out the conditions that led different countries to adopt these institutions with a Venn diagram. For example, Italy (1947) and the Philippines (1987) were both experiencing rapid democratization at the moment CI-MDDs were adopted. In addition, both had fresh memories of MDDs but felt little pressure from neighboring democracies with CI-MDD capabilities. This is precisely the opposite of the scenario facing Costa Rica in 2002, which was not experiencing rapid democratization and had no recent memory of an MDD, but which was subject to considerable influence from surrounding CI-MDD users. Likewise, the Spanish Republic

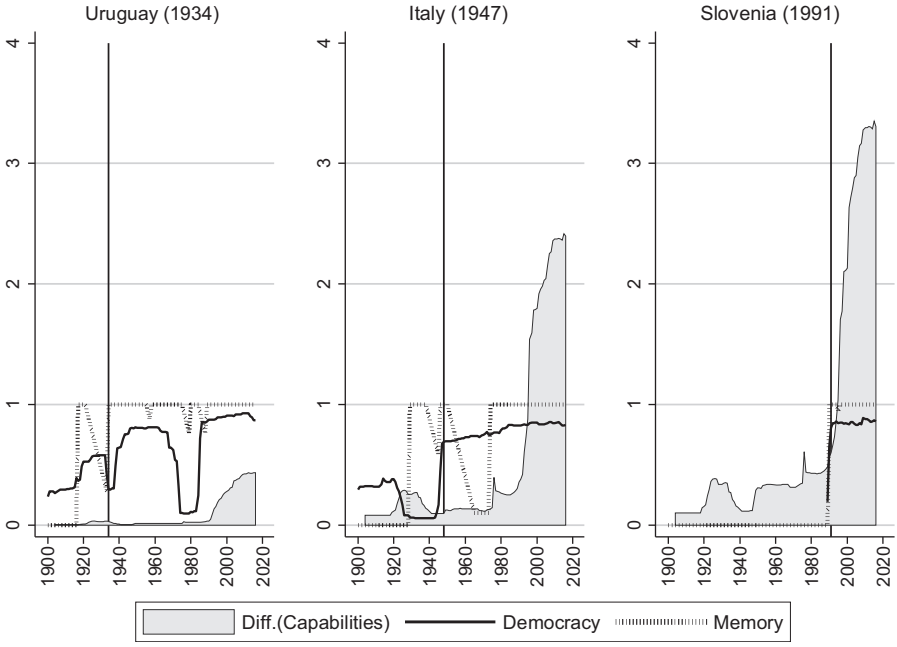


FIGURE 3.6 Adoption of CI-MDDs by the four main predictors (selected countries)

experienced a moment of rapid democratization in 1931, but it was neither influenced by memory nor diffusion. A similar scenario unfolded in the Irish Free State in 1922. Ukraine (1996) and the Netherlands (2015) experienced the opposite conditions. Slovenia (1991) is one of the few cases where all conditions were present at the time of CI-MDD adoption.

Figure 3.6 illustrates how the each of the four statistically significant independent variables from Table A3.2 exerted influence at the time citizen-initiated mechanisms of direct democracy were adopted in three selected cases (Uruguay, Italy, and Slovenia, which are some of the most prodigious contemporary users of CI-MDDs). The gray area represents the degree of influence exerted by the diffusion capabilities variable, which captures the number of other CI-MDD-capable countries in the world, weighted by distance and democratic reputation. The continuous, thick black line represents the level of democracy (from which rapid democratization can be inferred), while the segmented line reflects the degree of memory as operationalized. The vertical line represents the moment of CI-MDD adoption.

The figure at the left corresponds to the Uruguayan case, which is particularly interesting given that adoption occurred in 1934, during a period of rapid *de*-democratization due to the coup of Gabriel Terra in the previous year. This is reflected in the low polyarchy scores. The Constitution of 1934 ended the *semi-colegiado* and basically returned Uruguay to a presidential regime. It was

a definitive move towards greater concentration of power in the executive, but, at the same time, it introduced the use of popular initiatives. All subsequent extensions of direct democratic rights (in 1942 and 1967) also occurred simultaneously with reforms that further consolidated executive power. This suggests that it might be reasonable to argue that MDDs were used as bargaining chips among political elites (Altman 2008: 511). However, discussions surrounding CI-MDDs had already been explicit since the mid-1910s; in 1916, former President of the Republic José Batlle y Ordóñez claimed that "[t]he plebiscite or referendum will be established in the same way as in the Swiss Confederation" (Batlle quoted in Giudice and Gonzalez Conzi 1959: 190).

The second figure represents the Italian case. In 1947, at the time CI-MDDs were introduced, the country was undergoing rapid democratization (reflected in the black polyarchy line). Memories of the 1946 plebiscite, which had asked citizens to choose between a monarchy or republican constitutional design, were also still fresh. After the fall of the fascist regime and the end of the World War II, referendums were included in the new Italian Constitution presented to the Constituent Assembly by Costantino Mortati in 1947. Mortati was the speaker of the Second Subcommittee of the Constitutional Assembly (Barbera and Morrone 2003).[39] Drawing on the Weimar model, he conceived of a parliamentary system that would be complemented by referendums.[40] For him, referendums were expected to help people get involved in politics as well as to prevent the risk of partyarchy (Aravantinou Leonidi 2014).

In the course of the constitutional discussions in post-fascist Italy in 1947, party elites offered resistance to Mortati's ambitious project and progressively curtailed it throughout the debate that eventually led to the approval of the Italian constitution. Socialists and Communists were so convinced that parliament constituted the real "vanguard" of the people that they profoundly disliked Mortati's idea of introducing expanded CI-MDD rights, despite the fact that he had borrowed the idea from the Weimar Constitution.[41] The left considered that "the political elites [are] more progressive than the people; there

[39] See also, Barile and Clarke (1953: 62).

[40] Italy was under relatively little pressure from neighboring democracies with CI-MDD capabilities in 1947, yet a closer examination of the inspiration for this particular institutional reform reveals the influence of the Weimar Constitution. Although it was no longer in use in Germany at the time (it was never formally repealed, but had been effectively abandoned in 1933), it continued to serve as a source of inspiration throughout Europe long afterward.

[41] Something similar occurred in Spain. Once the Franco dictatorship collapsed and the parliament (Las Cortes) started a constitutional movement in 1978, the very first constitutional draft included extended CI-MDD rights (Art. 85). These rights were strongly defended by Manuel Fraga Iribarne, a Francoist loyalist and founder of the conservative Popular Party, against the will of centrists, Socialists, and, particularly, the frontal attacks coming from the Communist Party and its most active voice, Jordi Solé Tura. Adversaries of CI-MDDs presumed that the people, who they believed to be conservative by nature, could be artificially mobilized, as had happened during Franco's dictatorship through a series of plebiscites against eventual progressive measures accepted by Las Cortes, generating a conflict of sovereignties (Pindado 2012).

was no need of popular participation through the institution of referendum because the people speak through the parliament" (Pasquino 2009: 109–10). Although Mortati devised many different types of referendums, in the end the Assembly only endorsed the uncontrolled abrogative referendum.[42]

Finally, the graph depicting the adoption of CI-MDDs in Slovenia shows that each of the four relevant predictors identified was present: rapid democratization, high levels of democracy, notable influence from the diffusion effect, and vivid memories of a successful previous use of an MDD. The decision for Slovenia to declare independence from Yugoslavia was taken by a popular vote, where 94 percent of those who voted (representing 89 percent of the entire electorate) voted in favor of independence.[43] The Plebiscite, as it was known, gave an unprecedented mandate to the political class to do what others in Central and Eastern Europe did with much effort. This was either the result of a pricey compromise between two political elites (the communist regime and the democratic opposition, as in Poland) or because of a notably fractured environment (like in the ethnically heterogeneous Balkans). As Pengovsky mentions: "The decision the people made on that December day in 1990 was a textbook example of popular democracy: informed, sober, smart, and decisive. As a result, the idea of citizens deciding directly on matters of their interest became something of a must-have in the new democratic system" (personal communication).[44]

3.5 CONCLUSIONS

This chapter was dedicated to understanding when and why a country would choose to incorporate CI-MDDs into its institutional repertoire. Although the in-depth historical study of the previous chapter laid the foundations for theory construction, this chapter sought to build a more portable middle-range theory of institutional change to be tested cross-nationally. This theory indicates that both domestic conditions and the international environment affect a country's likelihood of adopting CI-MDDs. On the domestic side, it probed the importance of rapid political change (democratization), recent MDD use (regardless of

At the end of the discussions, Art. 85 was completely buried in the constitutional discussions and, consequently, there are no CI-MDDs in contemporary Spain.

[42] Abrogative referendums were only regulated in May 1970 by Law No. 352. See also, Komáromi (2013: 229–230), Uleri (1996), Adams, Barile, and Clarke (1953: 68).

[43] Note that unlike the Baltic states, Slovenia's independence could not be justified on the grounds that it was a previously independent state.

[44] Additionally, the old socialist constitution of Yugoslavia provided for a number of direct democracy instruments (specifically, referendums at various levels of government) and since at the time, workers' "self-management" was a core value, one could make the case that at least some of these instruments were "citizen initiated." A key aspect of the former Yugoslavian constitution was so-called "self-management socialism," or Tito's idea of "social management" (Warner-Neal 1958).

type or success at the ballot box), and the country's level of democracy, as well as a series of controls such as colonial ties and population size.

Yet, the theory elaborated at the start of the chapter extends beyond national borders. It includes a series of novel measures designed to grasp the extent to which international trends influence a country's decision to adopt CI-MDDs. These measures predicted a double contagion effect, suggesting that a country's decision to adopt CI-MDDs is influenced by: (1) how many other democratic polities (especially neighboring ones) have already adopted these institutions, and (2) how often other countries actually use CI-MDDs. Both measures are built in a way that not only takes into consideration the geographical proximity of any pair of countries in the world, but also the democratic reputation of the vector. In other words, simply being located close to a neighbor who had previously adopted CI-MDDs is not enough, since truly influential neighbors also ought to be worthy of imitation (because of their democratic reputation).

As the survival analysis revealed, with all else being equal, times of rapid institutional change (understood as a significant, positive change in polyarchy levels), increase a state's "risk" of adopting CI-MDDs. These moments of swift and positive democratization offer windows of opportunity for institutional change. However, the same is not true of negative change or de-democratization, which had no effect. This finding provides more focused evidence on when these institutions are adopted beyond the somewhat fuzzy claims made in the current literature on the subject.

Recent experience with another form of MDD also appears to increase the likelihood that a country will adopt CI-MDDs. In other words, the political repertoire of the framers is shaped by the recollection of a past MDD event. Paradoxically, when authorities call on the citizenry to decide on any matter in a direct, universal, and popular vote, they are also paving the road for the possible future adoption of CI-MDDs, regardless of how much they might dislike the idea. This suggests that states that are willing to engage in other forms of direct public consultation (such as plebiscites) are also more open to experimenting with CI-MDDs. Finally, the analysis also showed that the decision to adopt CI-MDDs is strongly influenced by global trends. However, this diffusion effect is only related to other states' capacity to use CI-MDDs, rather than their actual use.

This study has only scratched the surface of the amazingly rich stories of those states that have embraced national popular initiatives and/or referendums since 1900. Nonetheless, it has developed and tested a middle-rage theory of CI-MDD adoption that explains the importance of both domestic and global conditions, providing the first truly cross-national empirical test of CI-MDD adoption.

Appendix

TABLE A3.1 *Summary statistics*

Variable	N	Mean	Std. Dev.	Min.	Max.
CIC (Dep. Var.)	13,714	0.104	0.305	0	1
Year	13,714	1973.33	31.005	1900	2016
Memory	13,714	0.348	0.425	0	1
Rapid Democratization	13,714	0.040	0.196	0	1
Dem_Negative	13,714	0.023	0.149	0	1
Democracy	13,104	0.434	0.295	0.01	1
Country Age	13,714	75.178	62.834	0	216
Log Population	13,236	15.407	2.045	8.79	21.05
Former British Col.	13,714	0.275	0.446	0	1
Int'l Diff. (Occur.)	13,341	0.071	0.132	0	2.32
Int'l Diff. (Capab.)	13,353	0.347	0.788	0	18.67
Int'l Diff. (Events)	13,353	0.240	0.509	0	9.96

TABLE A3.2 *Cox proportional hazards model estimates predicting the adoption of CI-MDDs*

	(1)	(2)	(3)	(4)	(5)
Fast Democratization	7.003***	6.185***	11.47***	11.05***	10.91***
	(5.59)	(4.19)	(4.04)	(4.02)	(3.96)
Rapid Dem. Backslide	2.484				
	(1.23)				
Memory	4.525***	4.530***	5.669***	5.617***	5.197***
	(4.21)	(4.09)	(4.16)	(4.14)	(3.92)
Democracy	3.876*	3.722*	3.735*	4.052*	5.747**
	(2.26)	(2.20)	(2.17)	(2.17)	(2.60)

	(1)	(2)	(3)	(4)	(5)
Diffusion Capabilities	2.850**	2.964**	3.020**	3.013**	2.822**
	(3.05)	(2.93)	(2.89)	(2.87)	(2.77)
Diffusion Occurrences	0.0381	0.0226	0.0198	0.0201	0.0154
	(−1.78)	(−1.63)	(−1.62)	(−1.60)	(−1.71)
Fast Dem.* Capabilities		0.724	0.856	0.902	0.963
		(−0.18)	(−0.08)	(−0.06)	(−0.02)
Fast Dem.* Occurrences		10.42	15.40	13.62	12.96
		(0.50)	(0.55)	(0.52)	(0.55)
Fast Dem.* Memory			0.345	0.348	0.304
			(−1.28)	(−1.28)	(−1.47)
Ln Population				1.040	1.037
				(0.44)	(0.39)
Former British Colony					0.410
					(−1.93)
N	11217	11217	11217	11186	11186
Log lik.	−185.3	−185.8	−184.9	−184.8	−182.7
chi2 test	82.09	80.67	60.46	60.42	64.36

Hazard Ratios;[a] *t* statistics in parentheses.
$^{*}\ p < 0.05$, $^{**}\ p < 0.01$, $^{***}\ p < 0.001$[b]

[a] These hazard ratios should be understood as an average effect over the observation period. For that reason, they are not necessarily suitable for predictive use. I ran a sixth model that is not reported in the table, in which after testing for violations of the non-proportionality of the hazards, through a Grambsch and Therneau test, I allowed some coefficients to be time variant (see Golbub 2008). The findings did not differ substantially. For binary predictors, a hazard ratio greater than one indicates that a group has a greater hazard than the control group, while a ratio lower than one suggests a lower relative hazard. For continuous variables, the hazard ratio reflects the change in risk (whether an increase or decrease) associated with a one-unit increase in the value of the variable in question. All else being equal, the rapid democratization coefficient of 10.91 in Model 5, for example, suggests that rapidly democratizing states are at a greatly increased risk of adopting CI-MDDs relative to other states: almost ten times greater. In the same model, the memory coefficient of 5.19 suggests that states with a fresh memory of an MDD are 419 percent more likely to adopt CI-MDDs than states with no recent MDD experience.

[b] An interesting fact about Cox proportional hazards models is that they do not have an intercept. In other words, the betas are undefined, which means that it is impossible to know the hazard rates when all independent variables are zeros; this makes sense, since it is impossible to know how long a subject will survive before it is even born (Cleves et al. 2016: 136).

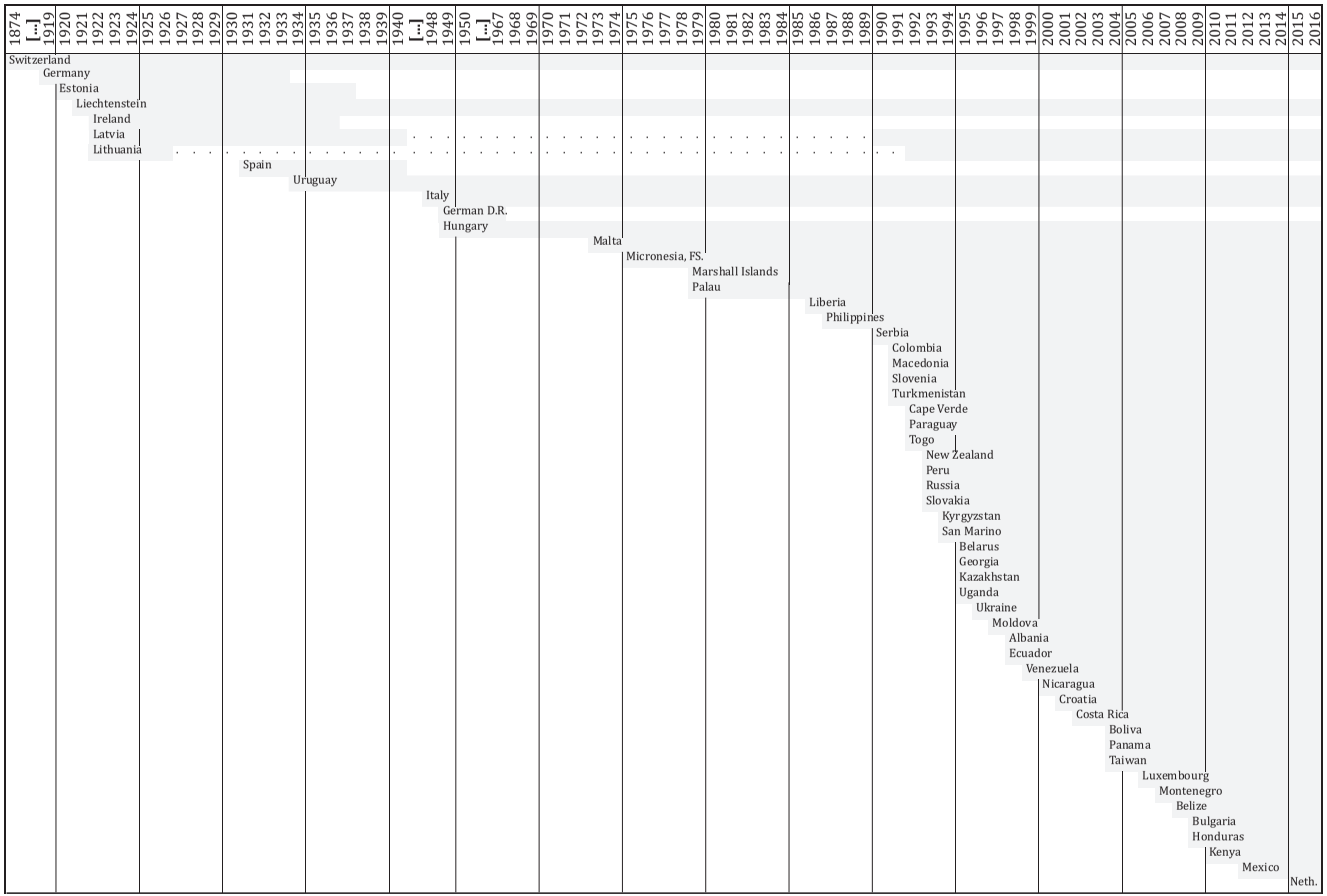


FIGURE A3.1 Adoption and existence of CI-MDDs at the national level

PART II

NATURE

4

Status Quo Bias?

Political Change through Direct Democracy

Arend Lijphart once claimed that "when governments control the referendum, they will tend to use it only when they expect to win" (1984: 203). Yet, even considering Lijphart's selection of thirty-six democracies, the evidence shows that when governments use top-down mechanisms of direct democracy (TD-MDDs), the success rate is only about 60 percent. This simple fact illustrates a problem with Lijphart's maxim. Asking about the conditions under which referendums pass is therefore an important question. Moreover, though previous studies have examined the relationship between institutional design and the occurrence of popular votes, the process by which institutional design affects the success rate of mechanisms of direct democracy remains largely unexplored. This chapter deals with these concerns by examining the results of direct democratic votes held at the national level around the world since 1980 (n = 1,141). In doing so, this research overcomes two recurrent problems in the literature: the way quorums have been operationalized, and the lack of attention that has so far been paid to the directionality of the questions posed to the citizenry.

The first section of this chapter explores the contradictory effects of democracy on the electoral fate of popular votes. It is followed by a description of the importance of the institutional architecture surrounding popular votes and how it shapes their success rate. The third section operationalizes the dependent variable (the success rate of MDDs) and introduces several theoretically relevant predictors. The resulting statistical models are then used to simulate specific cases of theoretical interest, graphically representing hypothetical situations. Finally, the chapter concludes by showing that the success of popular votes is conditional on the nature of the MDD.

The analysis that follows clearly demonstrates that the success of TD-MDDs is more likely to occur when a polity shows lower levels of democracy and participation, lower quorums are required for approval, and the vote occurs

during the government's "honeymoon period." However, for CI-MDDs, the story is entirely different. Their success depends on higher levels of participation, lower quorums required for approval, worse economic conditions, and whether the vote occurs after the government's "honeymoon period" has elapsed. Other alternative hypotheses that have been advanced to explain the success rate of popular votes – such as how diverse a society is, the concurrency of the vote (with a general election), and double-majority requirements – do not survive the empirical tests.

4.1 THE EFFECTS OF DEMOCRACY AND INSTITUTIONAL DESIGN ON POPULAR VOTES

Lijphart's above-mentioned maxim was based on the study of different types of democratic regimes – all of which were comfortably clustered at the top end of the democratic-authoritarian continuum. This argument was further refined by the veto player theory, best exemplified in the works of Hug and Tsebelis (2002) and Hug (2004), which show, among other things, how – in situations in which complete information is available to lawmakers – plebiscites should not never occur to begin with (Hug 2004). Yet, evidence shows that plebiscites are still regularly employed by authorities, and probability that the status quo will be changed or maintained in their favor is far from certain. Cameron's Brexit, Santos's Colombia Peace Deal, and Renzi's Italian constitutional reform constitute just a few such examples.

In Latin America, a region where the direct appeal to the citizenry seems to be increasingly popular, many authors do not see plebiscites as anything more than the use of institutional resources by the authorities to advance a particular political agenda (Barczak 2001). However, the results of such popular votes are much more eclectic than these authors usually grant, and the margins of victory are much narrower than one might assume. Surprisingly, the evidence shows that when used by the government, the success rate for plebiscites in the region is about 55 percent – not much higher than the rate of approval when they are initiated by citizens (48 percent) (Altman 2014a). While recognizing that most countries using popular and direct votes in Latin America are not the best examples of strong democracies – with the probable exception of Uruguay – if Lijphart is correct, the success rate for government-sponsored plebiscites should still be much higher. There is something counter-intuitive going on that significantly challenges Lijphart's maxim. Thus, the conditions under which referendums are likely to pass is a meaningful question to ask.

Moreover, there is a strong, commonly accepted intuition that autocrats do not lose plebiscites (Butler and Ranney 1994). In the context of totalitarian or authoritarian regimes, the evidence of failed plebiscites is only available when a government acknowledges its defeat. But if a (nondemocratic) government

succeeds fairly often in its plebiscitarian efforts, we may lack the necessary tools to demonstrate empirically that the popular vote was truly fair (Altman 2011: 88–9). The extremely rare examples that defy this common wisdom serve as the exceptions that prove the rule (Zimbabwe 2000, Seychelles 1992, Serbia 1992, Chile 1988, Poland 1987, and Uruguay 1980.)

In nondemocratic regimes, it is almost irrational to speak of the probability of success for citizen-initiated popular votes; any use of direct democracy is almost certain to be limited to the top-down variety. The dynamics of the political game are different in an authoritarian (not to mention totalitarian) regime than in a democracy. By definition, democracies allow their citizens to freely organize, mobilize, and press the government for changes (or the maintenance of the status quo). In democracies, citizens are more likely to influence, denounce, and punish their governments for their shortcomings, and the government's tenure depends on electoral politics. Free and fair signature gathering entails people exchanging ideas, trying to convince others, and meeting to coordinate collective action – actions that represent, for most autocracies, a deep risk to their stability.

Combining the idea that autocrats do not lose plebiscites with the blunt evidence coming from Latin America in terms of the success rate of popular votes, it is hypothesized that the higher the level democracy, the lower the probability that a popular vote will pass. Of course, this seems quite obvious at the extreme low end of the autocratic-democratic continuum, but we have no idea how democracy as such impacts MDDs results at the middle and higher ends of the regime continuum.[1]

Attempting to explain the outcome of a popular vote using only a country's level of democracy is an absurd simplification of reality. The literature is also clear that "the frequency of popular votes should vary systematically with the constitutional provisions for holding referendums" (Hug 2004: 334).[2] However, no consensus exists on which aspects of institutional design merit consideration. This is probably because the degree of institutional variation is notable among countries (and sometimes even within countries) in terms of their direct democratic design. For example, this variation includes the number of required signatures (in the case of citizen-initiated mechanisms of direct democracy), circulation time, how the vote is scheduled, and subject-specific qualifiers (such as the exclusion of certain issues from consideration), etc.

[1] Of course, democracy is a highly contested concept; the operationalization of democracy even more so. As noted in the previous chapter, in this research I use the *Electoral Democracy Index* (v2x_polyarchy) of V-DEM v.7 as a proxy for democracy (Coppedge et al. 2017a; Coppedge et al. 2017b).

[2] Actually, the association between institutional design and the frequency of popular votes has been demonstrated. See for example, Bowler and Donovan (1998) and Boehmke (2005) in the context of the states of the United States; Eder and Magin (2008) comparing the German Länder, and; Breuer (2011) analyzing Latin American countries. Nonetheless, no robust evidence of the relationship between their design and their success rates is available. See also, Tierney (2012).

Nevertheless, with a few exceptions, the aforementioned aspects of institutional design relate mainly to the entry hurdles for direct democracy mechanisms and their ease of initiation (see for instance, Bowler and Donovan 2004). As this chapter studies mechanisms of direct democracy that have actually occurred, it leaves aside these entry hurdles and concentrates on those characteristics that theory suggests play a crucial role in determining the likelihood that a given popular vote will pass. These characteristics include quorums (participation or approval), supermajorities, double majorities, and the scheduling of the vote.

Being more specific, the proceeding analysis asks not just what makes it more or less likely that an MDD will fail, but what affects the odds an MDD will fail, given the fact that (1) one might expect that no one would initiate an MDD that was certain to fail (whatever failing means), and (2) an MDD that was certain to succeed would likely have triggered preemptive negotiations to avoid a costly electoral defeat. If this were true – which is not the case, as evidenced earlier – then it would follow that the only MDDs that are likely to be triggered would be those in which there is some uncertainty about the result, differing evaluations of its likelihood of success, or some other obstacle to a negotiated resolution. That said, as will become evident in the following chapters, many times interest groups push for CI-MDDs despite being completely aware that they have an extremely low chance of success at the polls.[3]

4.2 DETERMINANTS OF THE SUCCESS OF MECHANISMS OF DIRECT DEMOCRACY

The object of study of this chapter, the dependent variable, is the *success rate* of popular votes. Success is a dichotomous variable with a value of 1 if the purpose of the MDD was accepted, or 0 otherwise. Yet, not all MDDs are created equal; to the contrary. Presumably, whoever is behind a popular vote and their political preferences play a crucial role in determining a referendum's potential success. This necessitates careful consideration when clustering MDDs into groups based on who the agenda setter is and what intentions that player had.

As mentioned in Chapter 1, two major types of mechanisms of direct democracy exist. The first group is composed of those MDDs that are (directly or indirectly) initiated by authorities: obligatory referendums and plebiscites. Most top-down MDDs (TD-MDDs) propose to alter the status quo (there are very few cases that defy this maxim, namely legislative counterproposals). The second group is composed of those MDDs initiated by signature gathering

[3] Even governments sometimes rely on a similar strategy, pushing a policy forward despite being aware it will not succeed. Former Uruguayan President Jorge Batlle explicitly acknowledges this: "I have to recognize that we also send other bills knowing that they are not going anywhere, they were simply testimonial bills" (Batlle in Altman 2011: 184).

TABLE 4.1 *Types of MDDs based on their agenda-setters and policy preferences*

		Policy Preference	
		Status Quo	**Change**
Agenda-Setter	**Authorities**	Legislative Counter-Proposals	Plebiscites/Obligatory Referendums[4]
	Citizens[5]	Optional Referendums	Popular Initiatives

(CI-MDDs): this includes popular initiatives and optional referendums. The distinction between popular initiatives and referendums is crucial, as popular initiatives are designed to alter the status quo, whereas referendums are created to prevent change.

Taking into consideration the distinctions among MDDs, Table 4.1 depicts a hypothetical double-entry matrix in which two different agenda-setters (authorities or citizens) have two different policy preferences (status-quo or change).[6]

A successful popular vote is the one where the outcome favors the intention of the agenda-setter, regardless of whether the agenda-setters are citizens or authorities. To be clear, an optional referendum (as defined earlier) is successful if the recalled law (or part of it) is abolished. In the other cases (popular initiatives, obligatory referendums, and plebiscites), the opposite is true. If a mechanism of direct democracy has received a majority of the popular vote but has not reached some requirement for its approval (e.g., approval quorum), it is considered a failure (this happened to Jaruzelski in Poland, 1987).

When studying how the institutional design affects the probabilities of approval of popular votes, we must be cautious in including not only theoretically relevant explanatory variables and controls, but also being aware that their effect could be conditional on the nature of the MDD. As will become evident in the following pages, the same factor may affect the probability of approval for different popular votes in a substantially dissimilar way. For example, an extremely positive economic environment will improve the likelihood that a

[4] Placing obligatory referendums and authorities' plebiscites into the same group can be debated, and it should not be inferred that these institutions are the same. Rather, for the purposes of this chapter, it is useful to think of both as being similar insofar as they intend to alter the status quo and are not triggered by citizens.

[5] As seen in Table A2.1, just twenty-six countries experienced CI-MDDs at the national level.

[6] The labeling of "change" for initiatives, plebiscites, and mandatory referendums, and of "status quo" for referendums is debatable. Taking the Swiss case into consideration, one finds that several popular initiatives in recent times actually did not seek change, but rather defended the status quo. For example, in one sense the minaret initiative (2008) "changed" the constitution in order to prohibit additional minarets in Switzerland. In another sense, however, this was done in order to maintain the current (no minaret) situation – hence, "no change." So, in the interests of being clear, change in this context means a change of the legal provisions.

plebiscite will succeed, while reducing the chances of a successful popular initiative that goes against the interests of the government. Likewise, there are relevant factors for assessing the probability of success of a group of MDDs (e.g., CI-MDDs) without necessarily being relevant for another group (e.g., TD-MDDs). Therefore, the following section tackles the most relevant determinants of MDDs' success, taking into consideration these two broad families of MDDs – TD-MDDs and CI-MDDs – and explaining the theoretical expectations regarding the effects of each predicted determinant.

4.2.1 Directionality

If we want to generalize about how democracy and institutional design affect the results of popular votes we *cannot* simply aggregate the success rate for all mechanisms of direct democracy along the regime continuum and see whether there is a corresponding relationship. The same is true even if we control for similar types of MDDs, or for the same level of democracy. Consider the following.

A major flaw in the literature is that comparative works tend to aggregate the results of MDDs without paying sufficient attention to the directionality or intention of the questions. This problem exists even among studies restricted to similar types of mechanisms of direct democracy (e.g., optional referendums). For example, an approved referendum in Slovenia or Switzerland means exactly the opposite in Latvia or in Uruguay. In the first pair of countries, the people are asked whether they want to *sustain* the law in question (e.g., "Do you approve that the Law on part-time work, which was adopted by the National Assembly in its session of November 16, 2010, shall become effective?" (Slovenia 2010)). On the other hand, in the second set, they are asked if they support *abolishing* said law (e.g., "Are you in favor of the abolition of the amendments to the Law on National State Security of March 1st, 2007?" (Latvia 2007)).[7] This simple fact defies generalizations based on the ratio between affirmative votes (yeas) over total votes, and undermines the suggestion that citizens voting in MDDs tend to behave in a risk-averse manner (i.e., against political change), as suggested by some authors (e.g., Brunetti 1997; Christin et al. 2002; Kirchgässner 2008; Kobach 1993).

In the context of Swiss direct democracy, Christin and colleagues (2002) discuss how the status quo is often privileged relative to propositions for change; others, like Brunetti (1997), even talk about a "*status quo bias.*" Kobach (1993: 48), calls this consistent behavior the "*Neinsager*" (naysayer)

[7] This problem is even evident within a single country, such as the United States, where a "yes" vote in Alaska, Maine, or Wyoming means the opposite of a "yes" vote in Arizona, California, North Dakota, Oregon, or Washington. In the former, "yes" means the derogation of the law (as in Latvia or Uruguay), whereas in the latter it indicates the will to sustain the law (as in Slovenia or Switzerland).

effect. Limited evidence from other locations also supports the idea of the risk-averse behavior of citizens in the context of direct democracy: For example, when courts or governors in several American states attempted to expand new social rights (such as same-sex marriage, and euthanasia), they were derailed directly by citizens through CI-MDDs (e.g., Dyck 2010; Lewis 2013).

Prospect Theory – a body of cognitive psychological arguments that claims that people are risk-seeking in the domain of losses and risk-averse in the domain of gains – provides one possible explanation for why referendums and popular initiatives have such a different degree of acceptance in Switzerland and beyond. One of the observed regularities is that when winning, humans start behaving conservatively, and when losing, they behave dangerously and are ready to risk what little they have left. As a result, it is easier to mobilize the potential losers than eventual winners.[8] Voters who are threatened by change will mobilize much more readily than those who expect to benefit. Therefore, mechanisms that require the mobilization of people, such as CI-MDDs, are more effective at preventing change or reversing changes that have already occurred. This would suggest that referendums are likely to be more successful than popular initiatives because the probable losers are much more likely to participate than the latent winners.[9]

Unlike CI-MDDs, which have a more or less even distribution between those that seek change and those that seek to sustain the status quo, the enormous majority of TD-MDDs (about 95 percent) are change-oriented. Nonetheless, directionality remains crucial within the world of CI-MDDs, requiring a distinction between those that seek to sustain the status quo (referendums) and those that seek to change it (popular initiatives). Therefore, the following analysis includes a measure of the directionality for each question asked in each and every mechanism of direct democracy in the world held at the national level since 1980. If the question pointed to a status quo change, I coded it "1," and "0" if otherwise.

[8] As Weyland (2002b) suggests, this tenet contradicts expected utility theory (i.e., rational choice), in which individuals are assumed to maximize a utility function predicated upon consistent risk-aversion, or at least risk-neutrality; see also, Kahneman and Tversky (1979) and Levy (1992).

[9] Of course, the tricky part of the argument, however, lies in the question of how to assess whether the key actors believe they are in the domain of gains or the domain of losses. Weyland claims that assessing someone's utilities is just an exercise in "plausibility" (2002a: 43), therefore some indeterminacy into the theory is introduced. We hardly know where actors locate themselves in terms of these realms; as Levy (1997) noted, prospect theory "is a reference-dependent theory without a theory of the reference point" (p. 100). Thus, "the temptation to reason backwards, from choice to domains to frame, is strong" (Mercer 2005: 4). The few works of political science that embrace prospective theory, however, use the *status quo* as reference point, bypassing the assessment of the relative location of actors (see for example, Kersbergen and Vis 2007).

4.2.2 Executive Recommendation

Controlling for the directionality of the questions of popular votes is obviously not sufficient to assess the results of MDDs. Executives usually tend to be opposed to most issues raised in popular initiatives, as well as those in referendums. The reason seems simple: Had executives been supportive of the promoters' intentions, they would have simply addressed the topic under consideration in the legislative or administrative spheres and not risked a political defeat at the ballot box.[10] Thus, the executive (or government) recommendation is a crucial aspect to consider when assessing the fate of a popular vote.

Nonetheless, "the government" is far from being a singular actor (even under a brutal dictatorship as shown by Castiglioni 2005), and therefore we have to be careful in assuming a unified, automatic stance of the executive towards certain types of MDDs. In other words, executives do not always necessarily support plebiscites, nor do they always oppose popular initiatives or referendums. Governments have in-house tensions, which are evident in moments of polarization.[11] Sometimes, a president says yes while a secretary (or minister) says no. Other times (albeit, rarely), executives simply do not care and leaders do not get involved at all. In cases where the executive has a relatively homogeneous position regarding the subject under consideration (as is usually the case), this is codified as either "1" if the recommendation was positive, or "–1" if it was oppositional.[12] Cases of indifference or obvious division are coded as "0."[13]

[10] In some subnational units, however, such as California, there is some evidence that the executive may use the initiative process to circumvent a recalcitrant legislature. In some situations, the executive may support these initiatives or even help craft the proposals themselves; see Damore et al. (2012).

[11] Moreover, there are some cases where, when facing a popular vote, the authorities appear evenly divided (as has happened several times with the Italian governing coalitions) or even – sometimes – indifferent.

[12] The clearest example is Switzerland, where both the Federal Council (Bundesrat) and the parliament propound recommendations on how to vote before the popular vote is held. Most of the time, both recommendations lean in the same direction, yet, occasionally, they are opposed. For the Swiss case, most data are gathered from *Die Datenbank der Eidgenössischen Volksabstimmungen*, *Swiss Info*, and *Archive des Votations Fédérales*. In other countries, the position the executive took facing a CI-MDD is sometimes less clear than in Switzerland (i.e., they do not provide an "official" stance on the topic), but the prevalent position in regard to the popular vote is still evident through archival research (e.g., Keesing's World News Archive, online press). Archival analysis allowed me to assess the position the government took and if such analysis was insufficient, national experts were interviewed.

[13] It might be argued that factors like the executive recommendation are probably endogenous to the chances of winning the popular vote. Though theoretically plausible, the sample does not contain any situations in which governments changed their position based on the chances of winning the popular vote (i.e., endogenous). Thus, this research assumes this variable is 100 percent exogenous. However, it is worth noting that in one situation an opposition party did so (Colorado Party in Uruguay 1992), Altman (2011: 171).

Like *directionality*, where 95 percent of TD-MDDs seek a change, something similar occurs with executive recommendation, as, unsurprisingly, 93 percent of these votes enjoyed the support of authorities. However, the executive opposed about 75 percent of CI-MDDs, while in 20 percent of cases it was divided or indifferent. It supported just 5 percent of CI-MDDs. I expect an executive recommendation to have a positive effect on the probability of success of any type of MDD. In other words, if governments express positive recommendations on popular votes, their chances of being accepted will be higher.

4.2.3 Democracy

As explained, it is virtually impossible to imagine how a citizen-initiated mechanism of direct democracy would function in the absence of high-quality democracy. Given that more than 92 percent of all CI-MDDs occurred in countries whose democracy level was above 0.8 according to the V-DEM measure of democracy, it does not make statistical sense to attempt to use the quality of democracy as a predictive covariate (there are simply not enough cases of non-democracies or low-quality democracies holding CI-MDDs to make any valid inferences about the likelihood of success in these cases). Nonetheless, given that obligatory referendums and plebiscites occur along the complete regime continuum, this variable will be included for top-down MDDs. It is expected that the lower the level of democracy, the more authorities will benefit from TD-MDDs; the higher the level of democracy, the higher the level of uncertainty as to whether a particular vote will succeed.

4.2.4 Quorums and Double Majorities

Quorums and double majorities are intended to raise the bar for a potential change. Sometimes, the decision at the polls is contingent on a minimum amount of citizens participating in the procedure (a "participation" quorum). Other times, a minimum number of people are required to endorse the proposal (an "approval" quorum). Occasionally, super majorities are needed for a decision to be binding. Basically, quorums have two major objectives: to stop change and to provide legitimacy.[14]

Quorums are typically incorporated (directly or indirectly) into the descriptions of direct democracy as a series of dummy variables (Kaufmann 2004). However, some colleagues collapse different quorums into a single categorical index (Breuer 2011) to assess how many referendums we will witness in a given place. Nonetheless, by doing so, invaluable information about their interaction

[14] As Maniquet and Morelli comment, quorums are a straightforward way of shielding the status quo (2010: 2), and a low participation in popular votes is perceived as a threat to their legitimacy (Qvortrup 2002: 164).

is lost. As explained in Altman (2017), estimating the Status Quo Surface, offers a better alternative for the interaction of quorums.[15] Quorums are probably the most demanding institutional features MDDs have to overcome in order to pass, regardless the type of popular vote.[16] The theoretical expectation is that the more demanding the quorums (i.e., the larger the SQS area), the harder it is for a vote to be approved.

A similar effect occurs when double majorities are required for the approval of MDDs. Some federal countries such as Switzerland or Australia require double majorities for particular types of MDDs to be approved (i.e., they must win both a majority of citizens' votes and a majority of states in the country). Ceteris paribus, these administrative quorums or double majorities are more difficult to obtain because there are other institutional veto players to overcome along the way. Double majorities are operationalized as a dichotomous variable; when they exist, it should be harder for MDDs to be approved.

4.2.5 Government Time in Office

Another predictor associated with the success rate of popular votes is the length of time that a particular government has been in office. The basic idea is that new governments tend to benefit from a "honeymoon period," which suggests that their favored position is also more likely to win in a plebiscite or an obligatory referendum during this period (Szczerbiak and Taggart 2005). This variable is operationalized as the difference in days from the time that the government assumed office to the date of the popular vote. Theoretically, *days in office* should be negatively associated with the success of TD-MDDs. By the same token, however, it is also possible that after a certain amount of time in power, a government will make use of the knowledge it has gathered while in office to call for popular votes strategically; if this is so, it makes sense to also control for its quadratic transformation, expecting this transformation to have a positive U-shape in relation to the success of a TD-MDD.

On the flip side of the coin, for CI-MDDs, the length of time that a government has been in office is likely to have a different effect. Its linear

[15] All possible results of an MDD can be represented on a surface delimited by two orthogonal axes (yeas and nays), thereby taking into consideration their interaction with participation and approval quorums (Altman 2017); see also, Côrte-Real and Pereira (2004), Aguiar-Conraria and Magalhães (2010a, 2010b). The *Status Quo Surface* (SQS) corresponds to the polygon's surface determined by participation quorums, approval quorums, and supermajorities within the aforementioned area. The larger the area, the more protected the status quo. See Figure A4.1 and Table A4.1 in the Appendix for a more detailed interpretation of the Status Quo Surface.

[16] This has been a particularly hot topic of debate in the Baltic region (see Krupavičius 2012; Ruus 2011; Rytel-Warzocha 2012).

operationalization (days transpired since taking office) will be positively associated with the success of a CI-MDD, while its quadratic transformation should be a negative (an inverse U-shape) effect on the probability of success.

4.2.6 Concurrent Vote

If a popular vote is concurrent with a general election, some negative externalities may be introduced via a "contamination effect" (International IDEA 2008: 53–4). For example, an independent popular vote may be co-opted or "presidentialized" by the representative elections occurring at the same time. Yet, when citizen-promoters play the direct democracy game, they surely understand the importance of mobilizing the people. Holding a popular vote concurrently with a general election is likely to have a strong mobilizing effect, since many voters will turn out to vote in the representative elections. Thus, concurrency is anticipated to be positively associated with the success of a CI-MDD. This variable is coded as 0 if no other elections are held concurrently, and 1 if another type of election is held simultaneously (e.g., local or supranational, such as for the European Parliament).

For TD-MDDs, which follow a different strategic logic, the effect should be the opposite than for CI-MDDs. Authorities usually have much larger leeway to strategically schedule TD-MDD, and they are likely to use this prerogative with a clear objective in mind: to mobilize supporters and demobilize the opposition. This freedom to schedule votes does not typically extend to CI-MDDs, where the whole process of triggering and realizing such votes is clearly fixed by law.

4.2.7 Participation

Although the literature has long debated the impact of direct democracy on participation in general elections, the opposite trend – that is, the effect of electoral participation on the success or failure of mechanisms of direct democracy – remains under-explored.[17] As noted earlier, organizers of TD-MDDs are incentivized to hold these MDDs separate from other elections because governments can use their control over the timing of TD-MDDs to maximize mobilization/demobilization efforts. Therefore, the best-case scenario for TD-MDD organizers is the mobilization of proponents and demobilization of opponents, to the largest extent possible. Thus understood, participation should have a negative effect on the odds of TD-MDDs success, which means that the smaller the number of participants, the higher the chances of success. Mobilization is a delicate equation: To pass, TD-MDDs must mobilize enough proponents to

[17] For contrasting views on how an intensive practice of direct democracy affects participation, see Schecter (2009) and Freitag and Stadelmann-Steffen (2010); for other forms of political participation see Fatke and Freitag (2013), and Blume and Voigt (2015).

surpass any quorum criteria, but organizers must avoid mobilizing opponents so as not to risk a defeat. Consequently, the models include an interaction between participation and quorums, on the expectation that it, too, seems likely to have a negative effect.

Conversely, for CI-MDDs, the story is quite different. Regardless of the number of signatures that were required to hold a popular vote, interest groups still tend to have a hard time when it comes to mobilizing fellow citizens. Thus, higher voter turnout should be an indicator of higher support for the proposal under consideration.

4.2.8 Growth and Inflation

Following the common conventions of the literature, the models also include a set of national-level controls. The importance of a nation's level of economic development, as well as its short-term level of economic stability (particularly its level of inflation) have been shown to influence levels of subjective well-being cross-nationally (Key 1966; Kramer 1971; Lewis-Beck 1988; Szczerbiak and Taggart 2004).[18] These studies assume that voters withdraw support from incumbents (or their parties) when economic conditions worsen (Bowler and Donovan 1998: 71). Mechanisms of direct democracy can thus be understood as votes of confidence for or against the government, regardless of the issues at stake (Hobolt 2006a). If this is the case, the worse the economic conditions are, the more likely it is that citizens will punish the government by voting down its preferred proposal.

In that sense, positive economic conditions (large growth and low inflation) will benefit the probability of the success of TD-MDDs. Likewise, negative economic conditions (negative growth and high inflation) will improve the odds for CI-MDDs. GDP growth and inflation are measured using the World Development Indicators of the World Bank, the financial database of the International Monetary Fund, and the UNDP database.

4.2.9 Social Fragmentation

In addition, population diversity is also cited as a predictor of national MDD use. Nonetheless, while some authors argue that in a more heterogeneous country, direct democracy can build consensus on sensitive issues by uniting different groups (Kaufmann 2004), others claim that in a divided society, mechanisms of direct democracy can easily become a weapon in the hands of the powerful, or the largest group, in order to advance their interests (Bell 1978). Ethnic or religious differences within countries are measured using the Composition of Religious and Ethnic Groups (CREG) Data from the Cline

[18] See also, Gerber (1999) and Gerber et al. (2001).

Center for Democracy at the University of Illinois; the *maximum* value of the three measures is used as a proxy for social diversity. The more divided a society is, the harder it is likely to be to align a majority of citizens behind any particular policy. Therefore, the larger the degree of social fragmentation, the lower the probability of MDDs success, regardless of type.

4.2.10 Switzerland

Serdült and Welp (2012) argue that in Switzerland the political game played by parties (whether in government or opposition) and civil society organizations is not comparable to that of any other country. Therefore, they maintain that when studying direct democracy it is best to analyze Switzerland separately, or at least to control for it, to see whether the overall results stand with or without the Confederation. Although similar arguments can (and have) been made in relation to just about any country, given the prominence of the Swiss case within the universe of analysis, a control for the Helvetic Confederation is included as a robustness check in both models (TD-MDDs and CI-MDDs). The presumption is that if this coefficient is statistically significant, there is a chance that these results are basically telling a Swiss story; otherwise, the results transcend Switzerland and describe a plausible and strong overall relationship among the variables of interest.

4.2.11 Previous Experience

Following the logic of the Swiss example, it seems reasonable to imagine that a country's previous experience with MDDs would have an effect on the success rate of future MDDs. On the one hand, it is possible to speculate that the greater the number of times that citizens have already voted in previous MDDs, the more likely it is that they will be fatigued or "burned out" by these institutions, making them more inclined to reject proposals. On the other hand, it is also possible that the greater the number of previous MDDs, the more citizens are acquainted with direct democracy, the more confidence they are likely to have in the system, and, therefore, the more likely they will participate in future initiatives. As both explanations seem reasonable, both models include a control for this phenomenon, despite the lack of a clear expectation of its effects.

4.3 EMPIRICAL EVIDENCE

The analysis uses the complete database of all MDDs carried out in the world at the national level from January 1, 1980 to December 31, 2016 (n = 1,288). Each observation corresponds to a unique MDD. The database relies heavily on the *C2D Database*, *Suchmaschine fur Direkte Demokratie*, and extensive original research. Given the crucial role the comparative literature attributes to political

TABLE 4.2 *Success rates (SR) of MDDs by agenda-setters and policy preferences (1980–2016)*

		Policy Preference		
		Status Quo	**Change**	**Total**
Agenda-Setter	Authorities	**36** 3.16 (*SR* = 66.66)	**667** 58.46 (*SR* = 72.86)	**703** 61.61 (*SR* = 72.54)
	Citizens	**197** 17.27 (*SR* = 35.02)	**241** 21.12 (*SR* = 19.50)	**438** 38.39 (*SR* = 26.48)
	Total	**233** 20.42 (*SR* = 39.91)	**908** 79.58 (*SR* = 58.70)	**1141** 100 (*SR* = 54.86)

Key: **Frequency**, cell %, *Success Rate*
[This table does not include micro-states]

parties in the direct democratic game,[19] those micro-states that do not have a typical partisan structure despite having communal representative regimes are excluded (Palau, Marshall Islands, Micronesia, and Tuvalu).[20] Without considering these countries, the universe of analysis is reduced to 1,141 cases.

Table 4.2 shows the distribution of all MDDs based on who triggered the vote (the agenda-setter), and their preferred outcome. Almost 95 percent of authority-triggered MDDs sought to change the status quo (about 58.5 percent of the entire universe of analysis). Similarly, as expected, the cell containing cases in which authorities triggered a vote against change is virtually empty, with only thirty-six cases. The very few cases that fall into this category are all legislative counterproposals, plebiscites due to previous commitments made by past governments, or impositions required to comply with international agreements (such as occur in the EU). CI-MDDs are evenly distributed between those intended to defend the status quo (referendums, which make up 17.2 percent of all MDDs), and those that intend to alter it (popular initiatives, representing 21 percent).

Before engaging with the statistical analyses, two important notes should be made. First, this chapter is based on the assumption that all observations are independent of each other, which is probably violated to some degree (as could be argued with most social phenomena). There are numerous countries in

[19] Of course, not all authors assign the same role to political parties, but all agree that these are indeed crucial institutions. Among others see Hobolt (2006b), Uleri (2002), Lutz (2006), and Serdült and Welp (2009).

[20] These countries' experiences with MDDs account for 140 observations out of a universe of 1,288 (about 10 percent).

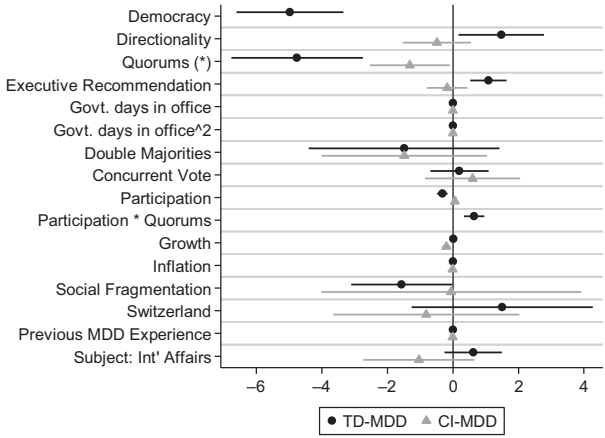


FIGURE 4.1 Determinants of success rate (coefficients and confidence interval)

which referendums were probably influenced by earlier votes or related events elsewhere. The most obvious such examples are the votes on European accession, integration, or extension.[21] Although interdependence occurs in virtually any social phenomena, just to be certain that the results are not contaminated by these potential influences, a final control for popular votes related to international affairs is included.

Second, though this research originally intended to use fixed effect longitudinal logistic models, it is impossible to escape one of the "classic" problems that plague many institutional studies: Institutional variation occurs mostly *among* countries and not *within* countries. Consequently, fixed effect logistic models would sacrifice a substantial portion of the database (nearly ninety of the 130 countries would be dropped from the analysis). Hence, longitudinal logistic regression without fixed effects will be used. Though this type of model is not ideal, it still allows for recalibration of the error term for each country, and can therefore be considered a rather Solomonic compromise between fixed effects and simple logistic regression. The motivation here is to still allow the basic probability of the dependent variable to vary from country to country, without surrendering such a substantial number of observations.

To assess how the aforementioned variables influence the success rate of MDDs, two series of panel models are estimated, each based on the success of MDDs in one of the different families of popular votes. Figure 4.1 illustrates the effects of each of the theoretically relevant predictors and controls described. It uses markers to depict coefficients and horizontal bands for confidence intervals

[21] On the differences among these types of votes, see Auer (2007).

as they relate to TD-MDDs (black, circles) and CI-MDDs (grey, triangles), respectively.[22] Summary statistics and the results of all estimations in a traditional tabular fashion can be found in Appendix 4 (See Table A4.1 and Table A4.2).

Regarding TD-MDDs, the crucial independent variables – the level of democracy and quorums – work as expected: They are strongly statistically significant and with the expected effects. Unsurprisingly, the less democratic a country is, the more likely plebiscites or obligatory referendums are to pass. Quorums have a negative even effect on the likelihood of approval regardless of MDD type (both TD-MDD and CI-MDD). Likewise, participation is statistically different from zero in both models, but – as expected – with opposite effects: The lower the participation in the context of TD-MDDs – or the greater in the context of CI-MDDs – the more likely a popular vote is to pass.

Inflation, social fragmentation, previous MDDs experience, and country-based Swiss control have no effect in either model. In the latter case, however, this finding is good news. The Alpine Federation, where common knowledge presumes a status quo bias, is not particularly different than the others.[23] All models show consistent results across the various specifications. Other potential sources of collinearity (e.g., whether the success rate of MDDs is conditional over time) have also been explored, but no significant results were found that might affect the results reported here (models not shown).[24]

Based on the models described, the remainder of this section uses a series of graphic representations to simulate specific cases of theoretical interest in terms of the probability that an MDD will succeed. Unless otherwise stated, the probabilities of success for TD-MDDs are computed using hypothetical situations where the executive recommends the measure, the measure attempts to change the status-quo, there are no quorums, and there is a high level of democracy (0.8). The probabilities of success for CI-MDDs are calculated in situations with no quorums, and where the executive does not recommend the measure. All other explanatory factors, such as growth or social fragmentation, remain constant at their mean values.

Figure 4.2 illustrates the impact that participation has on the success rate of popular initiatives and referendums, on the one hand, and plebiscites and obligatory referendums, on the other. There the probability of CI-MDDs success is low when the level of participation is also low. However, the confidence

[22] As previously explained, if the confidence interval of a given coefficient crosses the vertical line at zero, it means that zero is one of the probable values this variable may acquire and, therefore, it is impossible to assess whether this variable is statistically different from zero; in other words, a variable that crosses the zero line cannot be said to be "statistically significant."

[23] On status quo bias see Samuelson and Zeckhauser (1988).

[24] As this study covers a long period from 1980 to 2016, this is crucial to assess. Several tests were used, including dividing the database by decade and including dummy years in the general model; no changes were observed and none of the tests was significant.

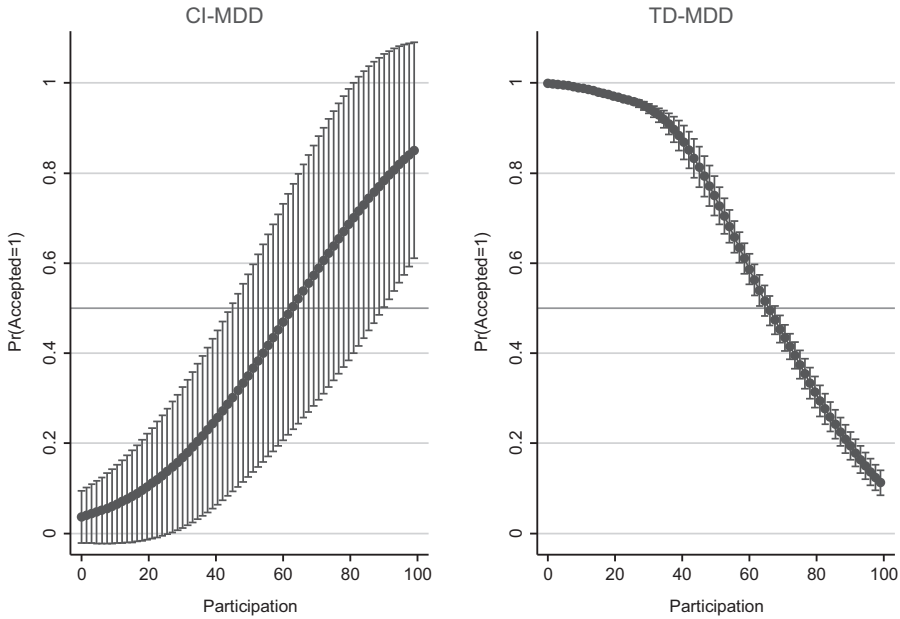


FIGURE 4.2 Participation and the probability of success

interval crosses the 50 percent approval line when participation reaches 55 percent. At about 70 percent participation, the probability of success reaches a "tipping point," becoming almost assured; at 90 percent participation, the probability of success is as high as 70 percent. Nonetheless, and as predicted, participation has just the opposite effect on plebiscites and obligatory referendums. The probability that a plebiscite or an obligatory referendum will succeed is nearly 100 percent at extreme low levels of participation. That probability only drops below 50 percent when participation is around 65 percent. Beyond that threshold, the probability of success is sharply reduced (about a 20 percent success rate with participation around 90 percent).

Figure 4.3 illustrates the impact that quorums have on the success rate of different kinds of MDDs. This figure clearly shows that as soon as quorums depart from the default value of 0.5 (this value indicates that no quorums of participation, approval, or super-majorities exist), the probability of success for both popular initiatives and referendums drops below 50 percent. Unlike CI-MDDs, the probability of success for plebiscites or obligatory referendums is still positive up to a quorum value of around 0.55. (To add some context to this rather abstract number, an SQS value of 0.55 could, for example, reflect a participation quorum of 33 percent or an approval quorum of 25 percent). Above that point of reference, the likelihood of success sharply decreases.

Figure 4.4 shows the effect that the age of the government (in days) has on the probabilities of MDD success. A plebiscite or obligatory referendum has a

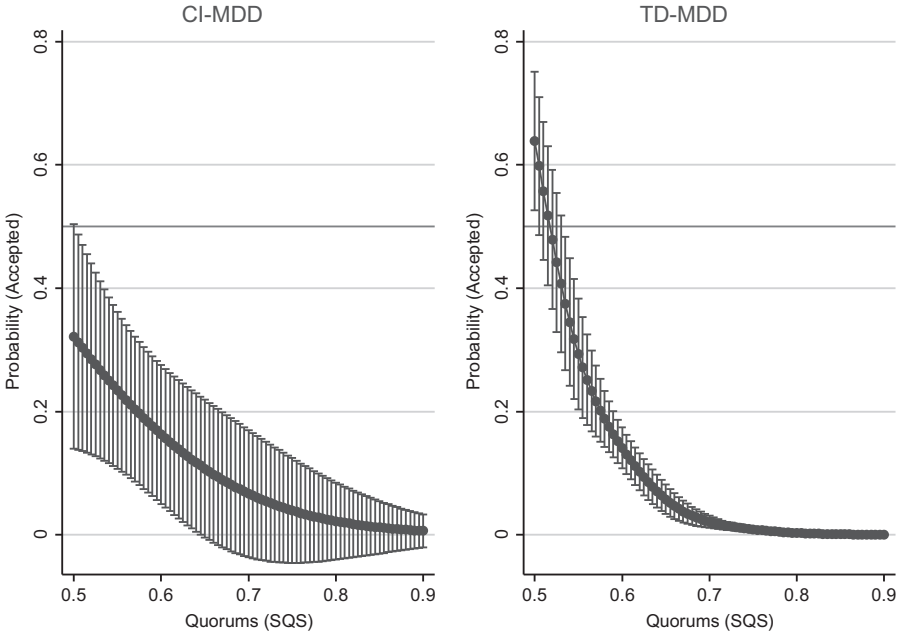


FIGURE 4.3 Quorums and the probability of success

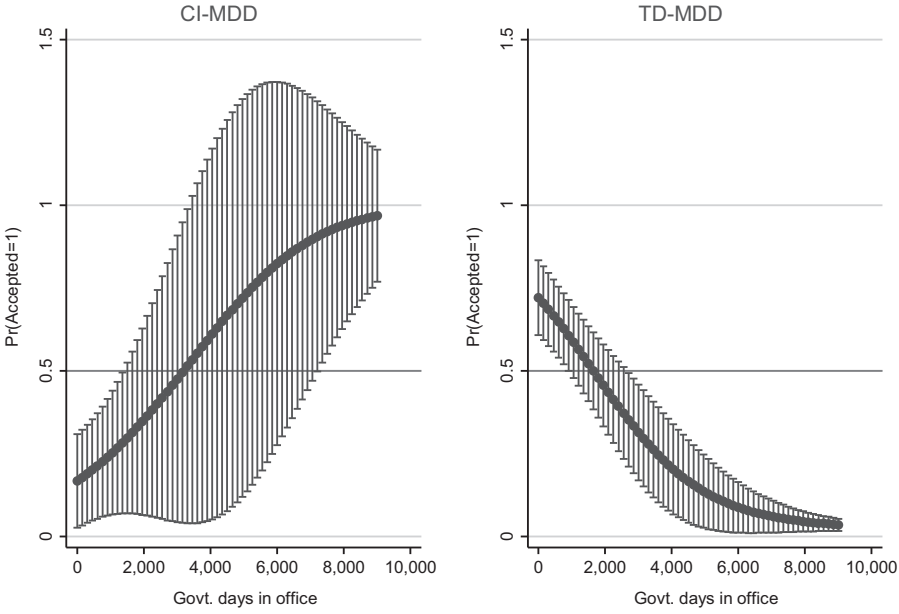


FIGURE 4.4 Government days in office and the probability of success

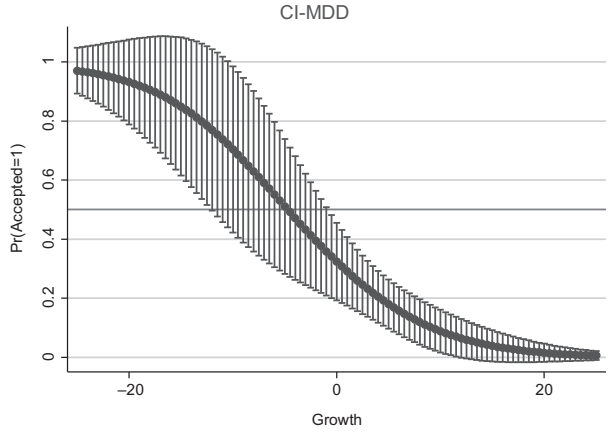


FIGURE 4.5 Growth and the probability of success

probability of success of 70 percent during the first 100 days of government in office, as it benefits from the honeymoon phase. This situation remains quite stable until 800 days in office (about 2.2 years), when the confidence intervals begin to cross the 50 percent threshold. Once 1,600 days in office have elapsed, the probability that a TD-MDD will succeed drops below 50 percent. Although the probability that a TD-MDD will succeed decreases as time goes by, exactly the opposite occurs with CI-MDDs. Their probability of success only increases to above 50 percent after the government has been in office for eight years (although the confidence interval crosses the 50 percent benchmark at just 3.8 years or 1,400 days).

Finally, Figure 4.5 shows that the probability that a popular initiative or referendum will succeed is nearly 90 percent when a country is experiencing an extreme economic contraction. That probability only drops below 50 percent when the economic "growth" is around –3. Positive economic growth above 2.1 not only reduces the probability of success to just one in three, but the confidence intervals notably fall short of the critical value of 50 percent, suggesting that high growth is not conducive to CI-MDD success.

4.4 DISCUSSION

By analyzing how the level of democracy and the institutional design of mechanisms of direct democracy affect their success rates (in the context of all direct and popular votes held in the world at the national level since 1980), this research expands on previous work on direct democracy. There has been a striking absence of systematic comparative research on this question, and the very few studies that do exist tend to suffer from at least two major problems. First, they do not take into account the directionality of the question being

asked (even when controlling for different types of MDDs); as a result, their results are, at best, flawed. Second, their manner of operationalizing quorums in the context of direct democracy has been generally poor. By contrast, the enriched method employed here combines the three types of quorums to avoid conflation among them.

In general, the evidence shows that the success of popular votes is conditional on the nature of the MDD. TD-MDDs are more likely to succeed when a polity shows lower levels of democracy, lower quorums are required for approval, the executive endorses the proposal, and electoral participation is lower. Their chances of success also improve when the measure attempts to alter the status quo, society is less ethnically, linguistically or religiously fragmented, and the government is either still in its honeymoon phase or has been in power for a long time. CI-MDDs' likelihood of success increases when they need lower quorums, the executive recommends them, the government is beyond its honeymoon period, there is a strong economic contraction, and electoral participation is high.

On average, about one in every five attempted CI-MDDs that seek to change the status quo is successful (for TD-MDDs, this figure is three out of four). This could be interpreted to mean that popular initiatives do not do much to alter the status quo, nor do referendums provide much aid in defending it. Nonetheless, it cannot be argued that these mechanisms do not satisfactorily achieve the core idea of their institutional design. The fact that a majority of CI-MDDs fail at the ballot box does not mean that CI-MDDs are failures in and of themselves.

Actually, in the absence of a baseline for comparison, if we contrast the success rate of CI-MDDs with the success rate of different types of legislation, there is a striking similarity: The success rate of CI-MDDs is not substantially different than the success rate of bills initiated by private members of the legislature in contemporary democracies, and TD-MDDs are approved at a similar rate as bills initiated by the government in parliament. As seen in Table 4.3, based on seventeen selected democracies with an IDE greater than 0.8 – which is a quite deserving threshold – governments succeed in enacting nearly four out of every five bills they sent to parliament (77.7 percent), which is remarkably similar to the success rate they tend to achieve when pursuing a policy change through a popular vote, (72.5 percent, see Table 4.2). Likewise, the success rate of private members' bills, which can be equated to citizens pursuing a policy change through a popular initiative, is astonishingly similar to the success rate of CI-MDDs, at 18 percent and 19.5 percent respectively. In short, the contrast in results between regular, representative lawmaking versus mechanisms of direct democracy reveals an astonishingly similar pattern.[25]

[25] Please note that this table does not pretend to be a statistical test of any kind. It is simply included as a basis for comparison between the rate of success of different types of MDDs and the rate of success of bills initiated by the government and private members of parliament.

TABLE 4.3 *Legislative success rate by bills' origin in seventeen selected democracies*

			Government			Private Members		
IDE (V-DEM)	Country	Covered years	Bills	Laws	Success	Bills	Laws	Success
0.805	Argentina	1983–2014	2,410	1,595	66.18	65,284	2,700	4.14
0.864	Canada	2001–2015	809	442	54.64	3,523	110	3.12
0.852	Chile	1990–2017	2,092	1,493	71.37	8,380	717	8.56
0.892	Czech Rep.	1998–2013	1,576	1,235	78.36	1,067	357	33.46
0.898	Denmark	1987–2016	6,526	5,984	91.69	847	104	12.28
0.917	France	2000–2015	2,679	1,150	42.93	15,530	152	0.98
0.888	Germany	2006–2017	1,392	1,292	92.82	651	205	31.49
0.800	Hungary	1990–2010	2,577	2,264	87.85	2,207	547	24.78
0.840	Japan	2000–2014	1,720	1,570	91.28	1,511	408	27.00
0.837	Lithuania	2012–2016	1,525	1,188	77.90	3,145	1,259	40.03
0.886	Portugal	2009–2017	674	614	91.10	6,807	2,690	39.52
0.857	Slovakia	2002–2012	1,184	834	70.44	929	173	18.62
0.857	Slovenia	2002–2016	2,375	1,989	83.75	550	112	20.36
0.869	Spain	1977–2000	1,296	1,024	79.01	1,031	112	10.86
0.904	UK	2000–2016	506	450	88.93	1,680	84	5.00
0.877	USA	1991–2016	.	.	.	218,516	5,552	2.54
0.890	Uruguay	1985–2014	3,367	2,539	75.41	5,303	1,229	23.18

(*continued*)

TABLE 4.3 (*continued*)

			Government			Private Members		
IDE (V-DEM)	Country	Covered years	Bills	Laws	Success	Bills	Laws	Success
	Average				77.73			18.00
	Average Success Rate		Plebiscites and Obligatory. Ref		72.54	Popular Initiatives		19.50

Source: Calvo (2014), Saiegh (2011), Takazawa (2016), Várnagy et. al. (2012), Justin Baker, Gabriella Ilonszki, Hirokazu Kikuchi, Laura Levick, Algis Krupavičius, Andrés Malamud, Patricio Navia, Zsófi Papp, and Robert Zbíral (personal communication), Australian Parliament; Danish Folketingets;[a] German Bundestag[b] Hungarian Parliament;[c] Portuguese Parliament;[d] Slovenian Državni Zbor;[e] US Congress;[f] and the Uruguayan Program of Legislative Studies.[g]

[a] www.ft.dk/da/dokumenter/bestil-publikationer/publikationer?fpublicationcategory=%u00e5rsberetninger [Last accessed, September 25, 2017].
[b] www.bundestag.de/dokumente/datenhandbuch/10/index.html [Last accessed, September 25, 2017].
[c] www-archiv.parlament.hu/fotitkar/tvalk/20_beny_tvjav.htm [Last accessed, September 25, 2017].
[d] www.hemiciclo.pt/ [Last accessed, September 25, 2017].
[e] www.dz-rs.si/wps/portal/Home/deloDZ/Publikacije/PorocilaDZ [Last accessed, September 25, 2017].
[f] www.congress.gov/advanced-search/legislation [Last accessed, September 25, 2017].
[g] https://parlamentosite.wordpress.com/ [Last accessed, September 25, 2017].

Moreover, the mixed results can be seen as good news, since a more extreme answer would raise some concerns. For example, if citizens' initiatives systematically failed when put to a vote, then the usefulness of these mechanisms would be in doubt. At the same time, if citizens systematically won, then the political system as such – and particularly, the way it represented the citizenry – would also be on trial.[26]

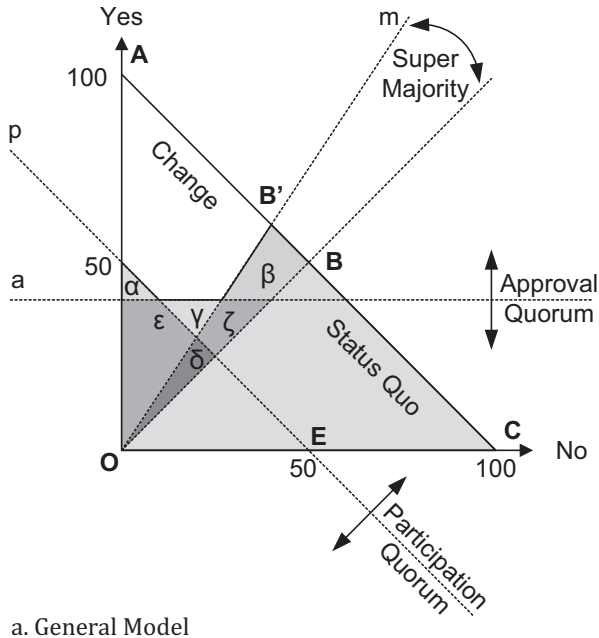
Nonetheless, concentrating only on the popular votes' electoral results is a myopic perspective, as this approach ignores other externalities in their use, which are independent from the results themselves. All MDDs produce externalities. In particular, popular initiatives and referendums, regardless of their results, have spillover effects (Arceneaux 2002; Papadopoulos 2001).[27]

Despite the fact that the fate of most citizen-initiated popular votes seems a foregone conclusion, promoters appear to value them enough to invest vast amounts of resources (human, economic, etc.) in the process. Perhaps this is the strongest indication that it is the process itself – from triggering the initiative or referendum, all the way through to the vote – that is the most crucial dimension of direct democracy. Consequently, this research suggests that comprehensive analyses of mechanisms of direct democracy need to go well beyond their electoral results to generate an accurate picture of their impact on political life. This is precisely what the following chapters set out to do.

[26] See Leemann and Wasserfallen (2016) for a discussion on the interaction of the degree of deviation between the electorate and the political elite, and the extent to which MDDs are conducive to policy congruence.

[27] Rohner (2012) shows that, for the Swiss case, even if popular initiatives are defeated in the polls or withdrawn before the votes occur, they cannot be labeled as ineffective. As a group of institutions, they have significantly affected the legal system despite not having been approved directly by citizens. Other externalities include, for example, accountability (Lupia and Matsusaka 2004), citizens' enlightenment (Smith and Tolbert 2004; Smith and Tolbert 2005), political knowledge and politicization (Cutler and Mendelsohn 2000), political trust (Bauer and Fatke 2014), and satisfaction and legitimacy (Olken 2010).

Appendix

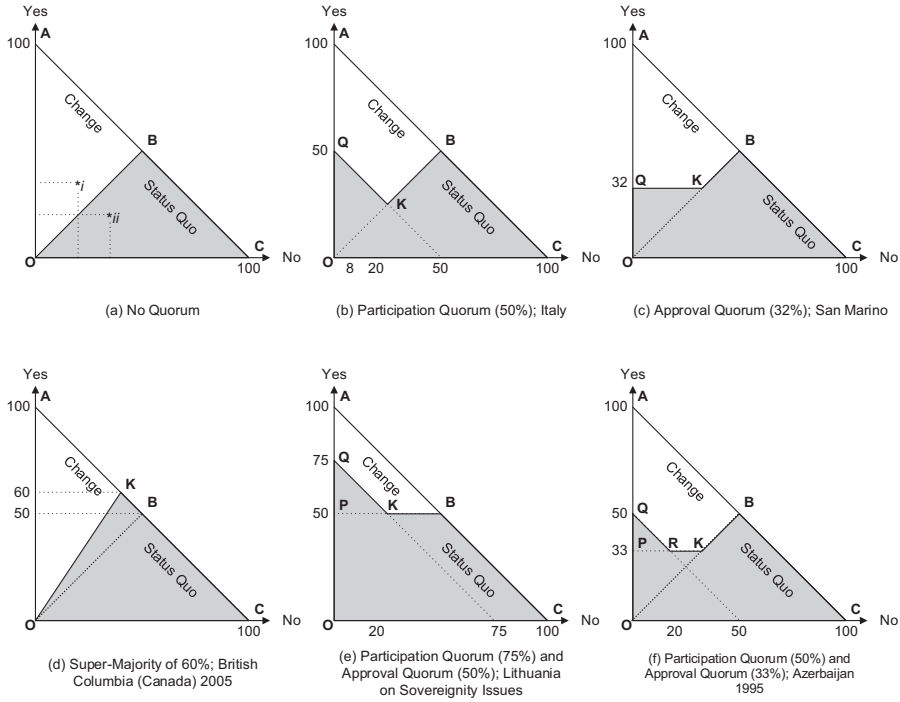


a. General Model

FIGURE A4.1 Calculating the status quo surface (SQS)[28]

[28] Having used traditional arithmetic operators to fuse quorums (such as by averaging or multiplying them), for a country with "a" approval and "p" participation quorums, I would count shaded regions ε and δ twice, overestimating the combined effect of two or even three quorums acting simultaneously in a given place. Thus:

The line that represents the approval quorum (line *a*) is always parallel to $\bar{OC}$.
The line that represents the participation quorum (line *p*) is always parallel to $\bar{AC}$.
The line that represents the super majority (line *m*) always has *O* as its origin.



b. Particular Cases

FIGURE A4.1 (*cont.*)

The estimation of the status quo surface for each case is easily done if the shaded areas are divided into a set of right-angled triangles and then by estimating the surface of each using Pythagoras's theorem if necessary. This theorem states that the square of the hypotenuse (the side opposite the right angle) is equal to the sum of the squares of the other two sides (i.e., $a^2 + b^2 = c^2$).

(a) This is the simplest case as the status quo region is a unique isosceles right-angled triangle (OBC), perfectly half of the whole are (OAC). Thus, SQS = 50%.

(b) Simply looking at this scenario, we realize that it is composed by two isosceles right-angled triangles (OBC + OQK). OQK is exactly one fourth of OAB, which is similar to OAC; therefore, OQK is 50%/4 of the area, 12.5. As OBC = 50 and OQK = 12.5, then the OQKBC polygon's surface is 62.5%.

In case these requirements exist in combination:

Any point falling in sector α is defeated by PQ (participation quorum),
Any point falling in sector β is defeated by SM (super-majority requirements),
Any point falling in sector γ is defeated by AQ (approval quorums),
Any point falling in sector ε is defeated by PQ & AQ,
Any point falling in sector ζ is defeated by AQ & SM,
Any point falling in sector δ is defeated by AQ & SM & PQ.

(c) In this scenario, participation quorum is set at 32%. There are two solutions: Either we calculate half of the surface of a square with a side of 32, or we go with Pythagoras's theorem. The triangle OQK has half the surface of a square with OQ as a side. Thus (32*32)/2 = 512. As the complete surface (OAC) has 5,000 units of surface, 512 units represents 10.24%. Therefore, OQKBC polygon's surface is 60.24%.

(d) This case is easily solved using Pythagoras's theorem as both sides of the new triangle OKB are known. The side of an isosceles right-triangle with a hypotenuse of 100 (OAB) is 70.7 (=OB). Then the side QB is 10% of AC, or AB*20%, which is 14.14. Thus, (70.7*14.14)/2 = 500, which represents 20% of the surface of OAB, or 10% of OAC. Thus, the SQS = 60%.

(e) Triangle OBC = 50% of OAC. Triangle oPB = 50% of OAB (which is 25% of OAC), and PQK = 25% of PAB (or 6.25 of OAC). Then, SQS = 81.25 (i.e., 50 + 25 + 6.25).

(f) Triangle OBC = 50% of OAC. Triangle oPK = (33*33)/2 = 544.5, and RPQ = (17*17)/2 = 144.5. Then, SQS = 63.78 (2500+689). There are certain situations where participation and approval quorums coexist in a virtually redundant way. For example, in Poland, Russia, and Tajikistan participation quorums of 50 percent coexist with an approval quorum of 25 percent. The same occurs with popular initiatives in Taiwan and plebiscites in Mongolia.

TABLE A4.1 *Typical quorums and their status quo surface (SQS)*

Participation quorum at:	SQS	Approval Quorum at:	SQS	Super majority at:	SQS
0	50.00	0	50.00	0	50.00
5	50.13	5	50.25	5	50.00
10	50.50	10	51.00	10	50.00
15	51.13	15	52.25	15	50.00
20	52.00	20	54.00	20	50.00
25	53.13	25	56.25	25	50.00
30	54.50	30	59.00	30	50.00
35	56.13	35	62.25	35	50.00
40	58.00	40	66.00	40	50.00
45	60.13	45	70.25	45	50.00
50	62.50	50	75.00	50	50.00
55	65.13	55	79.75	55	55.00
60	68.00	60	84.00	60	60.00
65	71.13	65	87.75	65	65.00
70	74.50	70	91.00	70	70.00
75	78.13	75	93.75	75	75.00
80	82.00	80	96.00	80	80.00
85	86.13	85	97.75	85	85.00
90	90.50	90	99.00	90	90.00
95	95.13	95	99.75	95	95.00
100	100.00	100	100.00	100	100.00

This table should be read as follows: If we set a given quorum at 65% (shaded area) then SQS = 71.13 is the quorum is on participation; if it is an approval quorum, then SQS = 87.75; and if it is a super majority, then SQS = 65.00. Fiji is the country that, with an AQ of 75% for obligatory referendums, has the largest SQS (SQS = 93.75). Liberia, Nauru, Kiribati, and Nigeria have an AQ of 66%; their SQS = 88.44. Gambia, also in the context of obligatory referendums has a PQ = 50 and an SM = 75, and thus its SQS = 81.25.

TABLE A4.2 *Summary statistics*

Variable	Obs.	Mean	Std. Dev.	Min.	Max.
Electoral Democracy Index	1,141	0.693	0.275	0	1
Quorums (SQS)	1,141	0.536	0.062	0.5	0.84
Executive Recommendation	1,141	0.271	0.912	−1	1
Directionality	1,141	0.796	0.403	0	1
D0 (CI = 0, DIR = 1)	1,141	0.585	0.493	0	1
D1 (CI = 1, DIR = 1)	1,141	0.211	0.408	0	1
D2 (CI = 1, DIR = 0)	1,141	0.173	0.378	0	1
D3 (CI = 0, DIR = 0)	1,141	0.032	0.175	0	1
Concurrent Vote	1,141	0.081	0.272	0	1
Social Fragmentation	1,141	0.585	0.224	0.0079	0.9975
Switzerland	1,141	0.276	0.447	0	1
Subject: Int'l Affairs	1,141	0.063	0.243	0	1
Participation	1,132	55.371	20.963	4	100
DD Experience	1,141	19.460	28.088	1	110
Growth	1,141	2.187	4.835	−27.2	33.6
Inflation	1,141	49.040	345.759	−37.9	8954
Govt. Days in Office	1,141	1,490.227	1,913.599	4	14,306
Double Majorities	1,141	0.094	0.198	0	0.83

TABLE A4.3 *Binary panel logistic regressions: determinants of success rate*

	(1) TD-MDD	(2) CI-MDD
Democracy	−4.976***	
	(0.834)	
Directionality	1.477*	−0.486
	(0.667)	(0.532)
Quorums (SQS)	−47.578***	−13.154*
	(10.250)	(6.225)
Executive Recommendation	1.085***	−0.179
	(0.282)	(0.316)
Govt. Days in Office	−0.001***	0.001+
	(0.000)	(0.000)

(*continued*)

TABLE A4.3 (*continued*)

	(1) TD-MDD	(2) CI-MDD
Govt. Days in Office^2	0.000**	−0.000
	(0.000)	(0.000)
Double Majorities	−1.488	−1.485
	(1.487)	(1.288)
Concurrent Vote	0.200	0.602
	(0.452)	(0.741)
Participation	−0.324***	0.060***
	(0.083)	(0.012)
Participation * Quorums	0.642***	
	(0.158)	
Growth	0.015	−0.202**
	(0.028)	(0.067)
Inflation	0.000	−0.014
	(0.000)	(0.018)
Social Fragmentation	−1.563*	−0.055
	(0.786)	(2.022)
Switzerland	1.500	−0.813
	(1.410)	(1.452)
Previous MDD Experience	0.000	−0.009
	(0.009)	(0.007)
Subject: Int' Affairs	0.619	−1.036
	(0.448)	(0.867)
Constant	27.793***	3.837
	(5.639)	(3.809)
N	694	438

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. (Coefficient and Std. Err)

5

Left or Right?

Investigating Potential Ideological Biases in Contemporary Direct Democracy

A bird's-eye view of recent citizen-initiated mechanisms of direct democracy (CI-MDDs) held in Switzerland reveals a strident, conservative pattern (e.g., banning the construction of new minarets, limiting immigration, deporting foreign criminals, and expanding the freedom to carry guns). Given the gravitational power of Switzerland in terms of direct democracy – there is probably no other place on earth where citizens' direct involvement in political decision making is so intense and frequent – it is reasonable to ask whether this conservative aspect is a generalizable characteristic of contemporary direct democracy.[1]

To provide a glimpse of just how intense and virulent campaigns have become in Switzerland, Figure 5.1 shows a selection of posters that were distributed by the ultraconservative Swiss People's Party (SVP) during recent CI-MDD campaigns on immigration and border control.[2] Starting from the top

[1] This conservative flavor is also discernable in the earliest attempts of direct democracy in the Helvetic context. It is interesting to note that although the very first federal obligatory referendum – which was a top-down initiative – allowed for Jewish emancipation (January 16, 1866), at the same time the very first popular initiative tried to reduce the rights of that same minority by making *shechita* (the Jewish, kosher method of slaughtering of animals) impossible, see Erlanger (2006). In 1892, the Swiss Animal Protection Association launched a popular initiative against *shechita*. Although the Federal Council and the Federal Assembly moved to reject this initiative, it was accepted on August 20, 1893. The ban on *shechita* came into force at the beginning of 1894 and today is generally understood to have been an anti-Semitic act as its ultimate aim was to limit Jewish immigration to Switzerland (Erlanger 2010). A current analysis of religion and direct democracy in Switzerland can be found in Christmann (2010) and Christmann and Danaci (2012).

[2] The posters in Figure 5.1. represent just a small selection of the amazingly prolific collection of custom graphics that have been used in direct democratic campaigns in Switzerland. A comprehensive collection is available at the Swiss National Library at www.posters.nb.admin.ch/. Posters 1–4 are reproduced here with explicit permission from the SVP-Switzerland, and posters 5–6 are reproduced with the explicit permission of Jung-SVP (Young-SPP).

FIGURE 5.1 Examples of Swiss Popular Party (SVP) posters

left, Poster A reads: STOP YES to the immigration initiative; Poster B: Ivan S., Rapist soon Swiss? Counter-draft NO Deportation initiative YES; Poster C: Lose security? Lose jobs? Schengen NO; Poster D: Create security; Poster E: Popular vote of 8 February 2008 No to the free immigration of criminals! Free movement of people with Romania and Bulgaria NO; Poster F: Foreign rule? Foreigner voting right 2xNO.

Beyond the strong slogans, the images are graphically striking as well. Again, moving left to right, top to bottom, they feature: (a) a presumably multiracial group of hands with different skin colors picking up (or even stealing) Swiss passports; (b) the image of an individual with a typically Eastern European name in a threatening stance; (c) a terrified woman; (d) a black sheep being kicked out of the Swiss-white herd;[3] (e) two presumably non-Swiss (i.e., non-white) thieves burglarizing a home; and (f) three "foreign-looking" individuals

[3] The black sheep poster has been replicated in many other countries and contexts across Europe, including in Spain, Germany, Austria, and the Netherlands.

looming over the ballot box, two of whom appear to be Islamic (as the woman wears a niqab), while the third is a caricature of a thug or gang member. All posters utilize the same combination of colors: black, red, and white.

It is not hard to find examples of this conservative pattern beyond Swiss borders; similar recent examples abound. To mention just a few: in June 2012, a popular initiative to limit the Prince Alois' powers failed in Liechtenstein; in October 2014, a popular initiative that would have lowered the age of criminal responsibility (*edad de imputabilidad*) from eighteen to sixteen failed in Uruguay; at the end of March 2012, Slovenians rejected the family code bill passed by the government of Borut Pahor, which expanded existing same-sex registered partnerships to include the same rights as married couples, except adoption (excluding stepchild adoption); in February 2013, Latvians rejected the inclusion of Russian as a second official language of the country despite it being spoken by more than a third of the country's population as a mother tongue; and in December 2013, Croatians amended the constitution to reaffirm that marriage is between a man and a woman; this vote was then emulated in Slovakia and Slovenia in 2015.[4]

These examples are clearly problematic for those who tout the virtuous possibilities associated with the use of CI-MDDs for the promotion of civil, social, or political rights.[5] On the contrary, if we are to extrapolate from these cases, it seems quite clear that a nationalistic, ethnocentric, right wing, and conservative element is punching above its weight in the direct democratic game. This research asks then, whether, in the context of a representative regime, direct democracy tools are mainly used and even exploited by extremist forces in society. If so, who are these forces, and how do they capitalize on CI-MDDs?

One recurring apprehension regarding the use of direct democracy mechanisms is the fear that these powerful institutional devices will be hijacked to promote an extremist agenda. At the same time, however, the question of who uses CI-MDDs and how, remains one of the least-studied elements of direct democracy, particularly from a cross-national comparative perspective. Answering these questions is crucial, however, because if direct democracy is systematically biased to favor "one side" of the ideological divide, then its potential as a remedy for democratic malaise – including apathy and

[4] The limitation of same-sex marriage is not limited to European countries. Part of a package of constitutional reforms, Kyrgyz Republic 2016, December, Art. 36, paragraph 5, currently reads, "Persons reaching the age of consent shall have the right to marry and create a family." That would be changed to "a man and a woman reaching the age of consent shall have the right to marry and create a family." https://goo.gl/OtDSia. [Last accessed April 23, 2017].

[5] These terms are used as synonyms. The examples of conservatism, or voting anti-(something), are not new. For example, in mid-2010, 322,532 signatures were submitted to the Bulgarian National Assembly in support of a proposal for a popular vote on the question: "Are you opposed to Turkey's European Union Membership?" (Slavov 2010: 57).

disaffection – would surely be eroded, as those on the "losing side" will obviously oppose its use in order to prevent being victimized by an unfair system.

Exploring the ideological leanings of those who advance popular votes is also crucial because it speaks to a profound normative discussion that pivots around two irreconcilable positions: For some, MDDs are the paramount example of a citizenry obsessed with revolutionary changes; for others, MDDs are notable examples of ultramontane groups avoiding change at any price. Citizens and sometimes scholars become fixated on stereotypes based on a handful of examples that help advance their point; as the famous saying goes "you never get a second chance to make a first impression." For better or worse, a rigorous empirical assessment of these competing perspectives is timelier than ever.

This chapter is organized as follows. The first section explores the contradictory ideological expectations around direct democracy and presents several working hypotheses. The second section describes the methodological and conceptual challenges this research confronts, particularly those related to assessing the ideological origin of MDDs. The third section introduces the predictors and tests the hypotheses. The final section concludes.

5.1 IDEOLOGICAL BIASES AND DIRECT DEMOCRACY: PLAUSIBLE EXPLANATIONS

As previously mentioned, this chapter aims to determine whether or not arguments against direct democracy based on its alleged ideological bias are founded. If direct democracy were truly a blunt instrument of majority rule – where decisions are taken by the simple majority without the basic checks or balances that representation provides – it would certainly be at risk of becoming a populist institution. In this regard, conservatives would argue that such institutions open the door for mob rule, leaving a regime vulnerable to anything that satisfies the "people" (e.g., expropriations), making it less of a democracy and more of an ochlocracy. For others, especially those on the left, if direct democracy can indeed be so openly manipulated by narrow and selfish interests with access to resources, then adopting direct democracy measures would strengthen those who are already powerful, transforming the existing system (however flawed) into an elitist regime par excellence.

This suggests that both sides of the ideological spectrum have theoretical grounds to be skeptical of direct democratic initiatives. Yet, at present, the literature has not rigorously explored these concerns from a cross-national comparative perspective. The very few works that have dealt with the ideological biases of direct democracy are, as expected, focused either on the American states or Switzerland. Even then, research on this aspect is quite limited. At the very least, the jury is still out, as the literature has been wary of taking sides in this debate. Let me explain.

Regarding the initiative process in American states, Donovan shows that "it would be problematic to assume the policy consequences of direct democracy are systematically biased towards either a conservative or a liberal direction" (Donovan 2014: 150). Contrasting fiscal policies from 1902–1942 between initiative and non-initiative states, Matsusaka asks whether the initiative is inherently a conservative institution; he finds that "it is not" (2004: 79). Moreover, "voters in direct democracy elections have also shown that most of the time they too will reject measures that would diminish rights, liberties, and freedoms for the less well-represented or less-organized segments of society" (Cronin 1999: 123). Gerber (1999) similarly shows that the success rate for propositions that would benefit narrow economic interests has been extremely slim, while initiatives sponsored and opposed by broad-based citizen groups have a much higher approval rating. Studying the impact of direct democracy laws on the equality of political representation for the rich and poor, Flavin finds that:

> states with the ballot initiative process are no more or less politically equal compared to states without the initiative process. However, when the analysis is confined only to states with the initiative, public policies are more equally representative of all citizens' opinions in states where it is easier to place a measure on the ballot for popular vote and states where the initiative process is heavily used (2015: 120).[6]

In Switzerland, amazingly, there is not a robust literature regarding the ideological biases of direct democracy, either. Nonetheless, the question of whether MDDs are used by one political "side" more frequently or efficiently than the other is a question that is often asked. However, the only "empirical" evidence for this trend is that, historically, there have been periods during which one side or the other used MDDs more frequently. This suggestion comes from Linder's *Swiss Democracy* (Linder 1994), in which he argues that when direct democracy was "introduced," it was done by radical forces to push progressive issues. Later, however, it was used by the Catholic conservatives to their own advantage. Some decades later, the use of MDDs came to be dominated by the social democrats (Linder 2010: 103–4), while recent results indicate that the ultra-conservative SVP has most efficiently used and capitalized on MDDs (Vatter 2016b).

[6] This neutral vision of the initiative process is questioned by significant contributors to the literature, likely inspired by an influential paper by Gamble (1997), and followed by Cain and Miller (2001), Dyck (2010), and Lewis (2011a, 2011b, 2013). Also, some scholars find contradictory results depending on where initiatives are used. For example, Bowler and Donovan (1998) claim that conservative attempts have generally been more successful at the local level than at the state level. Burden (2005) shows that the initiative does not necessarily enhance responsiveness to general policy liberalism, as do Monogan et al. (2009). Yet, there is a consensus that "the [initiative] process has positive effects that may enhance the representation and participation of citizens" (Tolbert and Smith 2006: 36).

Inspired by the Swiss case, it is probably convenient to think of waves to understand the different patterns in which direct democracy is used in diverse places. In Uruguay, for instance, the apex of CI-MDD use occurred during the 1990s when the leftist opposition coalition, the Frente Amplio, flexed its muscle by employing these institutions. Once the Frente Amplio gained control of the national government, the frequency and intensity of CI-MDD use decreased substantially. Again, however, this anecdote only serves to identify a pattern within a single case. The concern of this research is to establish whether there is evidence of a systematic, cross-national pattern in the use (or abuse) of CI-MDDs. It is therefore less concerned with what happens within a single country over time.[7]

Despite the more-or-less neutral ideological vision of direct democracy that comes from the American literature, a comparative perspective of recent votes held at the national level around the world paints a quite different picture. Based on the national votes described at the beginning of this chapter – important popular votes that dominated international media headlines – this chapter elaborates on a group of alternative hypotheses regarding who instigates CI-MDDs.

5.1.1 Hypotheses

Although it might be the case that the apparent bias described is actually a mirage produced by a small and highly unrepresentative sample of (in)famous cases, the first working hypothesis – based on the previous examples of Switzerland, Uruguay, Latvia, Slovenia, and Slovakia – states that, (H1) *regardless of where CI-MDDs are triggered, proponents of these CI-MDDs have been steadily moving rightward on the ideological continuum*. In other words, the groups that use CI-MDDs the most are becoming increasingly conservative as time goes by.

A second hypothesis is based on the fact that certain social and political sectors exploit the obviously existing – and seemingly increasing – gap between globalized elites and systemic "losers." From a prospect theory angle, and thinking about the domain of losses, we would expect MDDs to be successful when they react to significant change in either direction. Here, there is no specific reference to any particular extreme of the ideological divide (left or right), but rather to the extremes as a class in and of themselves; extremes that sometimes make tactical alliances to advance their respective political agendas. Consequently, H2 suggests that *citizen-initiated mechanisms of direct democracy have their stronghold at the extremes of the ideological*

[7] I am not concerned here with which side tends to be more open to playing the direct democratic game, as in Britain, where "the referendum was, in general, more popular on the right than on the left" (Qvortrup 2014a: 6).

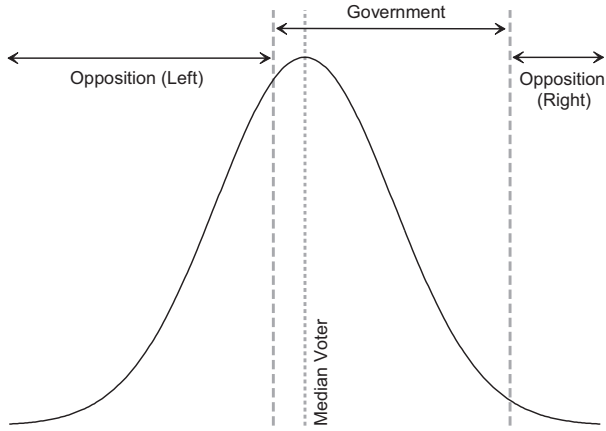


FIGURE 5.2 Expected direction of CI-MDDs

divide (that is, relative to the government and not an absolute location on the left–right spectrum).

As MDDs are supposed to respond to a gap between elected officials and the public, unless they are top-down mechanisms to drum up support for official initiatives, (H3) *they should usually take the opposite direction than the government – or at least they should be different from what the government is doing*. The probability that a CI-MDD will emerge is a function of the empty space left by the authorities. Image a situation in which there is a center–right government as depicted in Figure 5.2. Although this government does not cover the complete center–right, the probability for the appearance of a CI-MDD is much larger from the left, than from the extreme right (simply by comparing the space the government does not cover: virtually everything to the left, and some at the extreme right).[8]

A fourth hypothesis, derived from the previous one, is related to the type of CI-MDD under consideration, specifically with regard to the policy preferences of promoters. In this regard, Qvortrup contends that:

> the German Socialist and the British Conservatives – their fundamental differences notwithstanding – wanted to use the referendums as a device in the hands of the opposition. The Conservatives wanted a mechanism that could hinder the government's sins of commission; the Populists and the Socialists, on the other hand, wanted a mechanism that would rectify the executive's sins of omission (2014a: 8).

If Qvortrup is correct, then we should observe that (H4) *the ideological leaning of CI-MDDs will substantially change by the type of CI-MDD; we should*

[8] Of course, this is an extremely simplified representation of reality. There are situations, such as in Switzerland, where most relevant parties are constantly part of the Federal (collegial) government (which includes, of course, the SVP).

therefore expect more rightist referendums (to remedy sins of commission), and more leftist popular initiatives (to rectify sins of omission).

Finally, the last two hypotheses take economic conditions into consideration. From a prospect theory angle, we could infer that as societies develop, people become more conservative in the sense that they do not want to alter a status quo that benefits them by making risky bets. The idea is that once a certain level of development has been reached, the desire for change begins to decay.[9] If this is correct, we can expect these representative regimes to be most likely to elect conservative governments and therefore – very much as stated in Hypothesis 3 – CI-MDDs will react to their conservative policies. Thus, citizens will flex their muscle trying to retain their "deserved position," and to roll back any policies that undermine that. As a result, hypothesis (H5) posits that *in the developed world, citizen-initiated mechanisms of direct democracy have their stronghold on the left.*

One might control for economic development through structural indicators such as per capita income, a measure that does not vary very drastically from one year to the next one. Another, different strategy would be to take more contingent economic measures such as inflation or growth into account. Also, based on prospect theory, we know that different types of behavior are relative to the actor's point of view: Individuals compare their current position with a reference point and are willing to incur considerable risks in order to regain their "deserved" position. As crises deepen, citizens perceive themselves in the domain of losses and are willing to accept the risk associated with tough measures, including those such as "getting rid of those immigrants that steal our jobs." Thus, H6 posits that *in the context of economic dislocation, citizen-initiated mechanisms of direct democracy have their stronghold on the right.*

All these hypotheses pivot around who the promoters of CI-MDDs are, but they are silent relative to the outcomes. Even if it turns out that CI-MDDs are systematically instigated by one side of the ideological divide, it may nevertheless be the case that these proponents routinely fail to achieve their aims. If this is so, we can hardly regard those campaigners as the "winners" of this game. In any case, the next section explains how any answer to this question depends on how one defines the "winner."

5.2 MEASURING IDEOLOGICAL DIVIDE AND CAPITALIZATION

Despite the fact that MDDs have been used by countries from every point along the regime continuum (from the worst autocracy to the most pristine democracy), in answering the abovementioned questions it would be of little help to include non-democratic regimes, in which neither political competence nor

[9] Of course, this argument would certainly be disputed from a generational replacement/post materialist theory; see Abramson and Inglehart (1992).

freedom to play the democratic game can be said to exist. This is not to imply that studying direct democracy in non-democratic regimes is senseless – just the opposite. But in answering the questions that motivate this research, these votes offer little help. Thus, this chapter works with all MDDs held at the national level in polyarchies since 1980, understanding polyarchies as those countries with a score of 0.75 or higher in the Electoral Democracy Index of V-DEM (v.7).

Also, as in the former chapter, given the importance of the role played by political parties in the direct democratic game, micro-states that, despite having polyarchic regimes, do not have a typical partisan structure are omitted. With these limitations in place, the total number of MDDs is 784, which is lower than the 1,141 cases studied in the previous chapter. The most recent CI-MDD included in the sample is a popular initiative held on November 27, 2016, triggered by the Swiss Green Party for the closure of Switzerland's nuclear power plants; the most recent TD-MDD in the dataset is the Matteo Renzi's obligatory referendum in Italy of December 4, 2016.[10]

5.2.1 Ideological Divide

Most of the comparative literature uses the left–right continuum as a way to approach to the ideological divide in a given polity. This analysis follows the same procedure despite the fact that it is problematic, to say the least (Budge and McDonald 2014). First, comparing different party systems using a left–right continuum can be tricky for the simple reason that what is considered "left" in some countries might be considered "right" in others (Coppedge 1998; Kitschelt 1994). The conservative or progressive characteristic of a particular policy is determined by the context where it transpires. For example, the same law permitting the use of marijuana exclusively for medical treatment may seem revolutionary in Japan (where it is absolutely forbidden), but would be terribly conservative in the Netherlands or Uruguay (where it is legal even for recreational purposes). Likewise, other topics like amnesty have completely different tones in different contexts. While in Colombia amnesty was seen as a truly progressive policy for a peace deal between the government and the FARC (having just experienced a plebiscite on this matter in 2016), in Uruguay amnesty was seen as a policy driven by the most conservative sectors of society. In other words, in Colombia, amnesty was absolutely opposed by conservatives (particularly former President Uribe), while in Uruguay it was the left that provided the strongest opposition. Thus, we have to be careful in assessing not only the content of the policy change, but also how it fits within the context in which it occurs.

[10] As the executive reforms were approved by a simple majority of the Parliament, they did not achieve the two-thirds necessary to avoid a popular vote, as per Art. 138 of the Italian Constitution.

Nonetheless, though it is a highly controversial topic, classifying political parties on a left–right continuum remains normal practice in contemporary political science. The larger questions are about the procedures for imposing such a political map, rather than the map itself (Jahn 2014; Jessee 2016). Whether the ideological map is done through interviewing elites (legislators), experts' rankings (academics), citizens' perceptions, or party manifestos, each approach has its own advantages and drawbacks. For instance, some scholars allege that interviewees might lie or take idealistic or unrealistic positions and could therefore dispute the degree of truthfulness in the answers of legislators. This criticism suggests that legislators might not necessarily be describing the real location of their party, but rather an idealized location of where they believe their party "ought to be."

These important nuances notwithstanding, "the utility of the left-right concept rests on the fact that through the years, and from one setting to another, the basic political conflicts quite often do reflect a polarization between those seeking social change and those opposing it" (Inglehart 1990: 293). In this way, ideologies and politicians almost inevitably tend to sum up the alternatives in terms of such all-embracing concepts as "left" and "right," which provide a relatively simple guideline for forming alliances or appealing for mass support (Inglehart 1977). Despite the multiple aspects that the left–right dimension encompasses, such as goals, values, motives, and even personalities, "social scientists generally consider the left-right distinction to be the most powerful and parsimonious way of classifying political attitudes" (Thorisdottir et al. 2007: 176). It is a meaningful division for international and for intertemporal comparisons (Franzmann and Kaiser 2006), and in the words of Knutsen (1995: 86–87), the "left-right semantics have an impressive absorptive power." Labels such as "left," "right," or "center" are useful shortcuts to help us understand ideological positions (King 2012).

No single database exists that covers all of the countries of interest. There are, however, close approximations.[11] One is the L-R classification of major parties by Kenneth Benoit and Michael Laver, based on *WordScores* coding of platforms.[12] Another source is the Comparative Manifestos Project, which uses different aspects of political party performance as well as the structure and development of party systems.[13] The good news is that most of the cases of

[11] For an analysis of parties' ideological locations in about eighty countries, and related complications, see Altman et al. (2009) and Kitschelt et al. (2009). See also, the Chapel Hill Expert Survey (CHES) in its different versions (Bakker et al. 2015; Hooghe et al. 2010; Polk et al. 2017).

[12] This covers forty-seven countries for one year and is a classification of parties, not governments. www.tcd.ie/Political_Science/ppmd/ [Last accessed April 22, 2017].

[13] The project is based on quantitative content analyses of parties' election programs from more than fifty countries, covering all free, democratic elections since 1945. It currently covers fifty-five countries, 623 elections, 905 parties, and 3,611 manifestos. https://manifestoproject.wzb.eu/ [Last accessed April 22, 2017].

MDDs at the national level studied here occurred in robust democracies for which political information is relatively accessible without major problems.

Each of the almost 800 votes under consideration was studied using left–right semantics in order to locate the intentions of its advocates on the ideological continuum. First, existing databases dedicated to mapping the placement of parties were used to place the instigators according to five dummy variables created for this purpose (left, center–left, center, center–right, and right, abbreviated as: L, CL, C, CR, R). National media and archival research were used as supplementary sources in cases where a given party was not already included in previous databases. Any inconsistencies were resolved by interviewing academics and researchers in the countries under consideration.[14] The same exercise was then repeated with respect to the parties in government at the time of the popular vote. In case the MDD was triggered by the government (a TD-MDD), both sets of dummies (those corresponding to the government and those of promoters) are virtually the same – although not always, particularly in the case of executive coalition governments.[15] With the exception of a handful of cases, disagreement on the ideological tilt of instigators was marginal, and basically circumscribed to the relative position of some parties within larger ideological camps (right vs. center–right, left vs. center–left).[16]

Once all dummies had been coded for the almost 800 MDDs, which are useful to find the "ordinal disagreement" in the words of Taylor and Herman (1971), the next step was to consider the electoral leverage of those political forces endorsing promoters based on their showing in the last parliamentary election before the popular vote. These data form the basis of the *gravitational ideological center* (GIC) of instigators, which is an ideological average weighted by the percentage of votes.[17] If this weighted average turns out to be positive, the gravitational center is tilted to the right, if it is negative then the

[14] A group of research assistants worked independently to combine the different sources of information. Recommendations of the parties in relation to the federal referenda come from: Swiss-Votes (www.swissvotes.ch), Swiss Federal Statistical Office FSO (www.bfs.admin.ch/). Political parties' affiliations with pan-continental organizations were also used. See Leimgruber et al. (2010).

[15] Sometimes governing coalitions appear divided regarding the popular vote. Other times, governments enjoy the support of an opposition party for triggering a popular vote.

[16] No implicit assumption that all MDDs are tied to political parties is made here. In even a handful of cases (less than five) no political party had any crucial involvement in the MDD, which were launched by civil society organizations. These cases were excluded from the analysis.

[17] The gravitational ideological center of instigators is calculated as follows:

$$GIC = \frac{(L^{*}{-}2 + CL^{*}{-}1 + C^{*}0 + CR^{*}1 + R^{*}2)}{(L + CL + C + CR + R)};$$

where L=percentage of the vote of promoters of the left, center–left, etc.

gravitational center was left-leaning. The same exercise is repeated for the gravitational ideological center of the governing coalition.[18]

Thus, having calculated both gravitational ideological weighted averages (for promoters and governments), their difference is estimated in order to assess to which side the considered MDD is skewed toward; in other words, the difference between the gravitational ideological center of proponents and governments estimates the relative ideological position of a given initiative (relative to the government). If the result is negative, then instigators' GIC is tilted to the left and/or center–left of the ideological divide, if it is positive, then it is tilted to the right. For example, in June 2016, a Swiss popular initiative named "For an unconditional basic income" was proposed by the Greens and a small left-wing minority of the Social Democrats; all other political parties recommended that voters reject the initiative. The GIC_{inst} was −2, the GIC_{govt} was 0.74, the resulting difference was −2.74. Ideologically speaking, this initiative was strongly skewed to the left.

5.2.2 Capitalization

Let's imagine a popular vote triggered by actors from the right side of the ideological divide. Although the political parties of the right receive only a tiny fraction of votes in this hypothetical society (say, about 5 percent of the electorate), the MDD they initiate receives considerable support when put to a vote, obtaining about 40 percent. This level of support is not sufficient to approve the measure, but it surely represents a notable political success.[19] Thus, it is entirely possible that the instigators of the vote never expected to seduce the majority of the electorate. Still, in multiplying their political support eightfold (compared with what they received in the last election versus the MDD vote), it is possible that this massive increase in support may

[18] A potential problem with GIC arises when promoters come from the extremes of the ideological divide and have more or less equal sizes, as the extremes neutralize each other by producing a GIC close to zero. Crucially, however, this zero is fundamentally different than a zero produced by a truly centrist party. Therefore, I calculate the GIC's Dispersion (GIC-D) to control for these cases. This index is operationalized as the percentage of each ideological segment within the instigator's coalition, multiplied by the absolute difference between the given segment and the GIC. Thus, $GIC\text{-}D = \sum F_i * |x_i - GIC|$, where F_i is the percentage of parties of the promoter coalition coming from L, CL, C, CR, or R, and x_i is the relative value of that segment. GIC-D oscillates from zero (if all proponents come from the very same spot in the ideological divide), to two (when two equal size instigators come from the extremes). If equal instigators come from the center–right and center–left, GIC-D is one.

[19] If the promoters were not necessarily looking for the approval of the particular MDD, or at least if it was not their main purpose, then we are entering into the discussion about MDDs as votes of "second order" (Reif and Schmitt 1980). See also, Siune et al. (1994), Franklin et al. (1995), Schneider and Weitsman (1996), Svensson (2002), and Glencross and Trechsel (2007).

translate into momentum for future general election campaigns in the form of credit claiming and position taking, etc.[20]

Alternatively, let us imagine a different scenario in which a group of instigators consider themselves strong enough to determine the fate of a popular vote. Should this group fail to win an MDD that they themselves triggered it could represent a bitter defeat, even if they received more support in the referendum than they did in the most recent general election. Here, Cameron's disastrous Brexit campaign of 2016 comes to mind. Despite the fact that that the "remain in the EU" alternative gathered more votes than his party received in the last general election, Brexit was a major defeat for Cameron, who left 10 Downing Street almost immediately, with his political career in tatters.

Winning 45 percent of the vote in a CI-MDD when the instigators' political base enjoys the support of just 5 percent of electoral support could be considered a victory; winning 48 percent of the popular vote when the political support of promoters was 45 percent in the last election, not so much. Indeed, just the opposite: Such a loss can be quite frustrating. The former case could be considered a broad civic push in which the instigators of the CI-MDD achieved mainstream support. In the latter, the result will almost certainly be considered a defeat, as its promoters were likely expecting to achieve a majority.

This suggests that whether they succeed or fail, MDDs may be a means to a greater end. In many cases, the ultimate objective of proponents is not the approval of an MDD per se (although this would surely be a welcome result), but an alteration of the political game in order to influence it. This aim is achieved by changing the focus of the political agenda, showing a strong signal about the importance of a particular topic, and displaying the instigators' capacity to mobilize voters. In other words, the political game is changed through a strategic display of power. In this scenario, the defeat of an MDD (say a popular initiative) is not necessary for a vote to be considered a failure for those who triggered it.

The world of direct democracy is not always neatly divided between left and right. Not every political issue fits into the left–right continuum. Sometimes, support for an MDD can pit the fringes (of both extremes) against the broad center, as was the case with the vote on the adoption of the European Constitution in France and the Netherlands in 1995 (May and June, respectively). In France, the new European constitution was supported by the broad center and opposed by a complex coalition of Communists, on the one hand, and LePen's extreme right National Front, on the other. Although the arguments against the MDD were radically dissimilar between both groups, they nevertheless forged an unlikely tactical alliance against the vote. This marriage of convenience united the most ideologically opposed dyad in French politics at the time,

[20] Capitalization should to be relatively easy to obtain because, unlike in a typical multiparty system, the instigators can turn a choice among many competing options (in an election) into a dichotomous one (in the MDD).

whereas, separately, each party had received 4.9 and 11.1 percent of the vote in the previous parliamentary elections of 2002.

A note of caution is required even in the case of a clear-cut divide in terms of partisan support for and against a political decision. Making individual-level inferences from aggregate data is problematic. Even if the number of votes for a CI-MDD and the number of votes obtained for those political parties supporting that CI-MDD are almost identical, it is not implied that the people who voted in favor of the CI-MDD are the same people who voted in favor of the political parties supporting it. Though this is a methodological concern, thankfully, opinion polls help to solve the problem, at least partially.

Also, attention is needed when studying issues that are particularly contentious, as on some occasions uncommon coalitions that constitute unusual combinations of groups of citizens coming from very different ideological corners of society can form. An excellent example of this point is the alliance backing the Swiss prohibition of the construction of new minarets in November 2009.[21] Though the initiative was triggered by a clear conservative partnership between the Swiss People's Party and the Federal Democratic Union, it enjoyed the support of some radical feminist groups, including well-known activist Ayaan Hirsi Ali.[22]

There are a few ways to approach this problem. The first relates to the idea that those who trigger MDDs are sincere in that they really seek to win the popular vote. If this is the case, what effect does the gravitational ideological center (GIC instigators) have on their probability of wining? The second alternative, however, assumes that not everyone is interested in the outcome of the vote (as mentioned earlier), but rather, some promoters instrumentalize such votes to realize some other goal, be it mobilizing people, capturing more activists, dominating the political agenda, or something else entirely.

The remainder proceeds to the study of the effect of GIC on vote capitalization (which is estimated as the electoral growth between the percentage of votes that instigators had in the last legislative election and the percentage the MDD got in favor). In order to do this, the previous dummies indicating from which side of the ideological continuum the MDD originated are used in combination with details of the electoral support enjoyed by those supporting the MDD. If a particular MDD came, for instance, from the left, then the measure of capitalization relies on the electoral support that those parties supporting the MDD

[21] On direct democracy limiting religious rights in Switzerland, see Danaci (2012). See also, Rapp et al. (2014) and Christmann and Danaci (2012).

[22] As expected, the ban provoked reactions from within Switzerland and the rest of the world. On the opposite side, the Federal Council and the Federal Assembly, along with many social organizations (e.g., the Amnesty International's Swiss office, Swiss Federation of Jewish Communities, and Federation of Swiss Protestant Churches, among many others), recommended that the proposed amendment be rejected as inconsistent with the basic principles of the constitution. See more at Antonsich (2010).

received in the previous election. Presumably, it would be quite different if those parties of the left that supported the MDD had received 5 percent of the votes rather than 25 percent, despite the fact that in both scenarios the MDD came from the left. Only national election results are used.[23]

Calculating capitalization requires information on the level of electoral participation in both the previous legislative election as well as the turnout for the MDD, as only this definition makes for comparable data. This is because in many instances, as seen in previous chapters, staying home on voting day can constitute a rational move by those who would prefer to see an MDD fail, especially where participation quorums are in effect. Thus, the capitalization variable uses information on the proportion of the vote the promoters received in the last national election, then estimates their potential, controlling for electoral participation. If instigators received 50 percent of the vote, but turnout was also 50 percent of the citizenry, the overall electoral potential of proponents is actually 25 percent (50 percent of 50 percent = 25 percent). Next, the electoral support for the MDD is measured, also controlling for participation. If 60 percent of the citizenry participated in the MDD and the proponents' side received 33 percent of the vote, then their overall support accounts for 20 percent of the electorate (33 percent of 60 percent = 20 percent). The final measure would therefore reflect the respective hypothetical values of 25 percent and 20 percent. In this case, capitalization is the percentage increase from 25 to 20 percent; i.e., capitalization = relative support for the MDD/relative electoral support, which in this example would be –20 percent.

In other words, from an instigator's perspective, either one expects to win the CI-MDD, or one expects to appear strong enough to capture new potential voters (and therefore pose a greater electoral threat in the future). This leads to two questions: (1) Who has the greater probability of winning? And, even if they lose, (2) Who has the higher probability of making a difference? Capitalization is calculated as follows,

$$Capitalization = \left(\frac{MDD_{support} * 100}{Instigators_{support}}\right) - 100, \text{ where}$$

$$MDD_{support} = \frac{MDD_{turnout} * MDD_{backing}}{100}, \text{ and}$$

$$Instigators_{support} = \frac{Election_{turnout} * Instigators_{backing}}{100}$$

Finally, to recap the hypotheses stated earlier, Section 5.1 advanced six hypotheses regarding who uses the most CI-MDDs (H1, the right; H2, the extremes; H3, whoever is not in government; H4, it depends on the type of CI-MDD;

[23] For example, from Parline Database of the Inter-Parliamentary Union. www.ipu.org/parline-e/parlinesearch.asp.

H5 it depends on the level of economic development; and H6, it depends on economic growth). All hypotheses can be restated as prospective answers to the question of who the winners are in this game. If winning is about increasing the electoral support promoters have (regardless of the approval of the CI-MDD), then the hypothesis (H5.a) is that *the more to the right instigators are, the more the capitalization they will gain*. On the contrary, if the ultimate objective is to win the popular vote, the hypothesis (H5.b) should be stated as follows: *The more to the right instigators are, the higher the probability the CI-MDD is approved*. The same logic applies to the other hypotheses. The following section tests these and the other hypotheses.

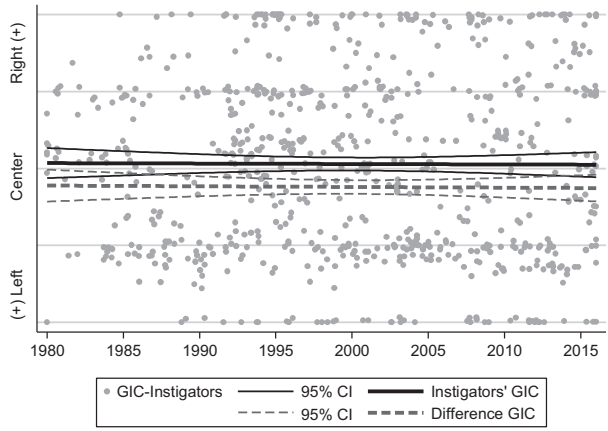
5.3 EMPIRICAL EVIDENCE AND DATA ANALYSIS

The database used here contains the following information for each MDD: whether the vote was triggered by any combination of elected authorities (TD-MDD) or by the collection of signatures (CI-MDD); the relative location of the promoters of the MDD and the executive on the left–right spectrum (L, CL, C, CR, R); what position the executive took regarding the popular vote (supportive, indifferent, divided, against); the result of the vote (approved or not); the proportion of the vote in favor of the proposal; and the overall voter turnout. In addition, a measure is included indicating the electoral support that the instigators and the current government received in the last legislative election, and, of course, the turnout of that election. With the database completed, the examination of the hypotheses can proceed. The first hypothesis relates to the groups that tend to trigger MDDs most frequently. Table A5.1, in the Appendix, presents the summary statistics for the critical variables under consideration.[24]

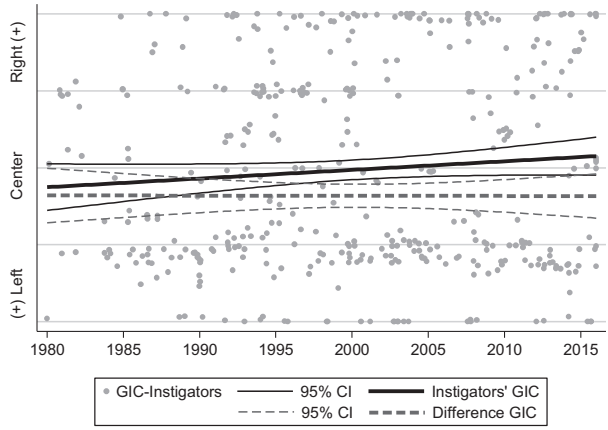
5.3.1 Where Are Instigators Located on the Ideological Continuum?

In Figure 5.3 each dot represents the ideological location of the instigators behind every MDD since 1980. The vertical axis represents the ideological left–right continuum (from the extreme left at the bottom to the extreme right at the top). Each figure also shows two linear estimations with their respective confidence intervals. The dark solid line represents the fitted values for gravitational ideological center of promoters; the dashed line and confidence intervals represent the fitted values of their relative position (the difference between the gravitational ideological center of proponents and government). The average difference is crucial here because, as discussed, despite the fact that a CI-MDD

[24] As it shows, there is a discrepancy in the overall number of MDDs presented here and those mentioned before. This is the case because there were some instances in which no political party or faction supported a given CI-MDD. These CI-MDDs were triggered by NGOs or groups that were unable to persuade the party system to take a stance.



a. All MDDs: World

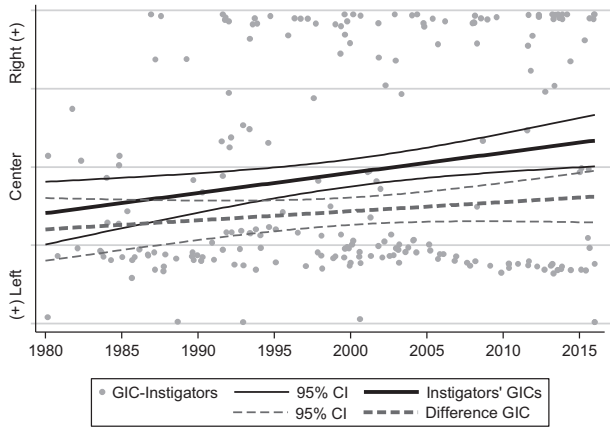


b. CI-MDDs: World

FIGURE 5.3 Ideological placement of CI-MDDs instigators and governments since 1980

can be instigated by a party of the right, it is perfectly possible that the government – in that place and time – may be even further to the right than the instigators. If this is the case, these promoters will appear to be more "liberal" relative to the government, than they would if we were to study only the ideological bent of instigators without considering the context where the vote transpires.[25]

[25] For graphical purposes, a small amount of noise is included in the scatter plots (jitter=3), and this prevents every individual point from occupying the exact same location in different graphs.



c. CI-MDDs: Switzerland

FIGURE 5.3 (*cont.*)

While Figure 5.3a shows the ideological center of each MDD in the world by year, Figure 5.3b omits TD-MDDs and only shows the subgroup of CI-MDDs. Despite some subtle movement of the lines, there is no clear pattern to one side or the other in terms of the ideological skewed-ness of the lines. These virtually horizontal lines represent a non-significant relationship (this is also tested statistically, not shown). Consequently, in the case of hypothesis one, which predicted that instigators have moved further to the right over time, the null hypothesis that there is no relationship cannot be rejected.

However, it remains conceivable that the aggregate data may be concealing relevant information regarding unique cases such as Switzerland or particular regions of the world, which – due to some of the (in)famous votes previously mentioned – might be driving the intuition that CI-MDDs have been moving rightward. Thus, Figure 5.3c only considers all CI-MDDs held at the federal level of the Helvetic confederation.

When considering all MDDs, the slope of the regression lines is not statistically different from zero. Nonetheless, these lines show a consistent upward slope (i.e., to the right of the political continuum) when considering only CI-MDDs over time. This is very interesting due to the fact that the Swiss collegial executive has been composed of the same political parties since the informal approval of the magic formula in 1958 (*Zauberformel*). Thus, the observed change is due to a shift in the proportion of the vote received by the various governing parties in legislative elections and not to the few changes in the composition of the government itself – particularly when, in 2007, the Swiss People's Party (*Schweizerische Volkspartei*, SVP) won an extra seat in the

seven-member Bundesrat, altering the magic formula due to its explosive growth since the early 1990s.[26]

In the Swiss case there is also evidence of a long-term change in the gravitational ideological center of instigators, which moves almost 1.5 points in the scale towards the right, obviously impacting the overall values of their relative position vis-à-vis that of the government. Nonetheless, as the pivotal ideological center of the government slowly but surely moves rightwards, the difference is not drastically altered, and is not statistically discernible from zero. In sum, the whole political spectrum of Switzerland appears to have shifted to the right. Despite the fact that the most well-known popular votes (some of which were mentioned at the beginning of this chapter, and relate to topics such as minarets, guns, and immigration) were instigated by the extreme right, these remain just a subgroup rather than the rule in Switzerland. Actually, many CI-MDDs come from the left and center–left. Though perhaps not as "famous" as the aforementioned votes, these initiatives are also politically important (e.g., initiative 1:12, the initiative for an unconditional basic income, and the initiative to prohibit speculation on food).

In this regard, Swiss Interior Minister Alain Berset maintains that citizens' participation in politics has helped Switzerland to avoid an extreme polarization of its society despite controversies ahead of nationwide votes: "Our society is not split in two camps like in many other countries. This is thanks to federalism and to our direct democracy in particular."[27] He further argues that "Swiss citizens know the rules of public debates and when they end. It also helps that votes take place several times during the year and *it is not always the same side that wins"* (emphasis added). Nonetheless, it is not clear whether the same pattern is also evident elsewhere.

Unlike the previous hypothesis – which posited an increasingly conservative tilt among CI-MDDs – the second hypothesis argues that CI-MDDs are instigated by ideological extremes on both sides of the political divide. In order to test this relationship, Figure 5.4 plots the squared term of gravitational ideological center of promoters for all CI-MDDs since 1980. This figure, like the previous ones, also includes a regression line with its confidence intervals. As

[26] Though the reasons for the growth of the SVP are beyond the aims of this chapter, the literature points to a pessimistic economic atmosphere, a "deep feeling of alienation and distrust, and the threat of becoming isolated internationally" (Church and Vatter 2016: 166). Also, some authors argue that the institutional elements facilitated it, "particularly direct democracy [. . .] It is indeed by regular use of referendums and initiatives that the radical right-wing and national-populist parties have exploited and sharpened a set of central issues on the Swiss policy agenda, such as European Integration, United Nations (UN) membership and others" (Mazzoleni 2007: 224). Mazzoleni adds, "with increased membership, the SVP has been capable of presenting a clear-cut position in numerous referendums regarding foreign policy and policy towards foreigners, and this capacity has proved invaluable to the SVP in electoral terms" (2007: 227).

[27] https://goo.gl/6npqSQ [Last accessed April 23, 2017].

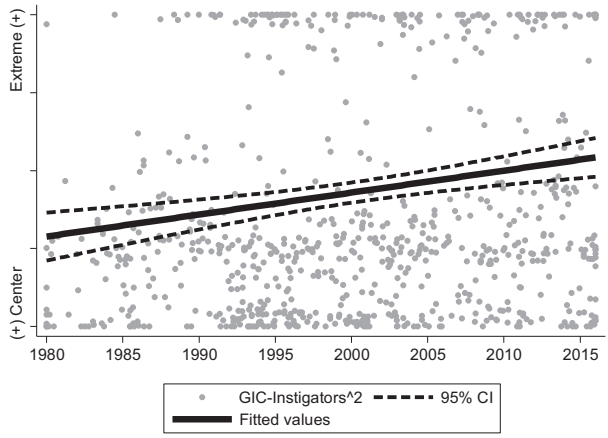
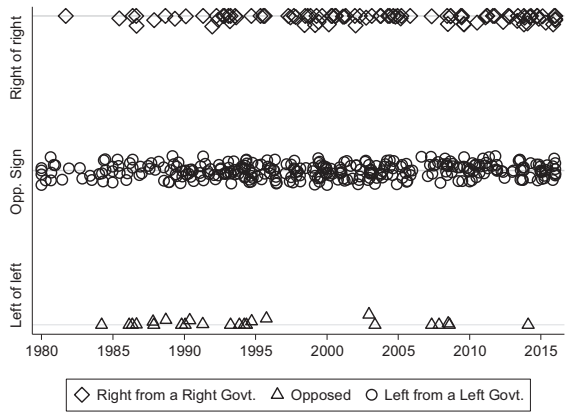


FIGURE 5.4 Degree of instigators' extremism by time

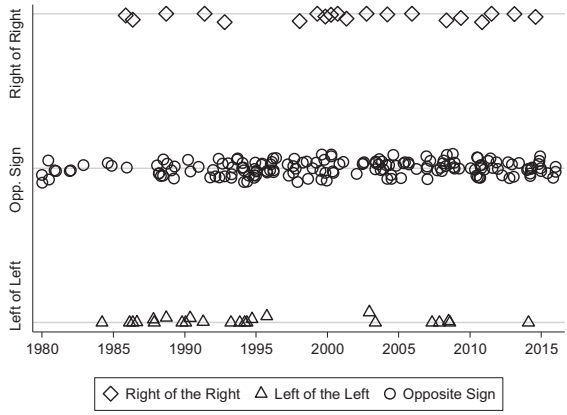
seen, the slope of the regression is strongly positive, indicating that instigators' ideological locations have become more extreme as time goes by.

The third hypothesis argued that CI-MDDs should usually have the opposite ideological leaning than the government. Figure 5.5a shows the relative position of CI-MDDs taking into consideration the location of the government in the L-R continuum. The diamonds correspond to those CI-MDDs triggered from the right of a center–right/right government, and triangles are those initiated from the left of a center–left/left government. Hollow circles correspond to those CI-MDDs triggered by instigators with different leaning than the government. Considering all CI-MDDs, about 75 percent have a sign opposite to the government, 20 percent are more to the right than a right-wing government, and 5 percent are to the left of a left government. If we remove Switzerland (Figure 5.5b), more than 80 percent of CI-MDDs originate from the side opposite the government, while 10 percent each are located further to the left/right of left/right governments.

Hypothesis 4 stated that the ideological leanings of CI-MDDs should vary based on the type of CI-MDD used; in other words, we should expect more rightist referendums and more leftist popular initiatives. Figure 5.6 follows the same patterns as the previous figures in terms of its graphic display. The different types of circles represent the two major types of CI-MDDs: Hollow circles represent the GIC of promoters of popular initiatives, and black dots indicate the location of proponents of referendums. As observed, this figure appears to confirm the hypothesis, but only during the earlier decades in the study period. Interestingly, referendums have been increasingly triggered by the left, while popular initiatives have become increasingly used by the right. Though the movement of the GICs is



a. All CI-MDDs



b. All CI-MDDs (excluding Switzerland)

FIGURE 5.5 Ideological leanings of CI-MDD instigators relative to government

still not statistically significant, it seems that, if the tendency persists, it may be only a matter of time until this trend reverses.

Finally, in order to put the last two hypotheses (that the ideological tilt of promoters is contingent on the level of development of the country under consideration) to the test, the gravitational ideological centers of all CI-MDDs are plotted by GDP per capita (measured in, constant 2010 US dollars) on the one hand, and growth on the other. Each figure includes three regression lines with their respective confidence intervals. The solid confidence interval only takes the gravitational ideological center of instigators into consideration, while the dashed one considers the difference between proponents and governments. The dash-dot-dot confidence interval is the gravitational ideological center of governments.

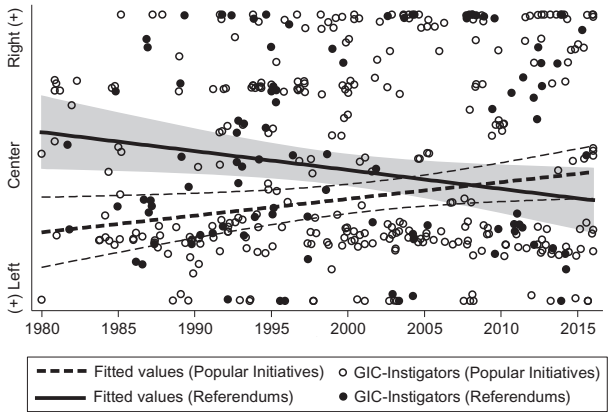


FIGURE 5.6 Gravitational ideological center of instigators, controlling for CI-MDD type

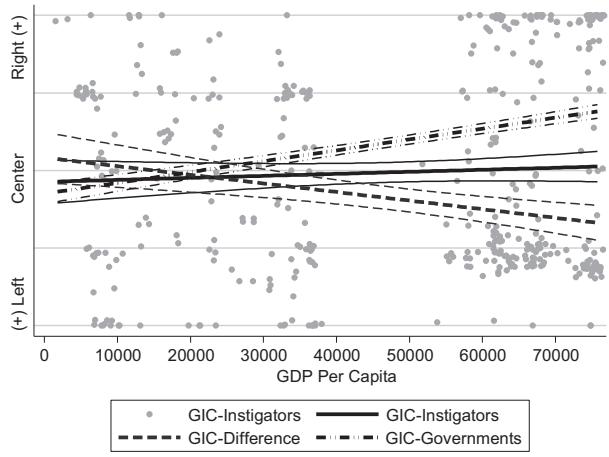
The only statistically significant relationship found in Figure 5.7a suggests that the ideological center of governments moves to the right as GDP increases. This strong movement to the right affects the difference between the ideological centers, despite the fact that the gravitation center of promoters is virtually flat, and not statistical discernible from zero. Nonetheless, if, instead of GDP per capita – an indicator that does not oscillate very much in short periods – we consider growth (see Figure 5.7b), its impact on the gravitational ideological center of instigators acquires a strong and negative statistical relationship. In other words, the more negative the growth is, the more to the right proponents are; the more positive growth is, the more liberal they are (which is a statistically significant relationship).

Therefore, neither hypotheses survives the empirical test, at least technically speaking. Nonetheless, if we consider GDP per capita as an indicator of economic development, H6 – which predicted that CI-MDDs will be used as the reaction against conservative policies – seems more accurate than H5, which stated that CI-MDDs will be used more by the right than the left in the context of developed societies.

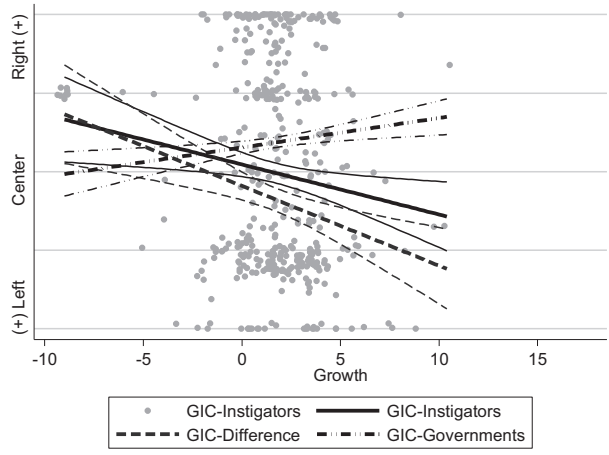
5.3.2 Who Are the Winners of the CI-MDD Game?

Does the ideological orientation of the instigators have an effect on the probability that their MDD will succeed? (Winning is defined simply as being approved, which by definition is a dichotomous variable: accepted or not.) As in the former chapters, the results are illustrated here using coefficient plots, but full results are available in the Appendix in Table A5.2).

Figure 5.8 shows the results of the models, with acceptance serving as the dependent variable against the gravitational ideological centers of instigators



a. GDP Per Capita (all CI-MDDs)



b. Growth (all CI-MDDs)

FIGURE 5.7 Gravitational ideological center of instigators and economic development

(Model 1) and their difference with the government (Model 2), respectively.[28] These models also control for whether the MDD was citizen-initiated and its interaction with the critical independent variables ($GIC_{instigators}$ and $GIC_{difference}$.) The models also include the squared term of $GIC_{instigators}$ to test the third hypothesis, accounting for both extremes of the ideological divide

[28] These models had to be run independently from each other because of problems of multicollinearity among several variables.

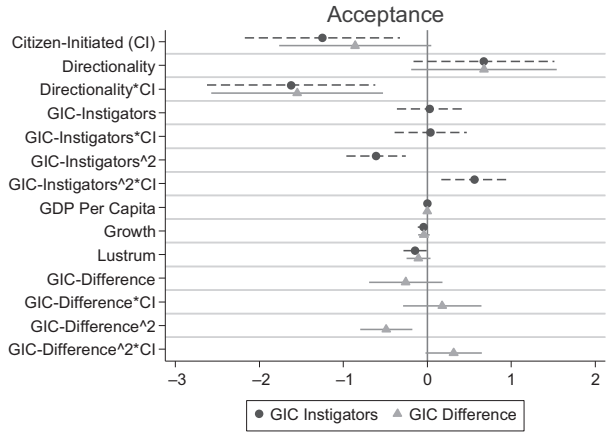


FIGURE 5.8 Determinants of MDDs' acceptance

being the drivers of successful MDDs, and the interaction of this squared term with citizen-initiated proposals. The same is done for the difference of ideological position between promoters and governments. Controls for the level of development were also included in the form of GDP per capita (measured in constant 2010 US dollars) and per capita economic growth, as the sixth hypothesis suggests. Finally, both models include a temporal variable of control, lustrum (coded 1 for the years 1980–1984, 2 for 1985–1989, etc.). Both logistic regressions were run with fixed effects.[29]

The need for two models is based on the suspicion that it is not the instigators' absolute gravitational ideological center that matters, but rather their relative position in a particular political context. As seen in Figure 5.8, both models (1 and 2) offer relatively similar answers to the question of whether the gravitational ideological center (of either kind) shapes the fate of a popular vote (if it is accepted or not). The answer is "it depends" on the type of MDD. Actually, popular initiatives are less likely to be approved than any other type of MDDs (referendums or TD-MDDs), as the coefficient of the interaction between directionality and being citizen-initiated is strongly significant with a negative slope in both models.

In Model 1, the strongly significant and negative coefficient denoting citizen-initiated MDDs indicates that the probability that a popular vote will pass is notably lower for this type of vote. The negative squared coefficient of the ideological position of instigators suggests an inverted U-shape coefficient,

[29] Unlike in the previous chapter, running the models with fixed effects did not come at the expense of a large number of countries and observations (recall that I am working with democracies that have party stems, and that have had more than one MDD). In any case, I also ran the models without fixed effects (including a control for Switzerland) and the results were essentially identical.

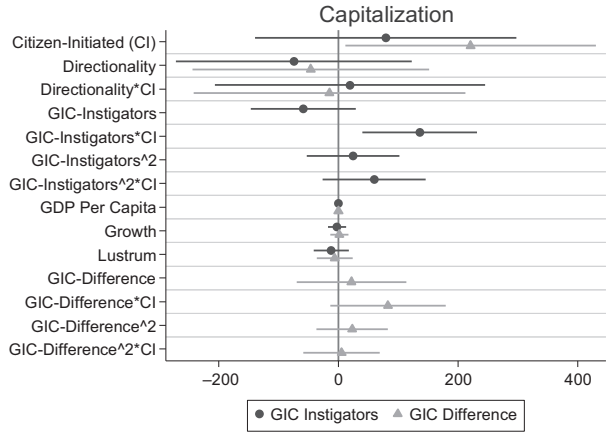
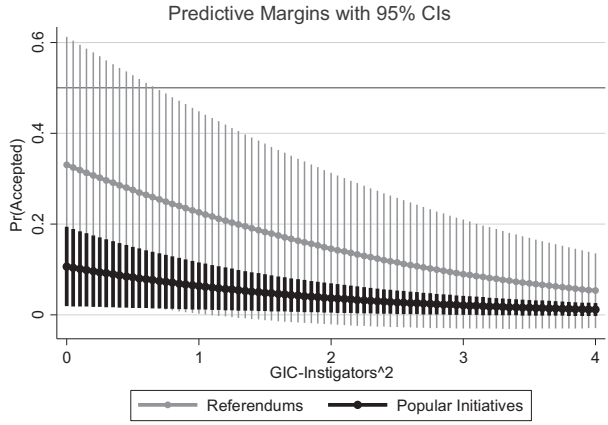


FIGURE 5.9 Determinants of MDDs' capitalization

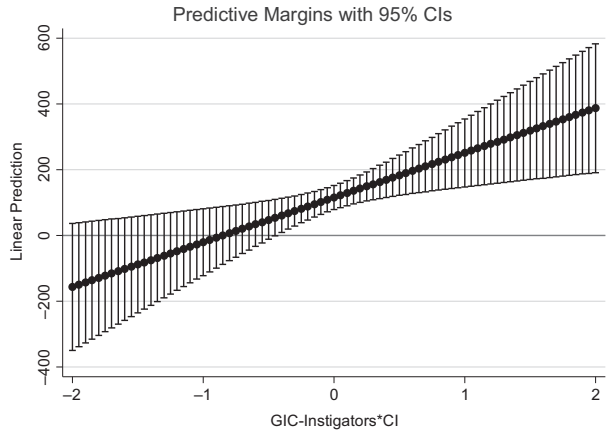
while the positive coefficient of the interaction between the squared coefficient of the ideological position of proponents and whether the MDD was citizen-initiated implies that the relationship also has a (non-inverted) U-shape. That means that, all else being equal, MDDs instigated by those from the extremes of the political spectrum are more likely to be approved as long as that MDD is citizen-initiated. At the same time, being instigated by moderates increases an MDD's odds of being approved as long as the popular vote is not citizen-initiated. The time control (lustrum) shows that it has become harder for popular votes to pass as time goes by, although only marginally. In Model 2, the square ideological difference between instigators and government is the only variable that withstands significance testing besides the interaction between directionality and being citizen-initiated.

Leaving approval rates aside, the probability that promoters from different ideological corners can capitalize on MDDs remains similar. Models 3 and 4 check this aspect.[30] To answer the question posed earlier, the simple answer is "yes," instigators' ideological leanings do exert an influence on the degree of capitalization. In Model 3, the only significant independent variable is the interaction between the dummy denoting citizen-initiated proposals and the gravitational ideological center of proponents. Statistically speaking, this means that, when a popular vote is citizen-initiated, the further to the right its instigators are, the higher their probability of capitalizing on it. Model 4 uses the difference between the ideological placement of promoters and governments, and the interaction between the two, as the crucial predictor of capitalization.

[30] Note that here the nature of the models changes from logit to linear models, as the new dependent variable, capitalization, is continuous.



a. Acceptance



b. Capitalization

FIGURE 5.10 Marginal effects of acceptance and capitalization

Neither this predictor nor its interaction with the citizen-initiation dummy are statistically significant. In other words, once we take into consideration the relative ideological location of instigators in relation to that of the current government, capitalization only occurs if the vote was citizen-initiated.

To illustrate the expected probabilities of CI-MDDs acceptance and capitalization, a couple of graphs depict the results of the models. Figure 5.10a shows the predicted probability of acceptance, controlling for the square term of the gravitational ideological center of promoters and the type of CI-MDD based on Model 1. As seen, referendums, reactive institutions par excellence, have a much higher probability of acceptance as long their instigators are moderate

in ideological terms. As soon as proponents radicalize (in either direction), their probability of success became closer to those of popular initiatives, which have a more constant probability of acceptance along the complete ideological continuum. Figure 5.10b, based on Model 3, exhibits the impact that the gravitational ideological center of instigators has on the predicted capitalization, as long as the considered MDD is citizen-initiated. The effect is notably strong and positive; that is, the more to the right the ideological placement of promoters is, the more they capitalize (regardless of whether or not the CI-MDD succeeded).

5.4 CONCLUSIONS

This chapter started by posing two related questions: Who uses MDDs, and how do promoters capitalize on them? Regarding the first question, the chapter introduced a series of competing hypotheses. The first sustained that regardless of the context in which they occur, the ideological leanings of CI-MDDs' proponents have been moving rightward over time. The second hypothesis contended that the ideological leaning of instigators is not a matter of left vs. right, but rather the extremes vs. the center. The third hypothesis asserted that CI-MDDs have the opposite ideological sign than the government. And the fourth maintained that the ideological sign of CI-MDDs is contingent on the instrument used. Finally, the last two hypotheses argued that the ideological tilt of promoters is contingent on the economic conditions of the country under consideration. While the first stated that the more developed a society is, the more leftist CI-MDDs are, the second affirmed that in the case of economic crises, instigators are more likely to be further to the right.

The results show that, at a global level, there is no evidence of statistically significant ideological skewedness of CI-MDDs to either side of the ideological divide. We can, however, discern certain patterns if we control for specific regions or countries. For example, instigators in Switzerland have been steadily moving rightward, but as the whole system has been moving steadily rightward, too, which makes the promoters' relative position much more subtle than if we were to consider the absolute position of instigators by themselves. However, evidence supports the idea that the ideological tilt of instigators is becoming more extreme as time goes by, probably as a reaction to the increased polarization of current democracies.[31]

As expected by hypothesis three, a large majority of CI-MDDs comes from the opposite side of the spectrum than the current government. Nonetheless, there is still a significant number of popular votes that are triggered by groups in the same ideological camp as governments. That is to say that there are some

[31] On the increased polarization of democratic representative institutions see Aisch et al. (2016) and Abramowitz (2010).

CI-MDDs that originate from the right of right-wing governments, just as there are some that originate from the left of leftist governments. Also, evidence suggests that if current trends continue, different types of CI-MDDs will become associated with particular ideological inclinations, despite the fact that this relationship is not statistically significant at present. Of all the contending hypotheses regarding the ideological leanings of instigators, only the second and third hypotheses – indicating that instigators' ideological locations are becoming more extreme as time goes by, and that their ideological sign is opposite the government's – withstand empirical and statistical tests.

Regarding the question of who profits from the CI-MDD game, two scenarios are explored. If we consider the passage or approval of the CI-MDD as the token for the evaluation of success, then the results show that there is no evidence of their being biased in favor of promoters from either side of the political divide. In fact, instigators of ballot initiatives and referendums swing wildly along the entire ideological continuum, and the same happens with approved CI-MDDs. More specifically, the gravitational ideological center of instigators is not statistically skewed toward any particular extreme of the ideological divide. Nonetheless, if we consider both ideological extremes together as a particular location of their own, then the degree of extremity does matter, as does the type of MDD under consideration. To begin with, popular votes pay a price due to the simple fact that they are citizen-initiated; yet, for CI-MDDs, their chances of being approved increase if the measure is citizen-initiated and comes from either extreme of the ideological continuum.

Also, evidence is strong in showing that popular initiatives have a smaller probability of being accepted than any other type of MDD, which makes complete sense: If we agree that people are motivated to organize for a CI-MDD in the face of potential losses more than in the hope of potential gains, as prospect theory perspective would sustain, then we should expect more successful MDDs to be reactive – and what they are reacting to depends on who is in power.

However, as shown earlier, it is one thing to look at who instigated an MDD, but determining the winners is something else entirely. It might be the case that CI-MDDs are consistently triggered by one side of the ideological divide, but that they almost never succeed. Thus, if we consider electoral capitalization as the benchmark for assessing success (i.e., augmenting the electoral support of those supporting the popular vote regardless of the passage of the measure itself), then there is a strong statistical relationship: The more to the right the instigators are, the higher their degree of capitalization, as long as the MDD was citizen-initiated. The evidence that promoters instrumentalize CI-MDDs for objectives beyond the mere approval of the vote is robust.

This is the very first cross-national study to compare the ideological leanings of CI-MDD instigators, as well as CI-MDD winners and capitalization. Though this study has been undertaken with extreme care, this story might change as MDDs continue to be held in different corners of the world.

Contemporary social sciences tend to congratulate those who are able to "corroborate" a causal relationship. Nonetheless, our knowledge often advances when we eliminate potential and plausible relationships. In that sense, this analysis has failed to reject the null hypotheses that instigators have a particular ideological leaning in the CI-MDD game, and that this ideological leaning helps to approve popular votes. These results can be understood as positive news for those who consider CI-MDDs as one of the potential and viable ways to disentangled the democratic knot described in Chapter 1. Taken alone, individual CI-MDDs cannot be said to be ideologically neutral, but taken collectively, there is no evidence that they are systematically biased in any particular ideological direction. CI-MDDs are neither conservative nor liberal, or – perhaps more accurately – CI-MDDs are both conservative and liberal. CI-MDDs are a group of institutions that are used and passed by anyone.

Appendix

TABLE A5.1 *Summary statistics*

	Variable	N	Mean	Std. Dev.	Min.	Max.
All MDDs	$GIC_{instigators}$	744	0.058	1.169	−2.00	2.00
	$GIC_{governments}$	758	0.319	0.798	−2.00	2.00
	Difference GICs ($GIC_{inst} - GIC_{govt}$)	744	−0.241	1.242	−3.33	3.86
	Capitalization	744	113.646	537.077	−100.00	11,385.38
CI-MDDs	$GIC_{instigators}$	409	−0.023	1.317	−2.00	2.00
	$GIC_{governments}$	423	0.376	0.697	−2.00	2.00
	Difference GICs ($GIC_{inst} - GIC_{govt}$)	409	−0.364	1.538	−3.33	3.86
	Capitalization	409	199.878	705.232	−99.34	11,385.38
TD-MDDs	$GIC_{instigators}$	335	0.157	0.950	−2.00	2.00
	$GIC_{governments}$	335	0.247	0.905	−2.00	2.00
	Difference GICs ($GIC_{inst} - GIC_{govt}$)	335	−0.090	0.707	−3.00	2.40
	Capitalization	335	8.365	117.927	−100.00	662.15

TABLE A5.2 *Logistic and OLS models of acceptance and capitalization*

	(1)	(2)	(3)	(4)
	Acceptance (logit)	**Acceptance (logit)**	**Capitalization (linear)**	**Capitalization (linear)**
Citizen-Initiated (CI)	−1.248**	−0.860	79.048	220.745*
	(0.472)	(0.462)	(111.255)	(106.606)
Directionality	0.675	0.676	−74.527	−46.242
	(0.427)	(0.443)	(100.359)	(100.628)
Directionality*CI	−1.623**	−1.549**	19.382	−15.025
	(0.512)	(0.522)	(114.991)	(115.744)
GIC-Instigators	0.028		−58.691	
	(0.198)		(44.704)	
GIC-Instigators*CI	0.040		135.900**	
	(0.219)		(48.803)	
GIC-Instigators^2	−0.610***		24.477	
	(0.181)		(39.453)	
GIC-Instigators^2*CI	0.560**		59.718	
	(0.201)		(43.900)	
GIC-Difference		−0.257		21.791
		(0.223)		(46.626)
GIC-Difference*CI		0.179		82.847
		(0.238)		(49.170)
GIC-Difference^2		−0.489**		22.966
		(0.159)		(30.382)
GIC-Difference^2*CI		0.314		5.182
		(0.172)		(32.568)
GDP Per Capita	0.000	0.000	0.000	0.001
	(0.000)	(0.000)	(0.002)	(0.002)
Growth	−0.046	−0.039	−2.462	1.483
	(0.035)	(0.036)	(7.643)	(7.670)
Lustrum	−0.144*	−0.105	−12.098	−6.229
	(0.071)	(0.073)	(15.040)	(15.274)
Constant			79.248	−3.205
			(118.448)	(112.606)
N	663	663	743	743
Number of Groups	26	26	58	58

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Coefficients and standard errors. All models use fixed effects.[a]

[a] As seen, the difference in the number of observations included varies between the logits and linear estimations. At the logit estimations, eighty observations were dropped because of all positive or all negative outcomes. Due to problems of multicollinearity, Models 1 and 2, and 3 and 4, were run separately.

PART III

REFORM

6

Why Adopt Direct Democracy?

Much More Than a Simple Vote

Do citizen-initiated mechanisms of direct democracy matter? Do they really make a difference to how the political game is played? This chapter tackles these questions and argues that it is crucial to look beyond immediate results, that they do indeed make a substantial difference regardless of who the winners are, what policy they support, or what their ideological leanings are (as studied in the previous two chapters). Though common wisdom tends to evaluate citizen-initiated mechanisms of direct democracy based on their results, electoral outcomes are just one aspect to take into consideration when studying the multifaceted world of direct democracy.

This chapter argues that citizen-initiated mechanisms of direct democracy have important spillover effects that affect the overall democratic life of a polity, even if the results do not favor those who triggered the vote. These effects occur in two major arenas: the political system itself (by generating incentives for political consensus, moderating circumstantial majorities, and expanding the political playing field) and the relationship between representative institutions and the citizenry (by augmenting policy congruence, women's empowerment, civic participation and satisfaction with democracy, and by broadening the topics subject to popular consideration).

This chapter proceeds as follows. First, it describes the impact CI-MDDs have on the political system as a whole, particularly in the realms of consensus building and the expansion of the political arena beyond representative institutions. Second, it tackles how their mere existence affects the relationship between representative institutions and citizenship. Finally, the third section argues that CI-MDDs perform better than other democratic alternatives prescribed by the literature (decentralization, deliberation, or e-democracy) to treat the democratic malaise previously described.

6.1 IMPACT OF CI-MDDS ON THE POLITICAL GAME

The mere presence of citizen-initiated mechanisms of direct democracy alters the democratic game. Many of the detractors of direct democracy base their complaints on the fact that it disproportionately rewards extremist policies because those at the edges of the political spectrum are the actors who use these institutions the most. Although these topics were covered empirically in the previous chapters, here I expand on the reasons why direct democracy's detractors are broadly mistaken. Though CI-MDDs are majoritarian institutions par excellence, paradoxically, they also generate exactly what their detractors are looking for: incentives for negotiation and broad consensus. Moreover, CI-MDDs broaden the alternatives for public discussion, offer opportunities for the losers in legislative politics, and open up prospects for the institutional inclusion of those who, due to the electoral system (or any other reason), are often excluded from or underrepresented in the typical representative game. Taken individually, CI-MDDs can be exclusive and rigid in much the same way as regular elections can, but as a group of institutions, citizen-initiated mechanisms of direct democracy tend to contain rather than exclude, and compromise rather than impose.

6.1.1 Consensus Building

Once an interested group (NGO, political party, etc.) organizes a citizen-initiated mechanism of direct democracy – whether meant to overturn an unpopular policy or attempt to implement a new one – two alternatives are possible: Either the demand is deactivated, or the demand continues its course until the vote itself occurs. If the menace of the CI-MDD is credible and the outcome of the vote is not a foregone conclusion in favor of the status quo, bargaining to deactivate the vote becomes more likely.[1] Although, as the previous chapter suggested, a small minority of fringe groups may seek to use CI-MDDs as tools to achieve larger aims, in general terms a potential defeat in the polls is in no one's interest – especially for the parties currently in government. In other words, before expending limited resources (e.g., human power, money, time) on an issue-based campaign, both sides (governing elites and interested parties) typically have good reasons to prefer a preemptive negotiation in order to build consensus.

If these negotiations between authorities and interested parties are successful, then two results are likely to occur. On the one hand, agreements on

[1] By credible threat, I mean the perceived likelihood that an interested party might trigger a CI-MDD. While interest groups may threaten to do so, if no similar group has ever (successfully) used such an institution, then their threat is less credible than if they (or a similar group) have done so before. Thus, the credibility of the threat is mediated by the success or failure of the most recent CI-MDD and the time that has elapsed since the instrument was last used. See Altman (2017).

whatever policy is under discussion will be broader than circumstantial majorities in congress, which, by definition, will have a moderating effect. On the other hand, in such a scenario no referendum will actually be necessary – the mere threat of a popular vote is enough to compel both sides to negotiate a mutually satisfactory compromise. This effect has been called the "indirect effect" of direct democracy (Matsusaka 2014) or the *direct democracy paradox* (Altman 2013a). Therefore, "the potential for use of a CI-MDD alone can make it unnecessary to follow through. Paradoxically, in this scenario, evidence of failure is provided by the CI-MDD's presence" (Altman 2011: 49). In short, the simple possibility of triggering a citizen-initiated mechanism of direct democracy moderates political decisions and serves as a springboard for political consensus where such mechanisms exist.

These preemptive negotiations go well beyond deductive reasoning; they occur on a daily basis and the evidence of their existence is informed by real situations from places where citizen-initiated mechanisms of direct democracy are ingrained in the political system. Moreover, these preemptive negotiations do not necessarily start only after a CI-MDD has been triggered, but also inform the process of drafting of legislation. In order to avoid a costly conflict, which might lead to a potential defeat, executives bring interested parties to the negotiating table to find common ground long before these parties might have cause to trigger a CI-MDD.

The fact that citizen-initiated mechanisms of direct democracy – as some of the most purely majoritarian political institutions in existence, which, by definition, often reduce complex issues to a single vote – also produce incentives for political cooperation and consensus seems a democratic paradox. Although citizen-initiated mechanisms of direct democracy incentivize consensus building, this does not mean that extremist groups cannot also exploit these tools for their own narrow interests. In fact, this contradiction constitutes the core of the analysis of Chapter 5, which goes beyond examining the policy interests of instigators to consider the instrumental exposure value that such votes can have for small groups.

Yet the enhancing effects that these institutions have on building public consensus cannot be overlooked (e.g., Papadopoulos 2001).[2] Importantly, these effects are not exclusive to "healthy" democracies such as Switzerland

[2] The literature is quite robust in signaling Uruguay, in Latin America, and Switzerland, in Europe, as the most consensual countries in their respective regions (e.g., Lijphart 2012). In both countries, the mantra of consensualism is praised and repeated over and over again to a degree that is not found anywhere else: in Switzerland under the motto of *Konkordance*, and in Uruguay as *Consenso*. These two countries, however, are also exceptional in their use of CI-MDDs as institutions that channel, contain, and shape political conflict, even for those on the losing side. This point is illustrated in the example of the Uruguayan presidents cited in Chapter 3. In all probability, few Swiss voters would be able to disentangle the precise causes and effects of consensus in relation to federalism and direct democracy. Nor is it possible to comprehend Uruguayan democracy without paying attention to such critical institutions.

(Papadopoulos 2001), Uruguay (Altman 2011), or the United States (Gerber and Lupia 1995), where this phenomenon has been studied in great detail. Similar effects have also been documented in non-democratic regimes such as Iran, as evidenced by Erdbrink (2015), where the threat of a referendum may be sufficient to change politics at the highest levels. Of course, it is difficult to capture and measure these effects in a non-democratic context, but this is a good example of where "de jure" features of a constitution may matter more than we think.[3]

6.1.2 Expansion of the Political Arena beyond Representative Institutions

The potential to trigger a citizen-initiated mechanism of direct democracy offers almost everyone the chance to enter or solidify their position in the political arena, regardless of their relative size or power. Of course, citizen-initiated mechanisms of direct democracy are not always easy for individuals or extremely small and ultra-marginal groups to initiate, even in cases where the number of supporting signatures is notably low (such as in Switzerland, where a popular initiative needs to be endorsed by just 2 percent of the citizenry to be qualified, while a referendum requires only 1 percent support).

If an interested group seeks to launch a CI-MDD but is not strong enough to credibly challenge the position of the authorities at the polls, then the incentives for negotiation are low (at least on the side of the authorities) and attempts to build consensus are unlikely to follow. Nonetheless, even in this scenario, interest groups have the opportunity (and incentive) to mobilize their constituents to change the political agenda. This is done through influencing the media, signaling their demands to authorities, perceiving themselves as influential in political decision-making, and, basically, providing the group with an internal raison d'être.

In this regard, the vice president of the Green Party of Switzerland, Aline Trede, once observed that "most initiatives you couldn't win, but they changed something" (interviewed by Douez 2011). She added, "the pressure is there for half a year and people talk about it. You really see, after a time, the snowball effect" (ibid.). Auer has said that popular initiatives have become a "campaigning weapon" for political parties, large and small. "The main objective, at least in election years, is to be present in the political debate with an issue," said Auer (2011).[4] Indeed, even a member of the Swiss conservative right-wing Federal Democratic Union claims that: "Over time we realized that we can use it for the

[3] Of course, the threat factor, as a political mechanism, is not limited to direct democracy. For example, the Soviet regime repeatedly tried to influence the Eastern and Central European governments' responses to civil unrest, and Soviet military power was a crucial factor in all major crises in the region. Even when Soviet troops were not deployed, the mere threat of Soviet military intervention often had a profound effect on local actors' behavior (Kramer 2009: 91).

[4] For the complete interview, see: https://goo.gl/SQzS25 [Last accessed April 23, 2017].

federal elections because it is an issue that moves the people and that awakens the public opinion" (interviewed by Christmann 2010).

This strategy is not unique to Swiss politics. For example, in Slovakia, on the eve of three conservative initiatives on gay marriage and adoption, the spokesman of The Family Alliance (AZR), Anton Chromík, observed that "The success is that the family [issue] is discussed."[5] This effect is not limited to contemporary politics. Studying the uses of CI-MDDs during the Weimar Republic, Komáromi also concludes in this regard: "the difficulties of the popular legislation moved oppositional forces to use the initiative as a propaganda instrument which was helpful as a political lifting power before elections rather than a means for adopting laws" (Komáromi 2014: 68).[6]

In addition, citizen-initiated mechanisms of direct democracy help to explain why Uruguay still has a relatively active union movement. When unions could not strike (because they provided essential public services), CI-MDDs filled this void by providing a way to mobilize around a common cause (Altman 2011: 198). In Pribble's interviews with union members, they explicitly acknowledge that they would have disappeared in the 1990s without the "glue" provided by CI-MDDs (Pribble 2008).

6.2 THE RELATIONSHIP BETWEEN REPRESENTATIVE INSTITUTIONS AND THE CITIZENRY

Citizen-initiated mechanisms of direct democracy not only impact how the political game is played between the powers of the state (e.g., the executive vs. legislative branches), but also affect how the political system relates to the citizenry. The mere existence of citizen-initiated mechanisms of direct democracy acts as a synchronization mechanism between political representatives and citizens. It helps to keep "a political system from becoming a blight on society by grounding it in reality" (Altman 2011: 195). These effects are evident in five major areas: policy congruency, women's empowerment, civic participation, democratic satisfaction, and the broadening of public discourse.

6.2.1 Policy Congruency and Women's Empowerment

Almost every definition of democracy emphasizes the fact that government should be responsive to voters' preferences (Leemann and Wasserfallen 2016). Such is the importance of the alignment between voters and their representatives that this measure has become one of the essential criteria used to gauge the "quality of government" (see Erikson et al. 1993).[7] Indeed, many

[5] https://goo.gl/06Yj5S [Last accessed on April 23, 2017].
[6] See also, Donk and Marcinkowski (2012).
[7] See Rothstein and Teorell (2008).

authors have debated the question of which institutions permit the best alignment. Nonetheless, in spite of its relevance, "there is little statistical evidence on the amount of congruence between preferences and policy that actually prevails, and little evidence on how institutions affect the amount of congruence" (Matsusaka 2010: 134).

It is well documented in the literature that the presence of citizen-initiated mechanisms of direct democracy opens the door for more finely tuned legislation with regard to citizens' preferences. Put differently, in technical terms this means that policies in polities with CI-MDDs tend to be closer to the median voter (Gerber 1999; Hug 2004; Matsusaka 2004). CI-MDDs are "conducive for policy congruence because voters are supposed to get what they want when they can participate in policy making" (Leemann and Wasserfallen 2016: 750).[8] In essence, initiatives and referendums are powerful democratic correctives, signaling to the political elite that their current course of action has deviated from voters' preferences (Leemann and Wasserfallen 2016: 750). In practical terms, this means that in American states with citizen-initiated mechanisms of direct democracy, "policies are approximately 18–19 percent more congruent" with voter preferences than elsewhere (Matsusaka 2010: 159).[9]

A related but under-explored aspect of citizen-initiated direct democracy relates to the relationship between women's representation and CI-MDDs. Unlike other political institutions such as electoral quotas, citizen-initiated mechanisms of direct democracy were not thought to enhance women's representation or political power. Nonetheless, a recent study by Kim (2017) shows how these institutions "have unintended positive effects on women's political inclusion." Studying the effect of direct democracy on women's political participation using a natural experiment in Sweden between 1919 and 1953, Kim finds that the implementation of direct democracy had both short- and long-term effects on women's political participation. Kim's results suggest that CI-MDDs not only boost women's turnout in the short term, but also that CI-MDDs have a time-lagged effect on women's political participation in the long term. This is because women "perceive that the system is open to their political activism and they have the ability to produce desired policy outcomes," which, by definition, augments policy congruency.

Interestingly, the very first ballot cast by a woman in Latin America was that of a ninety-year-old black Brazilian immigrant, Rita Ribera, in a local MDD vote in the city of Cerro Chato, Uruguay (Piña 2006: 148).[10] As the city of Cerro Chato overlapped two departments (states) of the country, some public services were duplicated, generating confusion and administrative problems. The popular vote was triggered to decide which department the city should

[8] See also, Gerber (1996).

[9] Some scholars, however, find no significant relationship (Lax and Phillips 2012).

[10] As symbolic and crucial as it was, the complete enfranchisement of women took another eleven years and it was not until 1938 that women voted in a general election for the first time.

belong to. Beyond the subject of the vote itself (which is not particularly interesting), the most interesting element of this example is that each of the two civic committees that organized support for either side of the popular vote were headed by women. Bernardina Muñoz led the committee supporting the status quo, which called for abstention, while Modesta Fuentes de Soubirón headed the committee in favor of unification with the department of Durazno. During the course of the vote, Fuentes became entangled in a fight with one of the largest newspapers in the country, *El País*, after the latter published an article that questioned the civic capabilities of women.

6.2.2 Civic Participation

Though it has not traditionally been a major topic of democratic theory, the debate between supporters and detractors of direct democracy has been extensive and is of increasing theoretical and practical relevance. These discussions have explored numerous themes. One such theme considers whether direct democracy enhances representative democracy by enlightening citizens or whether it alienates "burned-out" voters from participating in representative elections. For some, if citizens' concerns and demands can be addressed (and solved) directly at the ballot box, then why bother electing authorities? For others, the active use of direct democracy not only bolsters representative democracy by enhancing electoral participation, but also increases citizens' political awareness, making them more virtuous and even "freer" citizens (Mansbridge 1999; Qvortrup 2002). If this is so, then direct democracy might serve as the "medicine" needed to cure the much-debated democratic malaise currently affecting representative government (symptoms include: civic disaffection and alienation, low trust in government, and so forth).[11] Nonetheless, if frequent uses of direct democracy exhaust citizens, we must reconsider claims that seek to further the expansion of direct democracy.

Within the American context, the first empirical analyses on this topic showed no significant relationship between ballot measures and electoral turnout (Everson 1981; Magleby 1984). Yet, with new methodological tools and a renewed interest in the use of direct democracy in the United States in the last three decades, new studies have found that there is a positive association between the number of state ballots and electoral participation in both midterm and presidential elections (Bowler and Donovan 2002b; Hero and Tolbert 2004; Smith and Tolbert 2004; Smith and Tolbert 2005).[12] However, this positive view of the side effects of direct democracy is challenged by other studies in the literature. For instance, Schlozman and Yohai (2008) and

[11] See Hajnal and Lewis (2003), Lacey (2005), and Smith (2001).

[12] A similar conclusion is reached by Dvořák et al. (2017) who analyze the effects of local/municipal direct democracy, showing that it leads to increased turnout in upcoming local and national elections in the context of the Czech Republic.

Cebula (2008) claim that voter initiatives in American states have restricted effects on turnout. Grummel (2008), however, finds that ethical policy ballot measures generate higher turnout in midterm elections but not in presidential elections.

In a different context, examining how varying degrees of CI-MDD use impact electoral participation at the cantonal level in Switzerland, Freitag and Stadelmann-Steffen (2010) show a negative relationship between both. They claim this is due to voter fatigue and argue that intensive use of direct democracy makes regular national elections less significant than they would be otherwise.[13] A similar argument was first advanced by Jackman and Miller (1995), and constitutes an already "classic" explanation for the extremely low rate of electoral participation in Switzerland.[14]

While the consensus in the recent American literature suggests that citizen-initiated mechanisms of direct democracy foster citizen participation in general elections, the Swiss literature has been much more eclectic, to say the least. A closer examination of this body of work reveals that methodological differences make it very difficult to compare results, as some studies rely on public opinion while others look at electoral results, and still others use controlled experiments.

Moreover, while both the Swiss and American studies rely on comparisons among subnational administrative units (states in the United States and cantons in Switzerland), a review of this literature reveals an interesting fact: Virtually no study has tried to breach the national divide. Compounding this problem is the fact that scholars tend to assume that all MDDs have similar effects on participation regardless of their type. However, in one of the very few cross-national studies on the topic, Altman (2013b) shows that the impact of MDDs on participation in general elections is clearly context sensitive.

Every citizen initiative held in the past two years in each American state has had a positive effect on turnout in the concurrent election (equivalent to about one-third of a percentage point increase): a positive statistical relationship that is lost when the sample is restricted to only the "initiative" states.[15] Moreover, voter turnout rates are significantly lower in American states and Swiss cantons with more plebiscites on the ballot, ceteris paribus. Each plebiscite appearing on a state's ballot reduces turnout by two-thirds of a percentage point; in Swiss cantons, this effect is even larger (about a one percentage point

[13] Hill (2003) makes a similar argument concerning the Australian case.

[14] See also, Jackman and Miller (1995); Bühlmann and Freitag (2006).

[15] The critical question becomes whether to include all American States in this study or to restrict the sample to those that allow for CI-MDDs. While most previous research includes all fifty states, there are important concerns in terms of endogeneity. In other words, it might not be the case that the use of CI-MDDs increases turnout among citizens of these states, but rather that some unknown factor drives their citizens' turnout in greater numbers, regardless of whether they have CI-MDDs or not.

decrease) (Altman 2013b: 749–50). Clearly, not all MDDs are the same, nor do they have the same political effects.

6.2.3 Satisfaction with Democracy

A significant amount of scholarly research has examined whether direct democracy augments the legitimacy of the regimes where such measures exist. These studies take as their starting point the premise that, other things being equal, an institutional arrangement that better represents citizens' interests and preferences will also have higher levels of democratic support and satisfaction (Altman 2013a; Bernauer and Vatter 2012; Gherghina 2017; Hug 2005; Smith 2002; Smith and Tolbert 2007; Stadelmann-Steffen and Vatter 2012). Despite some nuanced differences in their methods and findings, these studies largely tend to support the existence of such a relationship. In fact, some scholars have even gone beyond examining democratic satisfaction to claim that these institutions also increase human happiness (Frey and Stutzer 2000a, 2000b, 2000c; Radcliff and Shufeldt 2016). Moreover, these results seem to transcend the experiences of wealthy, advanced democracies such as those in Switzerland or the United States, whose citizens already enjoy a generally high quality of life; for example, in Indonesia, Olken (2010) shows that "direct participation in political decision making can substantially increase satisfaction and legitimacy."[16]

That said, the debate about the relationship between direct democracy and satisfaction with, or trust in democratic institutions, is far from decided.[17] The current discussion revolves around two major points: firstly, whether the mere existence of CI-MDDs is sufficient to drive democratic satisfaction upwards, or whether it is the actual use of these institutions that produces the trend; and secondly, whether the presumed positive effect is evenly distributed across societal groups and strata.

Regarding the first point, Frey et al. (2001: 271) contend that satisfaction with democracy in general increases because citizens not only value political outcomes more highly, but also "because they derive utility from the political

[16] These results, however, are challenged by Dorn et al. (2008), who claim that once the language is controlled for in the Swiss context, no robust significant relationship between the extent of direct democracy and life satisfaction can be observed.

[17] The discussion of the relationship between trust and direct democracy is complex. Some studies show that high levels of distrust are associated with direct democracy (Dyck 2009). However, it remains conceivable that the causal relationship may actually be inverse: Due to high levels of mistrust in government, where CI-MDDs are available they provide a tool to challenge politicians. Blume and Voigt (2015) claim, for instance, that in the context of intensive uses of direct democracy, citizens exhibit lower trust in government and parties, but not in other political institutions such as parliament. To complicate thing even further, Ackermann and Freitag (2016) sustain the idea that trust is mediated to a certain extent by personality types. See also, Kern (2017).

process itself." Likewise, other scholars such as Stadelmann-Steffen and Vatter (2012) contend that satisfaction with democracy is related to the actual exercise of direct democratic rights, rather than the mere existence of these rights per se. Still other scholars have observed a direct democratic spillover effect, whereby these institutions have an educational effect on the citizenry (Benz and Stutzer 2004; Bowler and Donovan 2002a; Hero and Tolbert 2004; Smith and Tolbert 2005; Tolbert et al. 2009). Nonetheless, other scholars such as Bauer and Fatke (2014) draw different conclusions contending that a saturation effect occurs once certain thresholds are crossed.

Regarding the second point, the literature is also concerned with identifying those citizens whose satisfaction with democracy is most affected by direct democratic institutions (Leininger 2015a). In general, direct democracy tends to find more support among less educated citizens (Coffé and Michels 2014; Dalton et al. 2001), and among citizens who are critical of traditional party politics but committed to democratic practices (Schuck and Vreese 2015). Yet, Marien and Kern (2017: 3) maintain that this increase in satisfaction is not due to perceptions about the superior fairness of the direct decision-making, but results "from an increase in the democratic satisfaction and political trust levels among the winners of the direct democratic process, who by definition make up the majority."[18]

This argument notwithstanding, experiments on decision-making arrangements indicate that personal involvement through direct majoritarian voting yields the strongest perceptions of legitimacy vis-à-vis other methods of participation (Esaiasson et al. 2012: 786–7).[19] In an experimental online study using a German sample to investigate how voters' acceptance of a political decision depends on the process through which it is reached, Towfigh et al. (2016) find that:

> For important issues, direct democracy generates greater acceptance; this finding holds particularly for those voters who do not agree with a collectively chosen outcome. However, if the topic is of limited importance to the voters, acceptance does not differ between the mechanisms. Our results imply that a combination of representative democracy and direct democracy, conditional on the distribution of issue importance among the electorate, may be optimal with regard to acceptance of political decisions.[20]

In short, the literature suggests that a combination of representative and direct democracy improves the procedural value that citizens place on democracy – particularly democratic satisfaction and support for democracy – regardless of

[18] See also, Leininger (2015b).

[19] See Persson et al. (2013) and Gilljam et al. (2010). On outcome favorability see also, Esaiasson et al. (forthcoming).

[20] They contrast three decision-making processes: the use of a direct-democratic institution, the party decision-making process in a representative democracy, and the use of an expert committee. For an overview, see Herne and Setälä (2014). As examples of deliberation experiments, see Andersen and Hansen (2007), Setälä et al. (2010), and Pateman (2012).

the actual results of popular votes. Taken together with the educational effects that CI-MDDs have been shown to have on the citizenry, this denotes that the presence of CI-MDDs may be doubly effective in treating the malaise currently afflicting many representative democracies.

6.2.4 Addressing Topics That Otherwise Would Be Impossible to Tackle

The existence of CI-MDDs broadens the scope of topics subject to public debate and decision-making that would otherwise be impossible (or extremely difficult) to tackle in a purely representative regime. To illustrate this point, consider the following example of the Swiss referendum on the purchase of twenty-two Swedish-made Gripen fighter jets.

On February 17, 2014, the pilot of Ethiopian Airlines flight ET-702 from Addis Ababa to Rome went to the bathroom. At that precise moment, the copilot locked the cockpit door and took control of the plane with 202 passengers and crew onboard, deviating from its original route toward Geneva, where he expected to obtain political asylum (Penketh 2014). Although the hijacking itself is of little significance to the study of direct democratic institutions, the episode is noteworthy in this context because of the military response that it provoked – or, more accurately, failed to provoke – from the Swiss government. The hijacked plane had to be escorted by French and Italian jets due to the fact that the Swiss Air Force, despite its vast resources and impressive reputation, lacked round-the-clock fighter jet intervention capability and therefore did not operate outside of business hours.[21]

The hijacking of flight ET-702 strengthened the position of Swiss authorities, backing their 2011 contract with Swedish firm SAAB to buy twenty-two Gripens (fighter jets). But the multibillion-dollar deal was already under fire by some Swiss citizens, who mounted a referendum campaign against it. The civic committee based its campaign on two major claims: First, the Gripen was less efficient than its competitors, notably the F/A-18 used by the Swiss Air Force at the time; and second, the real costs would be at least triple those that had been budgeted, and these funds were needed for investment in education, infrastructure, and health.

The incident with flight ET-702 dominated Swiss headlines for some time. Nonetheless, public outrage was not sufficient to convince voters of the merits of the agreement, which they rejected by 53.4 percent in a referendum on May 18, 2014, that saw relatively high participation with a 56.3 percent turnout.[22] Yes, the citizens successfully turned down a multibillion franc contract between their government and an overseas company! Swiss Defense Minister Ueli

[21] See https://goo.gl/vdZ6aj; https://goo.gl/FaoGJx [Last accessed April 23, 2017].
[22] Official results: https://goo.gl/IaLIxV [Last accessed April 23, 2017].

Maurer (SVP), one of the deal's biggest champions, stated that the "no" vote "was a defeat for the federal government and parliament – for me also."[23]

This referendum is exemplary for three reasons. First, and most important, it illustrates how a group of citizens can mount a serious challenge to a decision made by the federal government on a topic such as national defense, which would be 100 percent out-of-bounds in virtually any other regime in the world. Second, it also demonstrates how citizens can not only defy but defeat the federal government on a topic as central to national identity as the military, an institution as sacred as rösti potatoes are central to Swiss cuisine. Third, it confirms how – regardless of the wishes of government, lobbying from the arms industry, and pressure from foreign countries such as Sweden[24] – direct democracy has a profound impact on Swiss daily life and public policy.[25]

6.3 DIRECT DEMOCRACY PERFORMS BETTER THAN OTHER DEMOCRATIC INSTITUTIONAL INNOVATIONS

The first chapter explained how the demand for change in current democracies can be addressed by way of two distinct but non-exclusive routes: Either we reform current institutions (e.g., electoral systems), or we adopt new forms of citizen engagement. The vast literature on democratic reform has mapped a wide range of important and useful suggestions that relate to improving the functioning of extant representative regimes (for example, by reforming the financing of political campaigns). Without revisiting this well-trodden path in detail, I accept that representative democracy is indispensable and that reforming existing institutions is a valid exercise. That being said, this book is devoted to exploring the second path, considering alternatives that extend and complement the typical systems of representation. Namely, in this section I address innovations based on the concepts of deliberative forums, decentralization, and e-democracy.

Democratic improvements should not be based on the expectation that only virtuous citizens will take part in and control these procedures, particularly in highly asymmetrical societies. In a context of high social segregation, innovations such as decentralization, deliberation, and e-democracy may actually deepen existing inequalities. This is so because they either create a façade of

[23] https://goo.gl/FtNJbU [Last accessed April 23, 2017].

[24] https://goo.gl/aVDwUe [Last accessed April 23, 2017].

[25] Of course, this was not the first time the Swiss had voted on defense-related issues. A similar vote on the purchase of F/A-18s occurred in June of 1993, and previously in November of 1989, they voted on the complete abolition of obligatory conscription for the Swiss Army. As for the type of vote (successful referendums triggered by a faction left of the ideological divide), see Italy in 1987 on the abrogation of a law enacted in 1983 authorizing ENEL (the state-owned energy company) to build nuclear plants overseas, and Uruguay in 1992 on the partial abolition of the Law on Public Enterprises.

democracy by allowing citizens to decide local matters without being able to decide on big topics that by definition are national (e.g., welfare, taxation, and security), or because they are unable to provide real opportunities to people lacking the resources needed for face-to-face encounters (rhetorical skill, time, and cognitive abilities). This is akin to providing a gun but not the necessary ammunition to use it; this practice effectively creates spaces for the powerful to advance their interests, thereby generating an even deeper feeling of frustration in the rest of the population.

That is not to disregard these democratic innovations entirely. Many such proposals are already ingrained within our current understanding of democracy despite the fact they are somewhat diluted in the democratic big picture. Additionally, some aspects of these innovations are likely to have positive effects in treating democratic malaise. However, relying exclusively on deliberative forums, decentralization, and e-democracy as the means for rescuing democracy from its current situation requires a good imagination, to say the least. Even while acknowledging that deliberation might have positive externalities, Goodin concludes: "talk is good as a discovery procedure but is not a particularly good decision procedure" (Goodin 2008: 124). Actually, deliberation constitutes a crucial part of the democratic game beyond the typical deliberative forums (such as parliament or the cabinet). Deliberation might have a crucial and complementary role in relation to other democratic institutions, and in fact, the whole of Chapter 8 will deal with the complementary auxiliary function that deliberation might have in relation to other democratic institutions by enriching the quality of public debate for *all* citizens.

6.3.1 Decentralization

Although many who study democracy continue to hold (implicitly or explicitly) an "Athenian bias" – which can be traced back to the writings of Rousseau, Montesquieu, de Tocqueville, and many other thinkers – democracy does not always necessarily flourish on a very small scale. On the contrary, despite the fact that large-N studies tend to support the idea that smaller states are generally more likely to sustain democratic rule than larger ones, in-depth studies show the opposite.[26] These qualitative studies disclose how, beyond a façade of formal democracy, several dynamics undermine democracy in small polities (Veenendaal 2015a), including: personal polarization (Benedict 1967; Doumenge 1985; Lowenthal 1987; Richards 1982), patron–client relationships and corruption (Farrugia 1993; Sutton 2007), limited horizontal accountability

[26] Nonetheless, the absence of (really) small states from mainstream comparative political studies (both large- and small-N) has produced a biased view of political life that is crucial to understanding the dynamics of democratization and decentralization in these environments (Corbett and Veenendaal 2015).

(Baldacchino 2012; Gerring and Zarecki 2011), and even physical violence (Serdült 2014), among other things.[27]

What is more, not only does democracy not necessarily flourish in smaller observational units, but in the right (or rather, wrong) circumstances it can actually wither at the local level. This is particularly evident in relatively weak states where decentralization reforms – meant to boost citizen participation via local government – have resulted in state vacuums, which are then filled by opportunistic Mafiosi types acting on selfish (and often illegal) interests.[28] Even where these local governments have not been co-opted by local gangs, decentralization has the troubling tendency to solidify social inequalities where, as the Leonard Cohen song goes, "the poor stay poor, the rich get rich" (Cohen and Sharon Robinson 1988). Social mobility requires strong policies of redistribution, which, by definition, are contrary to decentralization. Both phenomena are magnified in cases of ethnic, regional, linguistic, and other national cleavages (see for instance Peleg 2007).[29] Latin American and African countries provide countless examples of democratic backsliding and state evaporation due to poorly implemented decentralization.[30]

Additionally, the smaller the unit where political organization is possible, the more homogeneous its inhabitants are likely to be, and the higher the risk that an oppressive majority will emerge and dominate local politics. People tend to congregate toward those who are similar to themselves – just think of the street where you live, your block, and your neighborhood. Your neighboring citizens are not likely to be very different from you in terms of socioeconomic status (in part because the price of real estate serves as a subtle segregation device).[31]

[27] For a comprehensive analysis of democracy in small-scale units, see Veenendaal (2015b).

[28] Luna (2016) argues that if we decentralize power in a context in which different localities are penetrated by organized crime, we create opportunities for illegality to capture politics, either by competing directly for local power or by funding candidates to assure gangs that they can continue operating securely. And from the local, he adds, it is possible to ascend to the national. In Peru today, as well as in Colombia and Mexico, some pundits even talk about "*narco-bancadas*," referring to groups of parliamentarians from different parties who are directly financed by drug traffickers and who operate by representing their interests in Parliament.

[29] Of course, decentralization is multidimensional and there are different types of decentralization policies (fiscal, administrative, political) that occur in different combinations. The origins and implementation of decentralization schemes have profound consequences not only for the scope of each dimension of decentralization, but also for the political regime that emerges at the end of the process (Falleti 2005).

[30] In Latin America, two of the most evident types of "policies" carried out by local authorities and private interests pivot around drug trafficking and illegal mining and logging. But they are not limited to such activities; they can be miscellaneous including, for instance, stolen vehicles, car parts, or clothing (Dewey 2015). On the consequences of decentralization see Dargent and Muñoz (2016).

[31] In every location, some regions are more exclusive than others, and citizens with higher socioeconomic status will tend to concentrate in those places (e.g., directly on the beachfront), in a process known as socio-spatial segregation; to mention just a few examples, think of Central Park West in New York, the Gold Coast in Chicago, Kreuzberg in Berlin, Chelsea in London,

As political units tend to follow these segmented patterns, segmented political attitudes will also be evident. In these units, majorities may organize, excluding and discriminating against minorities in an opportunistic way. But this is hardly new; in 1787 James Madison was already well aware of these dangers:

> The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other (Madison 1961 [1787]: 51).[32]

The subdivision of a territory into smaller units in order to permit residents to manage their affairs usually follows from the belief that citizens will participate intensively at this level. This agenda of invigorating civil society by devolving state responsibilities is not new, but its contemporary twist can be traced back to the late 1970s with the work of Berger and Neuhaus (1977), for whom the state needed to retreat and let people deal with their own concerns.[33] In fact, diminishing the role of the state in terms of power coordination and civic life could be pointed to as one of the most significant neoconservative influences on democracy in the last fifty years. As Calhoun observes, "participation has become a good in itself, often substituting for egalitarian economic reform"

Barrio Norte in Buenos Aires, or Leblón in Rio de Janeiro. Taking these neighborhoods as the epicenter, it is not hard to draw concentric circles showing how segmented current metropolises are, with the largest circles ending in the poorest areas. This illustration obviously implies segregated access to basic services such as health, education, transport, etc.

[32] Similarly, in Federalist Paper 51, Madison reasons that minority rights are protected by extending the size of an area governed so that "*society itself will be broken into so many parts, interests, and classes of citizens that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.* " Touching on this topic, a debate around the oppressive nature of the popular vote emerged in the context of California in the mid-1990s between Gamble (1997) and Bowler and Donovan (1998). While the former claimed that direct democracy is to be blamed for reactionary decisions taken at the local level, the latter claimed that the problem was not direct democracy per se, but the notably homogenous characteristics of the districts involved. I will return to this point in due course.

[33] It could be argued that this trend started even earlier with the seminal contribution of Carole Pateman (1970). Nonetheless, strongly inspired by GDH Cole's work (which had traces of Guild Socialism as well as old-fashioned corporatism), Pateman endorsed democratization based on a *functional representation*, which implies that "the constant participation of the ordinary man in the conduct of those parts of the structure of society with which he is directly concerned, and which he has, therefore, the best chance of understanding" (1970: 37). As we are living in a modern industrial society, the democratization of the spheres of social action, particularly the industrial workplace (understood as a political system itself), becomes crucial for Pateman. Thus understood, this is actually quite distinct from the decentralization wave described here.

(Calhoun 2015: xii). Unsurprisingly, decentralization has been embraced by the World Bank (see Goldfrank 2012), which is not a particularly progressive institution.

The expectation that opening small-scale, face-to-face venues for political deliberation and participation will lead citizens to turn out en masse, eager to spend their limited resources on their fellow citizens to decide prosaic matters, is naive at best and not supported by evidence. Currently, this neo-Tocquevillean view of democratic innovation rests heavily on a significant amount of voluntarism, seldom galvanized by ideological participations, wrapped in a politically correct discourse, and even sometimes (but not always, of course) instrumentalized by party machines that want to cling to power via a complex network of militant cadres at the grassroots level.[34]

This is not to say that national policies should ignore the voices on the ground. Nor should states avoid devolving national services to smaller communities. Delivery of state services on a smaller scale is desirable (as long as those services are integrated into a logical and coherent whole). But this is a long way from advocating for decentralization, particularly if we are concerned with reducing the social, political, and economic inequalities that are ingrained in contemporary societies.[35] The point is that "democracy in authentic, diverse settings is not enhanced by town-meeting-style participation; it is probably diminished" (Hibbing and Theiss-Morse 2002: 207).

6.3.2 Deliberation

Perhaps the strongest claim deliberative democrats make is that increased citizen involvement will increase the legitimacy of particular decisions, institutions, and the political system as a whole (Marien and Werner 2016). However, a major problem with deliberation, in most of its forms, centers on the fact that the prerequisites for deliberation are unequally distributed in society – and not just because of the specific personal characteristics of those deliberating, but also because of a particular "epistemological authority"

[34] See Albert (2016) for an in-depth analysis of Santo André, a small municipality of Sao Paulo, and the epicenter and origin of the Workers' Party and its decentralization program. See also, Goldfrank (2011) on the Venezuelan *consejos comunales* incorporated under the Chávez constitution.

[35] It is crucial not to confound decentralization, as described here, with demands for greater regional autonomy when they are based on mobilizing arguments such as national or linguistic borders. For example, the claim for greater autonomy (or even independence) of Catalonia cannot be reduced to a mere request for more control over the management and redistribution of resources. By the same token, the discussion of decentralization does not mean that better arrangements in the distribution of wealth cannot be found. For example, in Chile, copper regions (copper is by far the most significant natural resource exported by Chile) contend that resources are co-opted by the national state, generating unfair levels of poverty that are even larger than in the non-copper producing regions.

(Sanders 1997). This is true even in the context of relatively equal and "developed" societies. Face-to-face deliberation "accentuates rather than redress[es] the disadvantage of those with least power in a society" (Mansbridge 1983: 277). Moreover, evidence suggests that "participation in face-to-face democracies can make participants feel humiliated, frightened, and even more powerless than before" (Mansbridge 1983: 71).[36]

For Saward, "deliberative democracy looks to *transform* given preferences, not merely to design mechanisms to register them" (Saward 2000: 5, italics in original). Thus, there is also an intuition that deliberation serves as a civic-pedagogical tool, as it is claimed that "the regular practice of deliberation among citizens develops political knowledge, sophistication of public judgments, political efficacy, and stronger habits of civic participation" (Gastil 2000).[37] Evidence on this point remains scarce, elusive, and inconsistent, to say the least (Berman 1997; Eliasoph 1998; Hibbing and Theiss-Morse 2008).[38] Studying the three citizens' assemblies carried out in British Columbia, Ontario, and the Netherlands in the *Burgerforum*, Fournier et al. conclude: "Participation in these year-long public policy processes simply did not have a major impact on individuals' general outlooks towards political actors, fellow citizens, and themselves. It may have created more interested and involved individuals, but it did not produce 'better' citizens" (2011: 125).

In reality, "nearly all forms of political participation exhibit participation patterns favoring high-status persons, and more demanding forms tend to exacerbate that bias" (Fung 2003: 342).[39] Face-to-face venues – where people can persuade, be persuaded, and negotiate – need to be activated ad hoc, and carefully monitored (which is extremely expensive in terms of resources and time), otherwise, they may easily derail to systematically favor the powerful, whether that power is measured by gender, race, education, or income.[40] And yet, even controlling for these aspects, the mere number of participants and the decision rules adopted for these forums are never neutral, for example on gender (in)equality (Karpowitz and Mendelberg 2014; Karpowitz et al. 2012).[41]

In most instances, when reforms include citizens in the decision-making process, opening doors to participation (mostly at the local level), a huge vacuum follows once the initial wave of excitement has evaporated;

[36] There is a notably rich body of literature that deals with American juries – deliberative bodies par excellence – that shows that class and gender systematically shape and influence decisions (Cornwell and York 2006; Hans and York 2011; Strodtbeck et al. 1957).

[37] In this regard, Pateman claimed that "[p]articipation develops and fosters the very qualities necessary for it; the more individuals participate the better able they become to do so" (Pateman 1970: 42). See also, Etzioni (1996) and Ryan (2012).

[38] See also, Brehm and Rahn (1997) and Stolle (1998).

[39] See also, Schlozman et al. (2012).

[40] Besides, most arranged meetings tend to have an implicit gender or class bias (e.g., by only occurring at times when parents are putting their children to bed, or when they are working).

[41] See also, Dermont and Stadelmann-Steffen (2016).

deliberation is extremely difficult to achieve and sustain over time (Ryfe 2005). For example, following the Porto Alegre experience with participatory budgeting, many cities in Latin America (and beyond) installed similar deliberative forums. After an initial period of excitement and heightened civic engagement, it was not long before participation started to decline, ultimately stabilizing at extremely low levels. The result was not the democratic revival supporters had envisioned. Instead, the forums increased frustration, created useless new layers of bureaucracy, and resulted in programs that were highly dependent on party machines (Rennó and Souza 2012). The electoral defeat of the political parties that triggered these mechanisms (such as the Workers' Party in Porto Alegre), contributed to further deterioration, leaving the future of these institutions in doubt (Melgar 2015).[42]

Although deliberative forms of democracy claim legitimacy through a process of decision making rather than mass representation (Teorell 2006), it is highly unlikely that they will become a regular method by which societies decide on political matters – especially those of national significance such as welfare, education, the environment, and defense – with such limited and unrepresentative participation. Rather, they seem better suited to local short-term objectives such as paving a road, building a walk-in clinic, or replanting the local soccer field.

A common assumption underlying virtually all deliberative theories is that citizens actually value involvement – "and this is a rather strong assumption about contemporary citizens" (Marien and Werner 2016).[43] A more plausible interpretation of this assumption might posit that people do not necessarily want to participate *more*, but rather they want the ability to do so if they consider it crucial.[44] In countries where resources are not equally distributed among members of society, many citizens find it necessary to work long hours at multiple jobs to be able to make ends meet. Is it reasonable or fair to expect that these people would invest what little free time they may have in a lengthy and demanding process with an uncertain outcome? If the obvious answer is no, then what quality of public deliberation are we going to have if the most underrepresented groups in society are systematically absent from deliberative forums thanks to self-selection bias?

It is entirely possible that many citizens do not have the resources, energy, or even the will to spend a significant amount of their limited time trying to convince or be convinced by others about the fate of their local community

[42] Boas (2017) offers an interesting study on the genesis of democratic innovations in Brazil. For a study on Montevideo see Serdült and Welp (2015). According to Andreas Ladner, attendance at town hall meetings in the 2,300 municipalities of Switzerland has been decreasing over the past thirty years and young citizens are noticeably absent. See https://goo.gl/6V6t1O [Last accessed, April 17, 2017].

[43] See Jacquet (2017).

[44] See Kern and Marien (2017) and Hooge and Stolle (2004).

or some other topic.[45] Nonetheless, it may still be possible that citizens might want to reserve for themselves the right to participate if they should feel the need to do so in the future, creating a window of opportunity. Hibbing and Theiss-Morse point to a similar objective in coining the term "stealth democracy" (Hibbing and Theiss-Morse 2002). However, in their view, citizens do not want to get more involved with democracy; in fact, they want to withdraw from it.[46] The claim being made here is different: The fact that people do not have the resources to participate more intensively in the public sphere does not mean that they want to refrain from democracy – just the opposite.

Unless there is a relatively even distribution of resources in society (economic, social, cognitive, and others), most deliberative innovations would not only strengthen the already powerful, but would remain limited in terms of the scope of political change they might produce, as they tend to be focalized on the local dimension. When studying democratic innovations (e.g., Fung and Olin Wright 2003), at least among those that require a dense network of interpersonal relationships, we should pay special attention to how these innovations might relate to the weakest sectors of society, to the *unspecified* people, to use Goodin's words, and not just focus on ourselves (1985). As long as an innovation helps the weakest without greatly harming other more privileged groups, it should be included in the roster of potential changes to be made; otherwise, it should be left aside. If a democratic innovation does not serve the most vulnerable, we risk jeopardizing what little democracy may remain, all in the name of saving it.

Yet "real-life deliberation can fan emotions unproductively, can exacerbate rather than diminish power differentials among those deliberating, can make people feel frustrated with the system that made them deliberate, is ill-suited to many issues, and can lead to worse decisions than would have occurred if no deliberation had taken place" (Hibbing and Theiss-Morse 2002: 191). From the perspective of a more formal analysis, it can be argued that "the mere construction of a deliberative setting does not guarantee that the cream of the collective's knowledge will rise to the top" (Lupia and McCubbins 1998: 227).

Most democratic innovations implicitly demand the existence of something close to a super-human, super-citizen: a citizen who is sincere, well-intended and well-behaved, a good talker and a good listener, a rational being ready to shift his or her political stance in the face of evidence and reasoning provided by

[45] The length of the activities of the three citizen assemblies was between nine to twelve months (Fournier et al. 2011: 12).

[46] Although most research on democratic innovation tends to treat citizens as a homogenous group that reacts uniformly to involvement, "there are strong theoretical indications that individuals value citizen involvement in the decision-making process for entirely different reasons [...] people value voice in the decision-making process for different reasons, ranging from egalitarian and emancipative expectations of democracy to a wish to exert more direct control over process outcomes" (Marien and Werner 2016: 3).

his or her fellow citizens, a person ready to leave aside his or her passionate beliefs to facilitate a collective agreement. But there are some beliefs and ideas that seem embedded in the very DNA of human beings that are virtually impossible to change. The search for agreement, particularly in contemporary, cosmopolitan, pluralistic, heterogeneous societies is becoming more and more complex. Rather than democratizing democracy, participatory and deliberative practices might end up reproducing and institutionalizing systematic inequalities in new ways.[47]

6.3.3 The Internet and Democracy

Around the world, the Internet, and social media in particular (Facebook, Twitter, etc.) have played a crucial role in helping citizens to coordinate – without the need for face-to-face meetings – to protest against autocratic entrenchment of governments (Egypt), dubious electoral results (Iran), or give voice to students' demands (Chile).[48] Nonetheless, it is one thing to use these tools to coordinate the expression of dissent, but it is quite another to use these tools as means for political decision-making.

Although ICTs (information and communication technologies) have enormous potential, two evident problems remain unresolved: unequal participation and security standards. Regarding participation, empirical research shows that online participation is still stratified socioeconomically compared to offline participation, even in its simplest form such as the use of mobile phones' SMS capabilities (Schlozman et al. 2010). Given this reality, the question becomes whether we are really expanding participation and reducing barriers, or whether we are just finding new and perhaps more convenient ways for those who are already well represented in politics to continue to participate.[49] Moreover, in practical terms, self-selection produces highly homogenous groups, which opens the door to the creation of a "communitarian fallacy of homogeneity" (Peel 1998: 339).[50] This *homophily* is particularly evident in cyberspace, where dense networks (on Facebook, Twitter, etc.) unite particular communities with similar interests and perspectives about the world (Calvo 2015).[51]

In addition, as we move toward the greater incorporation of ICTs in the process of policy making, we must either rely on existing channels (Facebook, Twitter, etc.) that are privately owned (and therefore, naturally, have private and perhaps conflicting interests), or we must rely on different types of open source software (which can be easily modified and therefore remain inherently

[47] See Lee et al. (2015).

[48] See Keller (2010), Zhuo et al. (2011), and Cabalin (2014).

[49] "[L]ow levels of discussion intensity, dominance by a few, little knowledge exchange, and high gender inequality illustrate that online referendum discussion lacks deliberative characteristics, implying that social media are not a panacea for referendum deliberation" (Quinlan et al. 2015).

[50] See also, Young (1990).

[51] See also, Axelrod (1997) and Strandberg et al. (2017).

vulnerable from a security perspective). On the one hand, the problem with existing channels is that they are beyond public control and scrutiny and therefore are inherently undemocratic (they work based on secret algorithms that decide what each user sees, supposedly based on prior interest). In other words, they create personalized cyber-bubbles that insulate individuals from exposure to new or competing viewpoints. Nevertheless, if one has sufficient resources (money), that person (or company or political party) can pay these corporations to target particular sectors of society, penetrating our cyber-bubbles without our even being aware that they have paid for access to our online space. On the other hand, relying on programmers to create software on our behalf and for the public interest also requires a lot of faith in their benevolent motivations.

Beyond the enormous digital gaps present in contemporary unequal societies, assuming that only the virtuous citizen will participate generates a "utopian myopia." In this regard, we should be aware that these new technologies offer opportunities for everyone, including, for example, opportunities for autocrats to control dissent, as has been clearly shown by Wilson (2017). In that sense, these technologies also offer "cheap" opportunities to monitor populations: "a highly technically literate regime can target the population with policies that repress without indiscriminate force and placate without liberalization" (Wilson, ibid.). Keeping that in mind, it is clear that these institutions must be designed with a clear idea about how they will function under stress and how they will defend against being dominated by narrow interests. If new avenues for participation require us to place our trust in self-interested, private corporations or technology that may be vulnerable to abuse, then it is unlikely that these participatory media will fulfill their democratic purposes.

6.4 CONCLUSIONS

Embracing citizen-initiated mechanisms of direct democracy has the potential to revitalize representative regimes. Although one can always cherry-pick individual popular votes to show the pros and cons of these institutions – as can be done with any other institution – this chapter looked to the bigger picture beyond the outcomes of votes, focusing instead on the effects these institutions have on the political game. Citizen-initiated mechanisms of direct democracy influence two areas: the decision-making process, and the relationship between representative institutions and the citizenry.

Regarding the decision-making process, the mere existence of CI-MDDs generates strong incentives for political inclusion and negotiation, and creates incentives for finding a political consensus. Since (almost) nobody wants to risk an electoral defeat, it is less costly to moderate one's own positions and bargain with adversaries to find possible agreements than to risk a fight with an uncertain outcome. Where CI-MDDs exist, experience suggests that they do affect the way authorities behave, motivating preemptive negotiations to

resolve conflicts before they reach the ballot box. As a group of institutions, CI-MDDs moderate politics, compromising rather than imposing.

Citizen-initiated mechanisms of direct democracy also exert a notable influence on the way citizens relate to the political regime. First, they increase the congruency between public policy and citizens' views. Moreover, a related but unintended consequence of these new avenues of participation is strongly associated with the empowerment of women. In terms of civic participation, CI-MDDs stimulate civil society participation (Boehmke 2002), and do not appear to "burn out" citizens, democratically speaking.

Citizen-initiated mechanisms of direct democracy open a new arena for citizens and interest groups. They help groups to organize around a clear, common objective, providing small groups with the glue needed to sustain their activism, whether as a political campaign tool focused around a specific issue or simply by structuring social discontent. From this perspective, they provide institutionalized ways to contain rather than to exclude. The combination of representative democracy and CI-MDDs improves the procedural value that citizens place on democracy. And, as Smith and Tobert argue, CI-MDDs enrich public discussion, as "virtually no subject of public policy is off limits" (Smith and Tolbert 2007: 421).

Among the many innovations that have been proposed to remedy democratic malaise, citizen-initiated mechanisms of direct democracy stand out as the most effective treatment with the fewest undesirable side effects. Other democratic innovations such as decentralization, deliberation, and even e-democracy risk exacerbating preexisting conditions such as inequality by institutionalizing the systemic advantages of the powerful and influential. In that sense, I agree with Ulbig in that "giving people a voice in politics is not a universal remedy for ailing democracy. A voice that is perceived to have no influence can be more detrimental than not perceiving a voice at all" (Ulbig 2008: 523). Citizen-initiated mechanisms of direct democracy democratize democracies.

7

How Can Direct Democracy Be Improved?

Citizens' Commissions and Citizens' Counterproposals

This chapter further develops the reasons why current polyarchies need an upgrade, "improving the quality of public sphere," as Fung suggests (2003). As this book has argued from the beginning, citizen-initiated mechanisms of direct democracy constitute an important and viable way forward among the menu of democratic innovations to invigorate current democratic regimes, particularly in the context of highly unequal societies. Acknowledging that CI-MDDs can be exploited by groups with extreme political views, this chapter nevertheless sketches a new institutional proposal aimed at enlarging public views on a contentious topic, offering an alternative to both sides of the popular vote through a new type of forum called *Deliberative Citizens Commissions* (DCC). The result is a feasible combination of all three streams of democracy: representative, direct, and deliberative. Using an empirical example, this chapter demonstrates how the existence of such institutions could have resolved some of the problems inherent to representative and direct democracy.

If an ounce of prevention is worth a pound of cure, as the saying goes, then the same might be said of our democratic institutions. If we agree that participation is the life-blood of democracy, then it is surely better for our sclerotic institutions to start looking for preventative solutions before disenchantment and apathy result in major democratic trauma. The good news, however, is that while citizens may have stopped turning up at the polls en masse, they have not given up their democratic values (Dalton 2004). It may be the case that their concerns are different, and many simply do not have the time, resources, or inclination to live up to the ideal of a "republican" citizen on a daily basis.

7.1 REPRESENTATION

Much of the debate on contemporary democratic reform hinges on to how to control the plutocratic tendencies of elections, as getting elected – or even being

nominated for office – often requires vast resources that few individuals possess. If the wealthy and well-connected can (directly or indirectly) buy their way into power, then citizens cannot be said to be truly equal when the overwhelming majority do not have the resources necessary to do the same. The problem goes far beyond a few (in)famous cases of extremely wealthy, democratically elected leaders such as Berlusconi in Italy, Piñera in Chile, or Trump in the United States. This argument also extends to the enormous influence that wealth has in our daily political lives. Simply put, an "election is a magistrate selection method that directly and indirectly favors the wealthy and keeps political offices from being distributed widely among citizens of all socioeconomic backgrounds" (McCormick 2006: 148).

A slightly different but related issue is what Lijphart defined as the "unresolved dilemma of unequal participation" (1997), which, of course, cannot be reduced to a simple set of institutional improvements, such as campaign finance reform or compulsory voting. Political participation is a complex phenomenon that is fundamentally related to human nature: Some people are shy and passive, while others are naturally confident leaders; there are also engrained "epistemological" differences among human beings (Elster 1998; Sanders 1997), as seen in Chapter 1. Individual differences are not inherently problematic, but there is cause for concern when they become systematically correlated with democratic participation and decision-making. No matter the milieu, those who participate tend to be wealthier and better educated; it seems that no matter how well intentioned and regulated our democratic institutions are, they tend to replicate social inequalities almost universally.[1]

From a more neo-institutional perspective, citizen awareness and participation are considered a function of the degree of political competition. The literature is rather strong in claiming that the more *competitive* an election is, the higher the perception that each individual vote affects the outcome, which in turn increases the expected utility of voting and thereby boosts voter turnout (Aldrich 1993; Downs 1957; Ordeshook and Riker 1968). Thus, high levels of *competitiveness* are strongly related to the health of a democracy (Diamond and Morlino 2005).

New studies in the US context support the idea that an important ideological divide makes citizens more politically aware and involved (Abramowitz 2010). The same appears to be true elsewhere, as well (Barnes 1998; Crepaz 1990; Merer and Siaroff 2002).[2] Democratic vitality increases not only through high levels of political competition (as there is a perception that a single vote may make all the difference), but also through ideological polarization (Hill and Leighley 1993), which generates enthusiasm. Yet, we have to be careful in avoiding what could be called "populist mobilizations" of the citizenry by

[1] See the classics by Verba and Nie (1972) and Brady, Schlozman, and Verba (1995), among others.
[2] See also, Hetherington and Weiler (2009).

elites. Healthy enthusiasm for democracy must be accompanied by information and awareness; otherwise, an effervescent citizenry quickly becomes a mob.

Some degree of ideological polarization is necessary if citizens are to be able to make clear, meaningful political choices – and information is vital for making such decisions: "[t]he degree of citizen information curbs the opportunities politicians may have to engage in political corruption and management" (Adserà et al. 2003: 445).[3] In addition, information provides citizens with the ammunition to hold politicians accountable. In theory, if the gap between politicians' deeds and the will of the people stretches too far, it is expected that politicians will be punished at the polls;[4] in practice, it appears that often they are not.

7.2 DIRECT DEMOCRACY AS A MEANS TO CONTROL THE PLUTOCRATIC TENDENCY OF ELECTIONS

As explained previously, much of the literature on direct democracy in the United States has been shaped by the authors of the Progressive Era, who were strong advocates of the initiative process because, they claimed, it would foster something that today we would call an "enlightened citizenship" or, less presumptuously, an "attentive public" (Dahl 1989). Initiatives and referendums were seen as a means to bypass party machines and spurious interests (Tolbert 2003). Indeed, there is a large portion of research that underscores the positive impact the initiative process has made wherever it is used, even in the United States where the direct democratic game has been at the eye of the storm. These institutions are reasonable barometers of society and they force a finer tuning between party elites and citizens.

While the European literature on direct democracy has been broadly optimistic (Kaufmann et al. 2010; Nijeboer and Verhulst 2007; Qvortrup 2002; Setälä 1999a), the American literature has tended to be more negative (Cronin 1999; Haskell 2001; Magleby 1984), and not without reason. For instance, the American literature tends to suggest that, by means of what Magleby calls the "initiative industry" (1984), economic interests or powerful social groups can easily utilize direct democracy for their own particular benefit, making it, in the

[3] On the capacity of taking complex decisions autonomously, see also, Bullock (2011) and Mullinix (2016).

[4] Information is not the silver bullet against unaccountable officials. As Gabor Toka finds, "information effects on the outcome of a single election probably do not influence the quality of government during the subsequent legislative cycle," but "the situation seems to be different though when effects over multiple elections are considered" (Toka 2008: 40). To the contrary, in a situation where "they are all the same to me," or there are "not enough alternatives," ideological and political convergence demobilizes citizens, pushes citizens away from parties, and distrust and pork-barreling may increase.

end, harmful to representative democracy (Ellis 2003).[5] As O'Leary bluntly declares: "experiments with direct democracy, such as the initiative and recall, are burlesque caricatures of their original purpose" (2006: 4). Certainly, there are also extremely lucid and methodologically refined works by American scholars showing that direct democracy is not as damaging to representative institutions as many have argued (Gerber 1999; Matsusaka 2004). Yet, the opposite may just as easily be true (Bowen and Tolbert 2008).

It would be naive not to agree that both representative government and direct democratic institutions can be hijacked by narrow, selfish interests (whether economic, social, or political), as the American example shows (Stearns 2012). The Californian experience with direct democracy, particularly since Proposition 13 (1978), has shaped much of the current literature on direct democracy. O'Leary, in particular, cites "California's destructive obsession with initiatives" (2006: 32). In spite of that, extreme caution is needed when taking aim at direct democracy. Instead, we must separate the intrinsic nature of direct democracy from the messy political environments where it transpires.

For example, the general animosity toward the direct democratic game in the United States comes from the high frequency with which direct democracy is used by narrow interests that, with access to seemingly unlimited resources and virtually no spending limitations, utilize these mechanisms for their own profit. Is this a problem of citizens deciding directly on certain topics? Or does the deeper problem stem from a series of questionable decisions by the US Supreme Court in striking down limitations on campaign expenses (a trend that is notably inconsistent with similar decisions on regular elections)? Does the fact that paid workers resorted to cheating citizens on the street just to gather as many signatures as possible represent a problem of citizens deciding directly by themselves? Or, again, is it a problem with the regulation of these elections?[6] It is important to underline the fact that these two concerns do not apply equally in other latitudes (e.g., in Switzerland or Uruguay), which suggests that these particular maladies may be endemic to the American context rather than the institutions themselves.

Undeniably, one of the most seductive elements of MDDs is the legitimacy that direct votes confer upon decisions: "the sovereign has spoken." This is

[5] This criticism goes beyond direct democracy and takes us back to regular politics, where campaign finance reform is maybe the hottest current political issue on the table (at least in the United States). The involvement of "big money" in politics in the United States has only increased since *Citizens United* v. *Federal Election Commission* [558 US 50 (2010)], a decision by the United States Supreme Court that held that corporations' spending could not be limited under the First Amendment.

[6] *Buckley* v. *Valeo* [424 U. 1 (1976)], *First National Bank of Boston* v. *Bellotti* [435 US 765 (1978)], *Citizens against Rent Control* v. *City of Berkeley* [454 US 290 (1981)]; and particularly the previously mentioned *Citizens United* v. *Federal Election Commission* [558 US 50 (2010)].

particularly true if these tools are citizen-initiated. Additionally, because they create at least two obvious sides (those in favor and those against), MDDs polarize the citizenship and many times, even in the American milieu, force politicians to qualify their positions on contentious issues. Consequently, MDDs may entrench partisan and political identities, which is, on its own, something the literature sees as intrinsically healthy for democratic institutions (Carey and Shugart 1992).[7]

Furthermore, one crucial aspect that sometimes is overlooked is that, no matter our assessment of direct democracy, in most places where it exists, direct democracy can only be reformed by direct democratic means. Consequently, although it could be discontinued or become disused, direct democracy can rarely be eliminated (Auer 2007). In this way, like it or not, direct democracy has an inherent life insurance policy, as it is highly implausible that citizens would give up their rights in a democratic context. This makes direct democracy a one-way street: We may advance or even stall, but we cannot normally go backwards. Despite the tensions between representative government and direct democracy, "it is highly unlikely that the use and relevance of direct democracy will decrease because of its theoretical and practical tensions with representative democracy" (Altman 2011: 190). Simply put, direct democracy is here to stay.

Moving beyond whether direct democracy is status quo-biased (Chapter 4), or whether it is reactionary or progressive (Chapter 5), it is undeniable that the *quality* of the process and the discussions undertaken in order to arrive at such decisions are crucial. Indeed, "popular devices such as referenda certainly encourage direct citizen participation. But at the same time, requiring a yes/no vote may discourage reasoned discourse in legislation" (Rein 2006: 396). Moreover, "the erosion of the deliberative independence of our representative institutions is particularly troubling because direct democracy offers no deliberative alternative" (Frickey 1998: 435). This is indeed a critical limitation. But it is also the starting point of the proposal outlined in the remainder of this chapter, which understands *deliberation* as a safety procedure that will shield citizens against the perverse use of MDDs by extreme and narrow interests, and enlarge public views on contentious topics.[8]

[7] From a comparative perspective, American legislators are considered some of the least likely to adopt a stance against an MDD. This may be a result, as Sartori says, of the locally centered politics and the ideologically unprincipled nature of political parties (which are also weak and show an evident lack of discipline) (1997: 89). In other countries, however, the political dynamics are different and parties are still crucial in signaling preferences, as discussed in the context of Switzerland (Kriesi 2006; Lutz 2006), Italy (Uleri 2002), Ireland (Gallagher 1996), and Uruguay (Altman 2002). For a general view on the topic, see Hobolt (2006b).

[8] Of course, there is no consensus on how deliberation makes its way into democratic political theory, nor any agreement on its necessity (Saward 1998; Shapiro 2003).

7.3 DIRECT DEMOCRACY BEST PRACTICE

Despite the notable increase in the use of MDDs worldwide, there is no consensus as to the best way to design them (much the same as with regular elections). Several agencies have advanced different protocols in terms of the regulation of elections, but few of these relate specifically to popular votes, and those that do are mostly concerned with regulation and finance rather than design.[9] With that in mind, this section outlines some of the aspects that anyone interested in adopting (or reforming) CI-MDDs should consider in terms of their design. These topics are organized around the initiation of a CI-MDD (ballot questions, signatures, circulation time), the campaigns (financing, scheduling), and results (how consequential the vote is, contradictory proposals). Finally, it includes a subsection on those institutional safeguards meant to defend both minorities (constitutional review and quorums) and majorities (limiting the potential changes of popular decisions once they have been taken).[10]

This section is not intended to offer a solution to each of these concerns. Most crucial questions on the design of MDDs are profoundly normative in the sense that they lack a technically correct answer. For example, there is no accurate answer to the question "what is the optimal number of signatures that should be required to trigger a CI-MDD?" This is a question that relates to who will be able to activate a popular vote, and any response will be contingent on the preferences of drafters. Moreover, there is no single recipe for dealing with these contentious issues simply because "one size doesn't fit all." Any decision regarding these topics must be sensitive to context (understood broadly, including the party system, socioeconomic factors, etc.). Consider postal voting as an example. In a context with a high degree of clientelism, postal ballots could be a disaster, just as they would be in a non-clientelistic context with slow or unreliable postal services. Context is crucial, diverse, and constantly evolving.

7.3.1 Ballot Question

The first questions CI-MDD organizers must confront are who should write the question to be submitted to a popular vote and how should it be written? By convention, the group that sponsored the original initiative is typically in

[9] Probably the Council of Europe and its Venice Commission is the institution that has tackled popular votes in greater detail (Council of Europe 2007). Interestingly enough, there is still very little academic research on the topic, with a couple of exceptions such as Reidy and Suiter (2015), Bowler and Donovan (2013), Tierney (2013), and Gilland-Lutz and Hug (2010).

[10] Although one might think that these institutions pull in opposite directions and therefore their coexistence is highly unlikely, there are cases in which they are simultaneously present (e.g., in Armenia where they defend the minority with approval quorums and the majority with the auto locking mechanism described in Chapter 1).

charge of writing the question. Nonetheless, because not only what it is asked but how it is asked is important, it is recommended that electoral authorities and management bodies help interested actors in drafting intelligible and constitutionally sound questions. For example, when David Cameron submitted his Brexit question to the British Electoral Commission, as required by law, his proposal read "*Should the UK remain a member of the EU?*"[11] After gathering a panel of experts, the Commission suggested an alternative: "*Should the United Kingdom remain a member of the European Union or leave the European Union?*" It was argued that the original draft biased the elector by explicitly hiding the "exit" option.[12] Moreover, there is a consensus that the question should be as clear, short, and neutral as possible; without surprises, and without omissions.[13] Nonetheless, the flip side of an extremely short and dry question is that, if it is accepted, the lack of detail might open the door to competing interpretation by those in charge of implementation.

7.3.2 Signatures

The number of signatures required to trigger a CI-MDD is probably one of the most critical determinants of who is going to be able to use these institutions, and, implicitly, in selecting the types of organizations and groups behind them. First of all, just as super majorities are often required for constitutional change but not for regular legislation, the same is true of CI-MDDs. Thus, the number or signatures should be contingent on the type of CI-MDDs under consideration: Popular initiatives for constitutional reform should require more signatories than popular initiatives for regular legislation or referendums.[14]

Considering all of the countries in the world that currently use CI-MDDs, the average number of signatures required to trigger a popular initiative is equivalent to about 9 percent of the electorate. This number is one point lower for referendums, but there is considerable variation from place to place. In the United States, these thresholds are generally lower: Popular initiatives require

[11] Required by the *United Kingdom Political Parties, Elections and Referendums Act* (PPERA) 2000. www.legislation.gov.uk/ukpga/2000/41/contents [Last accessed, September 29, 2017].

[12] See also, The Electoral Commission [UK] (2009a, 2015) and Hollings and Roper (2015) for a report on the BREXIT question testing.

[13] The British Electoral Commission recommends questions of around fifteen to twenty words (The Electoral Commission [UK] 2009b). The Venice Commission goes even further in terms of unity of form, unity of content, and unity of hierarchical level (Council of Europe 2007); for a discussion on these, see Tierney (2012, 2013).

[14] The number of signatures is usually expressed in three different ways: (1) a fixed number (as Switzerland); (2) as a percentage of the participation in the last election, a "floating" toll (as in most states of the union, Bulgaria); (3) a fixed percentage of the electorate. Of these three, probably the least problematic is the last one, as the first usually means it becomes easier to trigger a CI-MDD as time goes by (populations generally grow), and the second means that any events that affected turnout in the previous election will also impact the CI-MDD.

signatures from around 9 percent of those who voted for the state governor in the preceding general election (sometimes this figure is based on the number of votes for the secretary of state), which represents around 4.5 percent of the electorate. Popular initiatives for regular legislation and referendums typically require 6.5 and 3.3 percent, respectively.[15] For those looking to implement CI-MDDs for the first time, setting the signature threshold at a fixed percentage of the electorate is likely the best option to bypass the problems mentioned. Ideally, this figure should be between 5 and 10 percent for referendums and around 8 to 13 percent for constitutional initiatives.

7.3.3 Circulation Time

Another, related feature is the circulation time available for gathering the necessary signatures. The length of time available, in combination with the number of signatures, will greatly affect the ease with which CI-MDDs can be triggered. On the one hand, the circulation window must be sufficiently long as to allow the proposal to be introduced, discussed, and to enable most citizens to take a position on the subject. On the other hand, there has to be an upper limit of some kind; otherwise, it is possible to encounter a case where most of those who have signed are already dead. Currently, on average, the circulation time among countries with national-level CI-MDDs is approximately half a year, while in the American states this window is closer to a year and a half. It seems reasonable that popular initiatives for constitutional reform ought to enjoy a lengthier period than referendums against regular laws. This would also help to minimize juridical uncertainty. Thus, ideally, a period of between nine and twelve months should be allowed for the collection of signatures for popular initiatives, and between five and eight months for referendums.[16]

7.3.4 Campaign Financing

Of course, certain problems seem more acute in some contexts than they do in others. The initiative process in the United States is particularly notable for the problems that have surrounded the regulation of direct democratic campaign finance, including the payment of signature gatherers and spending on political advertising. As argued elsewhere, these issues can largely be attributed to several controversial decisions by the Supreme Court of Justice, which have effectively erased all limits on spending by private interests in these campaigns. Those considering adding CI-MDDs to their institutional repertoire should see

[15] In some states such as Arkansas or Florida there is a further requirement regarding the geographical distribution of signatures. In other words, it is impossible to trigger a CI-MDD in Florida based on signatures collected only in Miami. This requirement about the origin of signatures has no objective apart from making the signature gathering more difficult.

[16] See, PPERA section 102.

this example as a cautionary tale rather than one to emulate; ideally, the role of money should be minimized as much as possible in order to prevent the wealthiest side from dominating the debate. Spending should be tempered by clear disclosure rules, with an explicit prohibition on paying for signatures.[17] In general terms, the campaign architecture of CI-MDDs in terms of organization, length, civic education, spending, and control should be similar to the corresponding rules for regular elections.[18] These campaigns should be under the control of competent electoral authorities acting on behalf of the public interest, and interested parties should be limited to observer status.

7.3.5 Scheduling and Decisiveness

It is recommended to avoid as much as possible any potential contamination effects between CI-MDD votes and regular elections. Nonetheless, holding separate elections is extremely expensive in terms of both economic and human resources. It also has political implications (as seen in Chapter 4) for who will benefit the most. In that sense, timing is not neutral.

In foreseeing how consequential a CI-MDD will be, it is critical to consider its decisiveness – that is, whether the decision is binding or consultative. Although this contrast is more relevant for TD-MDDs than for CI-MDDs, consultative votes open the door to high levels of frustration in cases where the authorities do not abide by citizens' wishes. Of course, the act of holding a consultative MDD (rather than a binding one) is meant to give authorities an escape route in case the results are not as expected. Nonetheless, it is interesting to note that in virtually every place with a strong tradition of CI-MDD use (i.e., Switzerland, American states, Uruguay), votes are always binding and never consultative.

7.3.6 Contradictory Proposals

Sometimes, contradictory proposals qualify to be voted on simultaneously. In such cases, the obvious question is how to resolve who the winner is in the event that both proposals are somehow accepted. In some polities, such as California or Massachusetts, the initiative with the largest amount of votes is declared the winner. In other parts, electoral authorities do not declare a winner because it is

[17] See also the campaign finance regulations index created by Reidy and Suiter (2015: 164).

[18] A knowledgeable public through an official information campaign not only has the greatest effect in reaching citizens, but also the strongest impact on their feeling of being informed (Faas 2015). Nonetheless, two positions are evident in this regard: The first – quite démodé – is the Uruguayan Electoral Court´s position of no state intervention in order to maintain the state's secularism. The second argues that if all requirements for triggering a popular initiative are met, then the popular vote becomes a matter of national interest, and therefore it is in the interest of the people to be informed. The state plays a crucial role in offering an equilibrated environment prior to a popular vote.

impossible to know exactly what the citizenry actually wants (this occurred in Uruguay in 1938). If organizers find themselves facing two (or more) contradictory proposals, the best solution seems to be to make them compete in a two-stage process against the status quo. That is, first asking whether the status quo should be altered, and then making the initiatives compete among themselves (the next section develops this point).

7.3.7 Constitutional Review and Quorums

There are two principal sources of frustration in the world of CI-MDDs. The first – mostly confined to the United States – is the significant number of initiatives that are constitutionally rejected *ex post* by the courts. The second – which is particularly relevant in Central and Eastern Europe – is the significant number of initiatives that failed due to quorums of diverse kinds. Constitutional reviews and quorums are institutions whose purpose is to make change more difficult.

While most American states have a strong post-election review of successful initiatives by the courts (Miller 2009), which is a clear counter-majoritarian (to use the concept of Bickel (1986 [1962])) check of the judiciary on popular sovereignty, by contrast, Switzerland, , has only a weak pre-election review by parliament which is much less rigid (Christmann 2013), almost to the point of being vestigial, as Flauss argues (1995: 22). Most other cases that combine representative and direct institutions are located somewhere in between these two extremes.[19] This underscores the importance of pre-screening questions not only to check their wording, but also to minimize the frustration that may ensue if successful ballot measures are overturned during judicial review. Bolivia's Article 19(II) of *Ley del Régimen Electoral* from June 30, 2010 is an excellent example of such a practice.[20]

There is broad consensus among researchers that quorums should be minimized as much as possible, particularly participation quorums that can be exploited by demobilization campaigns. Where a boost in the legitimacy of the results is desired through quorums, approval quorums seem a better solution as they offer incentives for participation rather than demobilization.

[19] The literature contains four competing lines of thought with regard to reviewing decisions made (or to be made) by citizens. These are: (1) no review should be made whatsoever (Kramer 2004; Tushnet 1999; Waldron 2006); (2) courts should be cautious in reviewing a decision made by citizens, as laws made by the sovereign carry a higher degree of legitimacy (Johanningmeier 2007; Manweller 2005; Qvortrup 2001); (3) there is no difference between laws approved by the citizens directly and those passed by legislators (Lewis and Wood 2009), therefore, they should receive the same consideration; and (4) courts should be especially attentive in reviewing laws approved directly by the citizenry, as they are not usually filtered by any mechanism of deliberation (as regular laws are), (Gamble 1997) and as such these laws require a "hard judicial look" (Eule 1990).

[20] www1.oep.org.bo/wp-content/uploads/2017/01/Ley_026.pdf [Last accessed, September 29, 2017].

7.3.8 Shielding Popular Decisions

Finally, there is a general tendency to see direct decisions made by citizens as more important than those of legislators. This implies that citizens' decisions need to be shielded to prevent their being undone by elected representatives or other political actors. This idea has two concomitant yet nonexclusive consequences: First, in some places, once a decision has been made directly, it can only be changed directly by citizens (see footnote 22, first Chapter); second, once the citizenry has made a decision directly, it can only be altered once a certain amount of time has passed.

Regarding the first point, it is important to underline that decisions made directly by the people are not necessarily better or worse than those made by representatives; it is simply a matter of origin. Therefore, just as with ordinary legislation, when a new law replaces an old one, a decision made directly by citizens should be able to be changed either by citizens or representatives themselves whenever they consider it important to do so. Of course, in the context of a healthy representative regime, immediately altering or repealing a successful popular vote in the legislature will come with a political price that representatives will ultimately pay.

To the second point, the length of time that should pass before direct decisions can be changed is an eternal concern of electoral authorities and politicians, probably because they also tend to regard such decisions as conferring a higher status on the resulting laws. This raises the obvious question: Once the citizens have decided on a certain subject, how long before they can be consulted on the same subject again? This question is particularly relevant to TD-MDDs, more so than popular initiatives (since these must undergo a completely new process of signature gathering again, which makes the cycle quite sporadic).[21] For example, in 2007, President Chávez lost his bet for constitutional reform (which included his potential reelection). On the same night the result was announced, he declared that "he was going to repeat his attempt as many times as necessary," which he did in 2009. This strategy is nothing new: Denmark reiterated its vote in relation to the Maastricht Treaty in 1993 (original vote in 1992); Ireland revoted on the Treaty of Nice in 2002 (2001) and the Treaty of Lisbon in 2009 (2008). If citizens must vote over and over again, the "desired" outcome will eventually be achieved, whether by an honest change of heart, simple exhaustion, or even error. On the one hand, repeating the process in this way clearly diminishes the added legitimacy that direct votes are meant to confer; on the other hand, it does give citizens the chance to reconsider their positions on contentious and complex issues.

Table 7.1 recaps the design considerations just mentioned. It includes a summary of the most relevant factors, their effects, and some general

[21] This is even more so in cases where the use of these mechanisms are legally limited as in Bolivia, where just one CI-MDD can be held per constitutional period. See Art. 17 of *Ley del Régimen Electoral*.

TABLE 7.1 *CI-MDD design considerations*

Issue	Factors to Consider	Approx. Range / Recommendation
Ballot Question	Shorter: easier to understand for the voter, but also easier to manipulate by those implementing it in case of approval. Longer: tougher to understand, more likely to be disputed, and more difficult to approve.	As precise, short, neutral and simple as possible; without omissions (*).
Signatures	Too few: Extremist and marginal groups will be able to easily trigger CI-MDDs. Too many: Only those with vast resources (unions, parties) will be able to use them.	Popular Initiatives: 8–13% Electorate (**). Referendums: 5–10% Electorate (**).
Circulation Time	Shorter: Powerful organizations will benefit, and there will be less time to discuss, evaluate, and decide to endorse the measure. Longer: CI-MDDs will be open to a more diverse range of groups in general, but a higher level of judicial uncertainty may leave resulting laws open to being overturned.	Popular Initiatives: 9–12 months. Referendums: 5–8 months.
Campaign Finance Regulations	More lenient: greater potential of being coopted by private, egoistic, spurious interests. More severe: The state ensures equilibrium between both sides.	Clear disclosure rules, and with the explicit prohibition of paying for signatures.
Scheduling	Concurrent with general elections: favors participation, but risks contamination (e.g., presidentialization of the popular initiative). Separate from general elections: favors abstentionism, but helps collective focus on the topic under consideration.	Separate from elections for authorities.

Issue	Factors to Consider	Approx. Range / Recommendation
Legal Status	Consultative: Results can be ignored or overturned by authorities at any time. Binding: Results are guaranteed to become law.	Always binding, regardless of the MDD type.
Contradictory Proposals	If citizens must vote over and over again, the "desired" outcome will eventually be achieved, whether by an honest change of heart, simple exhaustion, or even error.	Compete among themselves and against the status quo in a two-stage vote.
Shielding Minorities (*Constitutional Review*)	More than *how* strict or lenient judicial review should be regarding CI-MDDs, *when* it occurs (before or after the vote) seems more important to avoid massive popular frustration.	Preemptive judicial review (as in Bolivia).
Shielding Minorities (*Quorums*)	Participation quorums are not recommended because they are the basis for demobilization campaigns. Administrative quorums should only be considered in federal polities. At most, in case additional legitimation is desired, only approval quorums should be considered.	Not recommended (particularly participation quorums or supermajorities).
Shielding Majorities (*Auto-locking by Citizens*)	Only citizens may directly change a previous measure adopted by the citizens themselves. This curtails the scope of action of representatives and also could lead to inefficient results.	Not recommended.
Shielding Majorities (*Validity of Decisions over Time*)	Once citizens take a decision directly, it can only be reformed or annulled after a preestablished period.	Not recommended.

(*) Of all considerations in this table, this aspect is probably the most studied. See Venice Commission, PPERA.

(**) And without any particular geographic distribution requirement.

recommendations. It is important to bare in mind that these decisions on MDD design should not be taken in isolation as a simple checklist. Rather, each element is inextricably linked to the others, and all are remarkably contingent to the context where they occur.

7.4 A FURTHER TWIST ON THE PROMISE OF DELIBERATION

Roughly defined, deliberative democracy is "a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government" (Bohman 1998: 401). It is based on the basic idea that "democratic systems benefit from the regular practice of deliberation among citizens. Such interaction develops political knowledge, the sophistication of public judgments, political efficacy, and stronger habits of civic participation" (Gastil 2000: 359–60). Thus, in one way or another, deliberative arenas ought to be institutionalized (Gutmann and Thompson 2004) – a point that will be revisited in due course.

Dryzek highlights that Cohen's (1989) formulation of deliberative democracy pinpoints the core elements of this literature: "outcomes are legitimate to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question" (Dryzek 2001: 651). Nonetheless, the shape, type, and scope of inclusion of the deliberative process remains subject to debate, even among deliberative democrats. On the one hand, some scholars, such as Benhabib (1996), support the universal aspect of deliberation ("all those subject to the decision in question"). Thus, the deliberative process should be extended to those realms where political decisions are taken. On the other hand, many others support the idea of "mini-publics" as a more feasible alternative to deliberation by all those to be bound by democratic decisions, allowing for more focused and presumably richer debate that is less demanding on the general population.[22]

Since the time of classic Athens, it has frequently been assumed that "assembly democracy is the ideal-typical form for direct democracy" (Schaub 2012: 305), but it is hardly feasible in modern entities. It is with good reason that the very same Joshua Cohen claims that: "direct democracy is impossible under modern conditions" (1989: 30). Though Cohen talks about direct democracy, he often refers to the demos deliberating rather than to the initiative process as defined in the earlier chapters of this book.

Currently there is no political regime in the world that approximates the Athenian democratic experience. At the subnational level, however, there are several localized examples that very much resemble Athens twenty-five hundred years ago, including the Swiss *Landsgemeinde* (Dürst 2004; Müller 2007;

[22] A crucial question is how to select the members of these mini-publics, and the direction deliberation would take (open/closed, hot/cold, etc.); on these topics, see Fung (2007) and Landwehr (2014).

Parkinson and Reinisch 2007; Schaub 2010), the New England Town Meetings (Bryan 2004; Zimmerman 1999; Zuckerman 1970), or the *Kibbutzim* in Israel (Blasi 1980; Oz 1997; Palgi 2006; Rosner and Tannenbaum 1987). In these venues, all members have the right to voice their concerns through face-to-face deliberation, and, eventually, by a direct vote.[23] What these miscellaneous experiences have in common is, as Catt declares, "a desire to be inclusive and to discuss all aspects of decisions in a way that stresses equality of participants" (Catt 1999: 39).[24]

The desire to be inclusive, however, does not necessarily come from utopian ideals (albeit sincere ones); it also comes out of necessity. In talking about town meetings, Komáromi argues that:

> In addition to Protestant ideology, practical reason might also have contributed to the formation of this custom: the first colonies could only overcome the difficulties and avert the dangers they were faced with in the New World at the beginning of their settlement if they acted hand in hand in almost every situation. This could only be achieved if decisions were based on the widest consensus and if nobody could withdraw himself from the common action saying that he had no part in the decision (2015: 60).

Unfortunately, unequal participation seems endemic to contemporary societies, even within the *Landsgemeinde,* the *Kibbutzim, or* the New England Town Meetings. In his seminal book, Manin (1997) recalls that there was a time where elections and democracy were clearly at odds. As convening the entire citizenry to discuss its matters on the *Agora* has become unworkable nowadays, the idea of randomly appointing groups of citizens has gained steam. Even Robert Dahl argued in favor of amalgamating stratified randomly selected bodies, a representative sample of a given population, into the functioning of contemporary democracies: the "mini-populus" in his words (Dahl 1987; 1989: 340–2). The random selection method, like it or not, provides equal opportunities to all members of the demos. But there is no need to limit ourselves to the borders of Goodwin's *Aleatoria*, the imaginary nation where absolutely all aspects of life were governed by lot (Goodwin 1992). Lot is just one of the potential democratic tools at hand to invigorate democracy, and such lotteries have been around for centuries, from Pericles' Athens to the Renaissance city-states of Florence and Venice, and, in more recent times, from conscription in Argentina, to juries in the United States and other countries.[25]

[23] It must be acknowledged that in every one of these units, decisions were taken by a very homogenous group of individuals sharing either property rights, race, gender, ethnic background, or religious faith. On New England Town Meetings, see Zuckerman (1968).

[24] This list of examples could be extended to include workers' cooperatives (Mansbridge 1983; Pateman 1970), the Bolivian Municipalities (Blackburn and Goudsmit 2001; Grindle 2000), and Porto Alegre's participatory budgeting process (Cabannes 2004; Goldfrank 2006).

[25] On sortition see also, Mulgan (1984), Dowlen (2009), and Zakaras (2010). For a detailed analysis of sortition in Renaissance Florence, see Sintomer (2010).

There are theoretical and practical concerns regarding these deliberative forums (whatever shape they take). One relates to the assumption that consensus is the ultimate objective after a process of deliberation among reasonable people. In a way, the assumption behind this claim is that there is one truth, one right path to follow, and one right solution to pursue (Sanders 1997), and that with all the required information, reason, and goodwill, this solution will be found. Whatever shape the deliberative forum takes, the prototypical ideal decision rule is consensus, and as Reinisch and Parkinson observe "(t)he reason is simple: anything short of consensus means that decisions are carried not by the 'force of the better argument' (Habermas 1975) but by the force of numerical superiority of particular interests" (Reinisch and Parkinson 2007: 3). Of course, as arriving at a consensus becomes virtually unattainable for practical and theoretical reasons, this literature has relaxed the dream towards what some colleagues have called "working agreements" (Dryzek 1990, 2000; Steiner et al. 2004), or "incompletely theorized agreements" (Sunstein 1995).

A second concern is that some distortion of representation is perhaps inevitable in these forums, and therefore whatever conclusion such a body reaches would be biased in some way. Still, this bias could be a means to a greater goal, such as over-representing certain groups in society (especially historically marginalized groups) as a way to compensate for systemic under-representation in other representative institutions. McCormick, for example, explicitly excludes elites – those in the top 10 percent income bracket – from eligibility in his tribunes (2006: 160). Other scholars look for these forums to be perfect mirrors of society to the greatest extent possible, but with the caution of ensuring certain quotas for particular sectors of society (Dahl, Zakarias, etc.), hoping that with properly designed selection procedures distortion can be minimized.

Critics and advocates of deliberative models have offered a wide array of arguments to strengthen their positions. Depending on the shape and design of deliberative forums (for example, citizen juries, citizen assemblies, or deliberative polls), in general terms, "experience with these processes suggests that, on average, participants develop thoughtful, well-founded judgments that compare favorably not only with general public opinion, but also with expert judgment" (Warren 2009: 1).

Within the world of the deliberative mini-publics, two broad kinds of groups can be identified. First, there are those who advocate using randomly selected groups of citizens to check, discuss, and complement existing representative institutions on a standing basis. The second group, however, tends to defend the idea of setting up the same type of citizens' groups but on an ad hoc basis (i.e., for particular purposes). Among the former group, some propose the creation of a brand new and independent chamber of congress ("A Popular Branch of Government" for Leib 2004; "The Tribunate Assembly" for McCormick 2006; "The Assembly and the People's House" for O'Leary 2006), or the transformation of an existing body such as changing "The House of the Lords" into a "Citizens' Assembly" (Brighouse and Olin-Wright 2006). Among the latter group, some

advocate the idea of "flashes" of deliberation when a contentious issue arises. One of the most celebrated examples comes from Fishkin's *Deliberative Polls* (1991), but this group is not limited to those polls, as we will see.

Generally speaking, both groups of scholars tend to neglect direct democracy or reduce its scope of action. For example, Leib's fourth branch of government is intended to "replace the initiative and the referendum; its institution would be established to address many of the shortcomings of those forms of direct democracy" (2004: 12). McCormick's tribunes retain their direct democratic rights but in a more limited capacity, as they may call just one referendum in the course of their one-year term (2006: 160).[26]

7.5 FUSING DIRECT AND DELIBERATIVE INSTITUTIONS: DELIBERATIVE CITIZENS' COMMISSIONS (DCC)

This section introduces a proposal for the creation of a *Deliberative Citizens' Commission* (DCCs), in which a stratified random sample of eligible voters are convened for the purpose of discussing, deliberating, and offering an alternative to a policy question that will be decided on in a future popular vote (i.e., initiative, referendum, or authorities' plebiscite).[27] This group, through a deliberative process, will refine and enlarge public views on a contentious topic, and will offer an alternative to both sides of the popular vote, which may otherwise be vulnerable to being "hijacked" by extreme viewpoints. Its proposal – the "citizens' counterproposal" – will be paired against the original ballot item and the status quo in a two-stage voting process (first: *Status Quo* v. *Change*, and second: *Change A* v. *Change B*, where Change A is the original proposal and Change B is the counterproposal developed by the deliberative body).

Participation in a Deliberative Citizens' Commission would be compulsory if allotted, and participants would be fully paid and legally protected in their regular obligations (as is the case with the military reserve systems in Switzerland and Israel). A citizen would serve just once in their lifetime. Though the precise number of the members of this select body of citizens could vary from place to place, an ideal size would be close to twenty-three (importantly, this must be an odd number to prevent deadlock), which follows the size of typical grand juries in the United States.[28]

[26] Some scholars support the idea that there is a zero-sum game between participation and deliberation. "Popular devices such as referenda certainly encourage direct citizen participation. But at the same time, requiring a yes/no vote may discourage reasoned discourse in legislation" (Rein 2006: 396).

[27] A previous version of this proposal can be found in Altman (2014b).

[28] Following Fishkin's general suggestion, this group should be "a large enough sample for the responses to be statistically meaningful, but small enough to be practical" (Fishkin 2006). Evidently, for the type of work the Commission aspires to do, the statistically meaningful aspect should be relaxed. There is no statistically representative group of any modern society (at least with standard levels of confidence) with less than 350–400 individuals.

As soon as the competent authority gives a "green light" to an initiative, referendum, or a plebiscite, a Deliberative Citizens' Commission would be convened. The DCC would have all the required backing (staff) and funds to call upon experts and interest groups as part of their deliberations. It would start its duties immediately and publicize its recommendation as soon as the official electoral campaign begins (usually some months before the day of the vote). Their internal decisions would proceed using majority rule through secret voting.

These Deliberative Citizens' Commissions would distill and filter citizens' opinions in a more focused and representative manner, as they would be free from undue partisan, financial, or other influence, due in part to the fact that the probability of being (s)elected is similar for all citizens. As these members were chosen by lot and not elected, and as they will not participate again in the same commission, they will have no political debts once their service ends, nor worries about financing their future political careers. Nonetheless, an important aspect frequently overlooked by the literature is what happens if a highly charismatic, well-spoken individual arises from the forum and is seduced by a party machine to run as a candidate in the next election. Without dictating a universal rule, in general terms members of this commission ought not to be allowed to run for office during a determinate period of time afterward (which in the United States could be at least five years in order to skip two electoral cycles). This does not mean, however, that individuals would not be allowed to continue to participate in political activities, broadly understood, during this period, as one of the aims of DCCs is invigorating and refreshing representative institutions.

Each time a proposal is submitted, a randomly elected body would advance a counterproposal, very much as the legislatures currently do in some countries (for example, in Switzerland, Liechtenstein, or Uruguay).[29] There is, however,

[29] According to the data used in previous chapters, since 1980 the Swiss have voted at the federal level on 113 popular initiatives (only thirteen were approved, representing about 11 percent). There were also twenty legislative counterproposals (eleven won). Unlike in other places (such as Uruguay), in Switzerland the group pushing for an initiative has the right to withdraw its proposal, and sometimes the Swiss are left to vote only on the legislative counterproposal against the status quo. These data show that *at least* 82 percent of popular initiatives (93 out of 113) did not face legislative counterproposals. Unpacking the reasons why at least 82 percent of initiatives did not face counterproposals is beyond the scope of this chapter. However, taking into consideration the extremely low rate of approval these popular initiatives have had, it is highly plausible that the legislature did not perceive an imminent danger of their being approved, and therefore did not have the incentive to work on costly inter-partisan agreements to trigger legislative counterproposals. Thus, whether or not a legislative counterproposal emerges depends on a series of factors: (a) the institutional requirements the legislature has to overcome to produce a counterproposal (plurality, special majorities, etc.); (b) the ideological distances between the proposal, the median legislator, and the median voter (if the proposal is closer to the median voter than the status quo, then the chance the legislature would advance a counterproposal is higher); (c) whether legislators consider that the topic under consideration is relevant, which is contingent also on the requirements to trigger a CI-MDD.

a substantial difference between legislative counterproposals and citizens' counterproposals: Legislative counterproposals cannot escape the strategic considerations of incumbents and, in fact, in Switzerland, legislative counterproposals have been frequently used as an instrument to derail popular initiatives, presenting only minor changes to the status quo that place it closer to the median voter than the popular initiative itself. Due to the "noise" this instrumentalization of the institution has produced, Swiss citizens approved an improvement on their architecture in order to allow them to rank their preferences on initiatives and counterproposals.[30]

The Swiss citizenry, perhaps the best trained in these matters, passed one of the most significant institutional improvements to transform direct democracy in recent years. In the reform of their Constitution of 1999, Article 139 (6) stipulates that citizens may vote simultaneously for the popular initiative as well for the counterproposal made by the legislature, against the status quo.[31] In a separate question, citizens may also indicate which version they prefer (in case they previously voted for more than one proposal against the status quo).[32] In the proposed new *citizens' counterproposals*, the solution is similar: Citizens first vote on whether or not to change the status quo, then, in a separate question, they may also indicate which version they prefer; the version that obtains the majority of the vote becomes law.[33]

[30] On several occasions when counterproposals were made, they had the objective of artificially dividing the "enemy." The most recent case was the initiative launched by the right-wing *Swiss People's Party* aimed at the automatic deportation of foreigners convicted of serious crimes such as murder, rape, violence, drug trafficking, human trafficking, or welfare fraud. The counterproposal tightened the list of deportation-worthy offenses, and stated that deportations should respect the Swiss constitution and international law (November 2010).

[31] This vote is held concurrently with the original initiative and implies multiple (at least three) choices for citizens (Measure A [citizens'], Measure $\neq$ A [legislature], and the status quo).

[32] Of course, in case any of the alternatives receives more than 50 percent of the valid vote, that is the winner.

[33] This two-stage decision model is not completely new. New Zealanders used it to change the electoral system in 1992 and in 1993, and to consider changing their flag in 2015 and in 2016. The major difference with the proposal outlined here is that those votes were held separately. The 1992 referendum on the electoral system had two questions: Part A asked whether "to retain the present First-Past-the-Post system" or to "change to the voting system" (around 85 percent voted for change), while Part B offered a selection of four alternative systems, of which a Mixed-Member Proportional system was the most popular choice (with 70.5 percent of valid votes). In 1993, voters were again asked whether to retain the "First-Past-the-Post system" or to adopt the "Mixed Member Proportional system," with 54 percent supporting MMP (see Denemark 2001; Aimer and Miller 2002). Interestingly, for the vote about the flag the order was inverted. The 2015 plebiscite asked: "if the New Zealand flag changes, which flag would you prefer?" (The ballot had five different models to select from, none of which was the current flag). The 2016 question, however, asked: "what is your choice for the New Zealand flag?" (The ballot had the traditional flag, which won with 54 percent of the vote, and the flag that had received the most support in the previous year).

The idea of fusing current democratic institutions with deliberative forums is certainly nothing new; rather it constitutes a modest improvement over previous exercises. For instance, inspired by the British Columbia Citizens' Assembly (Lang 2007; Warren and Pearse 2008),[34] John Ferejohn proposes a new institutional arrangement that advocates for an automatically convened citizen assembly anytime an initiative is proposed "to deliberate about and possibly amend the proposal" (2008: 212). This citizen assembly will have all requisite support and funds and "would be expected to take the time necessary to build a level of expertise adequate to allow it to draft an informed proposal for the electorate to consider at a referendum." As the members of this citizen assembly mirror the whole electorate, he claims, their amendment would be closer to the median voter. Thus, it is expected that the proposal increases its chances of being approved, but also that it will provide a clear signal that it has not been kidnapped by narrow interests (Ferejohn 2008: 212–3).

Similar to Ferejohn, Gastil and Richards (2013), propose the creation of five different varieties of randomly constituted citizen bodies whose objectives are "to set policy priorities, draft and fine-tune ballot initiatives, evaluate such initiatives, and approve or reject such initiatives" (2013: 255). From an instrumentalist approach, they reject any exercise of direct democracy; in their own words: "we come here to bury – not to praise – direct democracy. Only the most naïve optimist could deny that these processes have also failed the very voters who use them" (2013: 261).

This proposal also echoes several aspects of existing institutions, for example the Oregon's Citizens' Initiative Review Commission (CIRC). The CIRC was established by the Oregon Legislature in 2011 in order to help voters to have clear, useful, and trustworthy information at election time. Nonetheless, these CIRCs do not propose alternatives to voters, but are designed to present "neutral information developed by peers" to citizens, using pedagogical language and providing a fair treatment of both sides of a contentious issue (Gastil et al. 2014).[35] Once the review process concludes, the panel drafts a Citizens' Statement highlighting the most important findings about the measure, as well as two statements (one in favor and one opposed to the measure) of not more than 250 words each, to be included in the voters' pamphlet.[36] Though the idea

[34] The Final Report of the British Columbia Citizens' Assembly can be downloaded from: http://citizensassembly.arts.ubc.ca/resources/final_report.pdf [Last accessed April 23, 2017]. For a similar initiative see Australia's Citizens Parliament: www.citizensparliament.org.au [Last accessed April 23, 2017].

[35] If a panel is unanimous in either supporting or opposing a measure, a statement that "No panelist took this position" is presented. It could also contain a statement of additional policy considerations that describes the subject matter or any fiscal considerations related to the measure (for this to occur, it must be supported by at least three-quarters of the panelists). For an example, see: www.oregon.gov/circ/Documents/Statements/2014%20Measure%2090%20CIR%20statement.pdf [Last accessed April 23, 2017].

[36] www.oregon.gov/circ/Pages/index.aspx [Last accessed April 23, 2017].

of offering the citizens a dispassionate stand on a public topic is a welcome one, these CIRCs are quite limited in terms of enlarging public debate.

Despite having opposing views on direct democracy, Ferejohn, on the one hand, and Gastil and Richards, on the other, arrive at strikingly similar institutions: citizens' bodies to alter or even reject citizen-initiated mechanisms of direct democracy. As this book has shown, many of their concerns with direct democracy are not unfounded, but their proposals share a common, critical flaw. When citizens advance an initiative that is to be voted on, the proposal must be clear and explicit. No matter how narrow or even distasteful the proposal might be, changing the contents of the initiative proposal – as long as it abides by law – even slightly is a betrayal of all those citizens who originally endorsed the initiative.[37]

As long as a citizen-initiated mechanism of direct democracy meets the legal standards set forth for such initiatives, any attempt to amend it or modify it to make it "better" is a patently paternalistic exercise. A proposal may be narrow or distasteful, but the people have the right to decide on it. The deliberative component of the DCC outlined here seeks to improve citizens' ability to make this decision by not presenting them with a Hobson's choice between an extreme proposal and a disfavored status quo. Otherwise, we fall prey to a dangerous paternalistic attitude, which is in itself morally wrong, and which could open the door to a dangerous path. The citizens' bodies advocated by Ferejohn and Gastil and Richards are designed to tell citizens what they "should" want instead of what they do want. Is it really in the interests of democracy to empower a very small, random group of citizens that happens to be closer to the median voter (i.e., majority opinion) to bypass, alter, or even annul the wishes and desires of another small group that is nevertheless sufficiently large to qualify to hold a vote before that vote can even be held? Which criteria will these citizen bodies use to justify the *annulment* of a popular initiative? Whether they are economically sound? On what grounds? Interviews with economists? Intuition? However questionable an initiative might seem, democracy requires us to believe that citizens are capable of choosing their own laws. There is no room in direct democracy for the reinterpretation of citizens' wishes between the time signatures are gathered and the time a vote is held. In that sense, the Deliberative Citizens' Commissions are meant to broaden citizens' options by offering an *additional alternative*, not to curtail their freedom of expression by changing the original proposal.

Deliberative mini-publics are expected to expand and improve the quality of citizen participation in policy making (Herne and Setälä 2014).[38] Nonetheless,

[37] The initiative process is not about a group of citizens going to the street to gather signatures in order to "save the whales"; they need to gather signatures about a specific piece of legislation that explicitly says "it is forbidden to kill whales from July to December."

[38] See also, Lafont (2015), Setälä (2017), Ingham and Levin (2017).

the principal aim of the Deliberative Citizens' Commissions is not necessarily to improve the citizens who participate in the deliberative process itself (although this would be a happy side effect). The ultimate objective of Citizens' Commissions is to refine and enlarge public views on a contentious topic, to improve the whole of society, and not just the participants themselves. The experiences of other mini-publics show that while the process increased participants' interest, it did not necessarily produce better citizens.

This phenomenon is even more obvious if we consider the fact that these participants self-selected (after initially being randomly selected). In other words, participants were not forced to participate and did so because they wanted to (whether out of curiosity about the democratic experiment itself or because of interest in the topic of electoral reform).

To demonstrate how Deliberative Citizens' Commissions enlarge public views and debate around a particular matter, imagine a situation where the views of the public on a certain subject (for example, abortion) are normally distributed along a spectrum. On this issue, the status quo is located at "a" distance to the right of the median voter (see line "Status Quo" in Figure 7.1).[39] This example is not purely hypothetical, but approximates the current political situation in Chile, where there are (at the time of writing) no legal grounds whatsoever for terminating a pregnancy, but where a broad majority of the citizenry strongly supports a relaxation of the current law under certain conditions.[40] In its efforts to relax the law (at least discursively), the government has been unable to put together the necessary majorities in Congress to change that piece of legislation, even though most voters agree that some change would be preferable.

[39] A similar analysis is found in Walker (2003).

[40] Chile is, along with five other countries (Dominican Republic, El Salvador, Malta, Nicaragua, and Vatican City), one of the very few countries on earth that does not allow the interruption of pregnancy under any circumstance. A national poll is conducted annually by the Universidad Diego Portales about opinions on abortion (among several topics).

	De-penalization of abortion if…	**For**	**Against**	**Other**
V182	The woman does not want to have the child	24.5	72.5	3.0
V183	The couple decides not to have the child	31.3	65.9	2.8
V184	The mother's life is in danger due to the pregnancy	71.7	25.1	3.2
V185	The fetus has a problem that makes it unviable	68.7	28.2	3.1
V186	The woman got pregnant as a consequence of a rape	64.1	31.6	4.3
V187	The woman, or couple, lacks the economic means to raise the child	23.0	74.9	2.1
V188	The mother is younger than fourteen years old	36.1	59.4	4.5

Source: Instituto de Investigación en Ciencias Sociales UDP (2015). n = 1302.

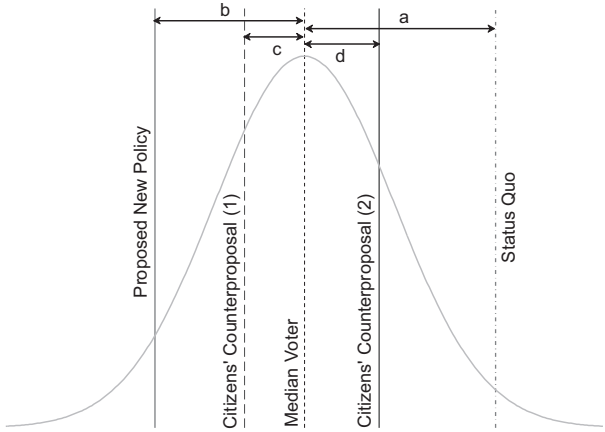


FIGURE 7.1 Popular initiative and citizens' counterproposal

Departing from the reality of the Chilean example, let us imagine that Chileans had the institutional capabilities to make binding popular initiatives (which they do not). In that case, there is a high probability that pro-choice organizations would trigger a popular initiative that aims to change the notably conservative status quo. They would most likely propose to de-penalize the interruption of pregnancy up to the twelfth week for any reason, which is their ideal point. The new policy of de-penalization is located at distance "b" to the left of the median voter (see line "Proposed New Policy"). If Chileans had to vote on only the confrontational, zero-sum popular initiative (as named by Ellis 2016: 94), then they would have just two choices: Either support the status quo, or change it by supporting the new policy. The preferred policy would most likely be the one closer to the median voter. In other words, if $|b| > |a|$ then the status quo prevails, otherwise it changes (as in the situation represented in Figure 7.1).

At this point, let us imagine the existence of Deliberative Citizens' Commissions in Chile.[41] Once pro-choice groups receive the necessary number of signatures to hold the popular initiative to de-penalize abortion, a DCC would be constituted as previously described. Due to the random selection of its members, the distribution of opinions on the commission would broadly resemble the larger citizenry without necessarily being a perfectly match.[42] In any case, the median preference of the DCC at the moment of its conformation

[41] This example serves as an illustration of the mechanisms of DCCs, but similar analyses could be done for referendums, authorities' plebiscites, etc.

[42] On the potential effects of the composition of randomly assigned deliberative groups see Farrar et al. (2009), who find only marginal effects.

would most likely be located somewhere between the status quo and the new policy "x." But not being a perfect microcosm, this might mean that the median preference of the DCC was skewed slightly to the right or left of the median Chilean voter due to the statistical impossibility of perfectly representing the citizenry in such a small group. A skew to the right would produce a slightly more left-leaning counterproposal ("Counterproposal 1"), while a skew to the left would result in a slightly more right-leaning recommendation ("Counterproposal 2").[43] Whatever the bias, the counterproposal would almost certainly be closer to the median voter than either the status quo or the original proposal.

Despite the presumed similarity of the distribution of preferences between the Deliberative Citizens' Commission and that of the general citizenry, the alternative offered by the DCC would not necessarily reflect the views of the median-member of the DCC. The reason is simple: the whole idea of the DCC is to have a serious deliberative process among citizens; if this was successful, members would also be likely to change their stance regarding the topic under consideration as deliberation advanced.[44] It could well be the case that the DCC supports a gradual change (as in Counterproposal 2), despite the fact that most of its members' preferences were skewed to the right at the beginning of deliberation. Conversely, a DCC might support a more drastic change (as in Counterproposal 1), despite its members being initially skewed to the left. The whole idea of deliberation is not a simple aggregation of individual preferences, but rather the construction of reasonable agreements through dialogue and respect among equal members. Whatever option was taken by the DCC, the final result would be that voters would have a richer menu of alternatives.

One crucial dimension that remains to be tackled concerns the practical implementation of this innovation: citizens' participation. Among the major concerns regarding direct democracy is the fear that it can be instrumentalized by narrow, egoistic, and moneyed interests. Indeed, Stearns (2012) warns us that not only do MDDs tend to be initiated by special interests, minorities, and those at the far ends of the political spectrum, but they are also voted upon by an unrepresentative subset of the population. As mentioned in Chapter 3, in order to circumvent abuse by militant groups, MDDs often require certain quorums or thresholds of participation or approval, including supermajorities or double majorities. Nonetheless, as mentioned in Chapter 4, the existence of these quorums opens the door for negative campaigning, boycotts, etc. These anti-campaigns have enormous collateral effects, and, if MDDs are never binding because those quorums are not

[43] Regarding the non-polarization effect of deliberation, see Fishkin, Jowell, and Luskin (2002).

[44] On preference structuration within deliberative forums, see Farrar et al. (2010) and Niemeyer (2011).

reached, then the whole democratic game suffers as frustrations are exacerbated. Examples of this nature abound, particularly in Italy and Eastern Europe.

We also know that socioeconomic status is a strong predictor of voter behavior (evidence is robust in this regard, e.g., Brady et al. 1995; Hooghe and Quintelier 2012).[45] Moreover, wherever the "voluntary" vote exists, the turnout and electoral results will certainly have a class bias, and, concomitantly, public policy itself will have a class bias (Hill 2000). Arend Lijphart – acting as president of the American Political Science Association – strongly advocated for the (ill-defined) compulsory vote as a tool to offset class bias in turnout and, in turn, contribute to the equality of influence (1997).[46] Compulsory voting increases citizens' political knowledge, and that knowledge is distributed more evenly in compulsory systems (Sheppard 2015). Moreover, compulsory voting in the context of direct democracy is strongly associated with less conservative policies (Bechtel et al. 2016), though it seems unlikely to change the partisan flavor of national elections (Sides et al. 2008).

Compulsory voting generates enormous resistance from those who adhere to a classic liberal conception of democracy, where rights overtake duties. In fact, as mentioned in the previous chapter, there are some indices of democracy, such as that of the Economist Intelligence Unit, that strongly punish countries with mandatory voting (e.g., Australia or Uruguay). Nonetheless, a republican democratic tradition defends the opposite approach, whereby the compulsory presence of citizens at voting polls is one of the key ways in which a democracy can protect the individual liberties of its citizens (Chuaqui 2005). Of course, there is a price that citizens pay in terms of individual rights when living in a society with compulsory voting (e.g., Hill 2006, 2013). That much is certain. Nonetheless, it could certainly be argued that this price is marginal in relation to the societal and political benefits we obtain as a whole.

By implementing the compulsory vote, the risk of countercampaigns, boycotts, and the like is notably minimized. Therefore, ideally, the proposed DCCs should be combined with the implementation of "compulsory" voting to avoid demobilization campaigns and strong class biases. Under this system, there is no need for participation quorums of any type (though approval quorums and

[45] See for example Gallego (2010) and Singh (2011, 2015).

[46] By definition, in a democratic context it is impossible to force citizens to vote. At most, a democratic regime might force citizens to be present in a specific place on a specific day. However, what citizens do inside the voting booth is absolutely private. In other words, we should talk about the compulsory presence of citizens at voting centers rather than compulsory voting. The secret ballot is a nonnegotiable prerequisite for modern democracy. The secrecy of the vote makes a "compulsory vote" impossible.

supermajorities could be considered for some very particular topics such as major constitutional reform, for instance).[47]

7.6 A COUNTERFACTUAL CASE: VOTING RIGHTS FOR THE URUGUAYAN DIASPORA, OCTOBER 2009

Consider the following hypothetical example of how citizen' counterproposals might have helped to broaden citizens' views on a contentious vote that actually happened in Uruguay concurrently with the national elections of 2009. The Uruguayan example is interesting because, as previously mentioned, it is one of the very few countries that enables legislative counterproposals, and, among those, it is also the country with the most proportional electoral system. As such, one should expect legislators, *ceteris paribus*, to represent their constituents (the entire citizenry) all the better.

At the same time that they voted in the general election of 2009, Uruguayans also cast ballots on two constitutional reforms. One of these votes, triggered by support from within the legislature, concerned the possible extension of voting rights to the enormous Uruguayan diaspora (which, depending on how it was counted, could constitute up to 20 percent of the electorate).[48] The other was a popular initiative for constitutional reform. The proposed reform would repeal the Expiration Act of 1986 (Law 15,848, or *Ley de Caducidad Punitiva del Estado*). This act, which prohibited state punishment for crimes in connection to political activities committed by the authorities during the 1973–1985 dictatorship, had been ratified in a national referendum in 1989. Neither of these two constitutional reforms was approved by the citizens, winning only 38 percent and 47 percent of the vote, respectively.

Although the purpose of this example is not to get into a detailed analysis of each of these popular votes, it is clear that a very likely reason for their defeat was that both took relatively extreme stances on their respective topics: (1) allowing postal voting instead of consulate voting, and for all elections instead of some of them and (2) declaring the Expiration Act void, instead of limiting its scope. Although the proposals might have been, from a purely ideological perspective, the correct thing to do, neither was necessarily likely to appeal to the median voter.

We can begin with the reasonable assumption that had citizens' commissions existed and been given the chance to advance counterproposals, they would have done so in each case. Of course, this represents the purest form of counterfactual reasoning, thus we should be extremely careful (Fearon 1991). The remainder is focused on the first case, the extension of voting rights for the

[47] As the incentives to abstain disappear under approval quorums, they are considered superior institutional tools versus participation quorums (Maniquet and Morelli 2010). See also, Hizen and Shinmyo (2011).

[48] For an introduction to the topic, see Merenson (2016).

Uruguayan diaspora, though a similar analysis could be performed regarding the second vote on the derogation of the Expiration Act.[49]

On March 4, 2005, just three days after the inauguration of the brand new government of the leftist party, Frente Amplio, the Executive Power sent a bill to the General Assembly regulating the right to vote for Uruguayans living overseas.[50] After the bill was introduced to the legislature, a legislator from the major opposition force, the National Party, indicated that they would support the idea of Uruguayans abroad choosing from two to three representatives in the House of Representatives, as in Italy, but not the president or local mayors. Others claimed that they firmly supported the proposed participation of Uruguayans living abroad, but the implementation of postal voting raised serious doubts and mistrust regarding the secrecy and authenticity of the vote, while still others – a minority of the minority – emphasized that Uruguayans abroad would not suffer "the consequences" of the government they would help to choose and should, therefore, forfeit their right to that choice.[51]

After two years in the corresponding legislative committee of the Chamber of Deputies, two reports were referred to the whole chamber for deliberation (one from the majority, and one from the minority) and showed profound differences regarding the topic (August 22, 2007). On October 2, 2007, the bill was finally voted on in the Chamber of Deputies, but despite gathering considerable support (52 out of 62 present in the Chamber of 99 members), the proposed constitutional reform was derailed as it failed to reach the necessary two-thirds threshold of parliamentary support (in each chamber) to be approved.[52]

As the relationship with the diaspora has been a recurring topic for the leftist coalition, legislators of the governing party decided to activate Article 331(b) to put the issue to the citizens in a vote on constitutional reform. In order for this measure to pass, fifty-two votes of the general assembly (two-fifths of the entire

[49] For a thoughtful analysis of the national press and the stance each group of the official party took regarding both measures of direct democracy, see Porto (2014).

[50] Uruguay is probably the country with one of the largest diasporas in Latin America (about 15 percent of its population, without considering their descendants, who might acquire Uruguayan citizenship for up to two generations) (Taks 2006). Uruguay has been preoccupied with its diaspora since the re-installation of democracy in 1985. Nonetheless, it was only after the economic crisis of early 2000, when thousands of Uruguayans left the country, which already had a significant part of its population overseas, that the diaspora and its concomitant right to vote became a salient political topic (Taks 2006).

[51] It is interesting that while these positions were restrictive in terms of limiting overseas Uruguayans from deciding on internal affairs, a pioneering migration law was passed in 2008 that gives immigrants the very same rights and opportunities that nationals have. See Law 18,250 at www.parlamento.gub.uy/.

[52] Art. 77(7) Constitution of the Republic.

legislature) were required. The governing coalition had at that moment, sixty-nine representatives and senators altogether, far more than the minimum required. On April 1, 2009, the legislators of the governing party, Frente Amplio, did so.[53] Thus, the plebiscite aimed to create an addendum to Constitutional Article 77, specifying that Uruguayans eligible to vote are entitled to vote by postal ballot in general elections, obligatory referendums, popular initiatives, or abrogative referendums from any country in "which they reside or are found."[54]

Most legislators from the opposition were sympathetic to the idea of some electoral involvement from the diaspora, especially in choosing the National Parliament. It seemed that the stage was set to permit a concurrent and milder *counterproposal* on the topic triggered by the legislative minority. An agreement was reached among the largest faction of the National Party ("National Unity"), led by Senator Lacalle, the engineer of the pact, and the other two parties in Congress (the Colorado Party, and the Independent Party). The aim of Lacalle and his fellow legislators was to add an intermediate option between the maximalist official stand and the no-vote.[55]

The support of the "National Alliance" – a rival faction of the same National Party – was necessary to reach the required fifty-two legislators' signatures in order to include a legislative counterproposal in the elections of October 2009 on voting rights for the Uruguayan diaspora. However, this group instead chose to derail the initiative of their co-partisan faction, National Unity.[56] Legislators agreed that the reason was primarily based on strategic considerations of the National Alliance faction.[57] This was because, having supported the legislative counterproposal, its major competitor within the party – National Unity – would capitalize on the topic and alter the internal distribution of electoral weights within the party, in the elections for representatives that would be held simultaneously with this popular initiative. It is interesting to note that when they finally decided to oppose the second ballot,

[53] www.elpais.com.uy/090401/pnacio-408297/nacional/en-octubre-habra-otro-plebiscito [Last accessed April 23, 2017].

[54] www.elpais.com.uy/090402/pnacio-408541/politica/en-octubre-se-plebiscitara-el-voto-desde-el-exterior [Last accessed, April 24, 2017].

[55] The new proposal, drafted by Iván Posada and Jaime Trobo, aimed to augment, by two legislators, the Chamber of Deputies from its current 99 members to 101. The two extra seats would be filled by the votes of Uruguayans in the diaspora voting just for this election in the consulates overseas. Uruguayans living overseas would just vote for the legislature, nor for the presidency, the Senate, nor for any mechanism of direct democracy.

[56] www.larepublica.com.uy/politica/271538-blancos-no-apoyan-el-voto-epistolar [Last accessed, April 24, 2017].

[57] Interviews with legislators from all parties were used to uncover the reasons behind the negative stand of Larrañaga's fraction (National Alliance) regarding a potential counterproposal.

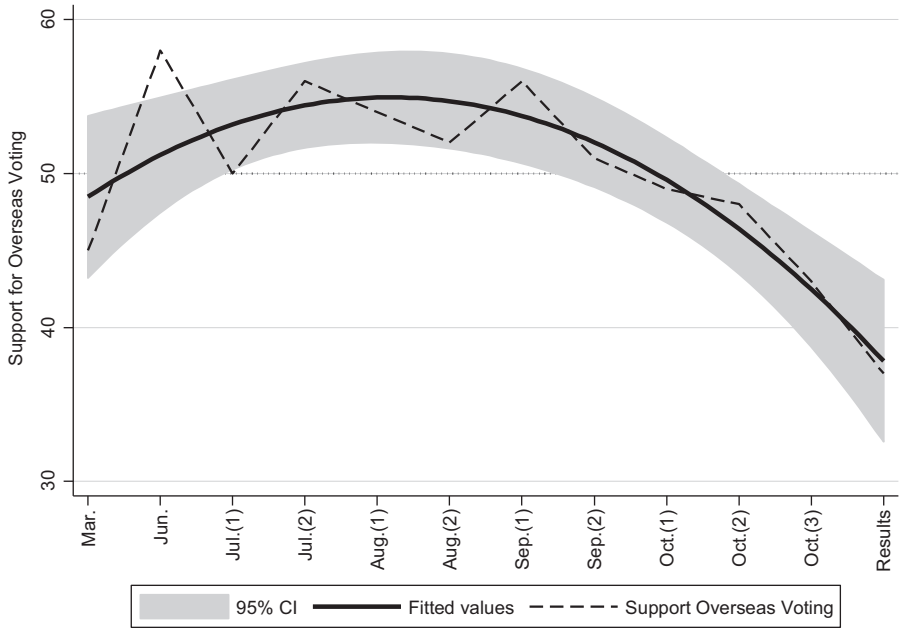


FIGURE 7.2 Evolution of Uruguayan public opinion regarding overseas voting

opinion polls in favor of extending voting rights to the diaspora indicated that the measure was supported by almost 60 percent of the electorate (and, of course, by about 88 percent of parliament, counting both official and opposition legislators in favor of at least some extension of electoral rights for the Uruguayan diaspora); see Figure 7.2.[58]

During the very last days of the campaign, strong opponents of the government's proposal succeeded in shifting the discussion from Uruguayans' right to vote from overseas to how to make sure these eventual postal votes would remain secret (in a country where secrecy of the vote has been sacrosanct since 1916, and where the postal services are far from perfect). On Election Day, the popular vote failed, as it was endorsed by a slim 37.7 percent of the national electorate.

After the strenuous defeat, in 2013 the parliament approved a new multiparty legislative commission to design a system of "consular" voting for Uruguayans living overseas (bypassing the concerns regarding the secrecy of the vote). Yet, as this example shows, had a citizens' commission been convened to consider a "*citizens' counterproposal,* " it would mostly likely have proposed an alternative to the one advanced by the legislators that would have been less extreme and closer to the median voter.

[58] Source: Diverse Opinion Polls (Cifra, Factum, Equipos Mori, and Interconsult).

7.7 CONCLUSION

Evidence suggests that the practice of direct democracy within representative regimes is already routine. Moreover, it is growing worldwide. Not only are representative and direct democratic institutions taken as a given, but also they are cherished, to be defended, and, if possible, improved. Modern democracies are under stress, not only because of citizens' disaffection and apathy, but also because of the unresolved dilemma of unequal participation. Indeed, one of the most crucial debates on the topic hinges on how to control the plutocratic tendencies of elections and electoral politics. The Progressives saw the initiative process as a way to bypass party machines and electoral politics. One hundred years later, the literature is concerned that both representative and direct democracy can easily fall prey to narrow interests.

Deliberative perspectives arose as a solution to counterbalance these shortcomings, and this chapter has laid out a case for an amalgamation of some elements of three of the major streams of democratic theory: representative, direct, and deliberative democracy. Though for many scholars these three streams of democratic theory seem, *prima facie*, at odds, the proposal outlined here does not attempt to justify the substitution or dilution of either representative or direct democracy; just the opposite. This is in keeping with O'Donnell's example: "in contrast to what some proponents of 'deliberative democracy' argue, I do not think [it is] a good idea to propose it as substitute for the institutional mechanisms [. . .] nor as a normative model with which to judge the latter" (O'Donnell 2010: 137–8). Existing deliberative proposals have been shown to have enormous weaknesses, and this proposal is intended as a modest contribution to ameliorate those.

As there are no hard-and-fast rules as to how deliberation operates (Catt 1999), and this will certainly be highly contingent upon details of its institutional architecture (Fung 2003), current generalizations on deliberation have shaky empirical support. Deliberation is still a promise, maybe just a "real utopia" as Olin-Wright (2010) sharply describes it. In any case, systematization of the miscellaneous previous experiences is more necessary now, than ever. Yet, previous flashes of deliberative forums provide insight into what to expect if it is well designed, as well as lessons on what to avoid.

As deliberations among the entire demos are impracticable in current nation-states, small forums of randomly selected citizens have become the preferred way to go. The proposed reform supplements representative and direct democratic institutions with a stratified random sample of eligible voters convened to advance "*citizens' counterproposals* " any time a popular vote (i.e., initiative, referendum, or authorities' referendum) is held. This original institution – that does not exist even in the places where direct democracy is frequently used – would discuss, deliberate, and offer an alternative for a policy question that is to be decided in the near future; thus, their objective would be to refine and enlarge public views on a contentious topic.

The counterfactual example based on the Uruguayan case, shows that no matter how proportional or well represented citizens are in the legislature, legislators do not always pursue the public good, and – certainly – nor do the proposals made by citizens always appear reasonable. There is always a good chance that, for diverse reasons, the menu offered to the citizens will be skewed or limited. However, there is more than enough room to counterbalance these institutions with a deliberative body.

Can we maximize participation, polarization, and predictability at the same time? The "three ps" seem to contradict each other. To answer this question, this chapter has summarized some of the major democratic innovations in recent years. The analysis suggests that, yes, we can maximize participation. At the same time, it introduces a group of institutions designed to channel, contain, and shape ideological polarization within democratic patterns of competition. These institutions can avoid the excesses that threaten democratic stability and predictability: These are citizen-initiated mechanisms of direct democracy, but with some important adjustments. *Citizens' counterproposals* offer a way to fuse these diverse visions into a coherent setting that will help to invigorate citizens' awareness, involvement, information, polarization, and participation. In doing so, the proposal outlined here will also strengthen both representative and direct institutions of democracy.

8

Conclusions

A New Democratic Equilibrium

Citizenship and Contemporary Direct Democracy offers a cross-national and longitudinal study of the adoption and performance of citizen-initiated mechanisms of direct democracy, also providing for a discussion of its potential reforms. These institutions – understood as a set of institutions that allow citizens to express their preferences directly at the ballot box through universal and secret suffrage as both veto (through referendums) and proactive players (through popular initiatives) – have taken center stage around the world and are broadly seen as a potential answer to the challenges faced by contemporary democracies.

This concluding chapter is divided into three sections. First, it recaps each section of the book (origins, performance, and reform), underlining the main findings of each chapter. Then, the second section discusses some normative implications for the study of democracy and its quality. Finally, it introduces some ideas for future research.

8.1 MAIN FINDINGS AND CONTRIBUTIONS

Popular and direct votes are not new, and their use has proliferated around the world, particularly since World War II. Mechanisms of direct democracy have been used by democracies and dictatorships; in presidential and parliamentary regimes; in poor, developing, and rich countries; in federal and unitary states; in both the south and the north; at the local, regional, and national levels of government; in times of joy and in times of trouble. Almost every imaginable political subject has been put forth for public consideration in one place or another (Butler and Ranney 1994; LeDuc 2003; Qvortrup 2014c). Nations, states, provinces, prefectures, and all kinds of other jurisdictions around the world have been seduced by the legitimizing appeal of putting questions directly to the people.

Nonetheless, direct democracy is far from a monolithic group of institutions, despite the fact that all mechanisms of direct democracy allow citizens to express

their preferences at the ballot box through universal and secret suffrage on issues other than who will represent them in government. Actually, while citizen-initiated mechanisms of direct democracy are forward-looking, democratizing politics, other direct democratic institutions – particularly plebiscites – are backward facing, enhancing the power of politicians who deliberately use them.

When representative government is not working as expected, frustrations mount and the political system faces a dilemma: It either maintains its course of action, knowing that its future is beyond its control, or it accepts that changes are necessary and embarks on them. If changes are accepted, then the political system also has two options, which are not necessary mutually exclusive: Either adjust existing institutions, or become more creative and articulate new modes of governance, where new actors are included to some degree. Without disregarding the crucial improvements representative institutions need to make, this book has aimed to study the mechanisms of direct democracy, arguing that citizen-initiated mechanisms of direct democracy constitute an important and viable way forward among the many democratic innovations that have been proposed to invigorate current democratic regimes.

Although the literature has started to fill in the blanks on the complex relationship between different types of mechanisms of direct democracy and representative government, no theory thus far has provided convincing, comparative, and comprehensive evidence about the reasons behind the adoption and uses of MDDs, nor about their consequences for political life. This book has provided new, systematic, large-N, and comparative evidence on the complex relationship between direct and "plain" representative democracy. To answer these questions, this book has been organized around three guiding concepts: the origin of contemporary direct democracy, its challenges, and its possibilities. These sections were divided into six chapters.

8.1.1 Institutional Origins

The first section of the book dealt with several longstanding questions: Where, how, and why has direct democracy materialized in the contemporary world? How can citizens persuade those in power to change the rules of the game, to accept the possibility of being challenged by regular citizens? Such questions seem like a Gordian knot, impossible to cut. Yet, at the time this book was written, about one in every four countries allowed (at least formally), this possibility. This means that at some point in time, legislators accepted the innovation and conceded their (formerly) exclusive domain over the right to legislate.

Chapter 2 dealt with the nineteenth century, when contemporary direct democracy materialized in two major epicenters: Switzerland and the American states. Nonetheless, it was with the amalgamation of the German Social Democratic Party (SPD) that direct democracy finally began to resonate with a broader audience, particularly following the approval of the Weimar constitution, the drafting of which was enormously influenced by the SPD.

While the process of the adoption of citizen-initiated mechanisms of direct democracy differed from one country to the other, those three cases showed that CI-MDDs made their breakthroughs in times of change, marked by a profound willingness to challenge the status quo. Those cases also shared characteristic moments of state expansion and consolidation, either in response to a terrible war (Germany), territorial expansion and consolidation (United States), or the resolution of internal diversity (Switzerland). But limiting CI-MDD adoption to a single moment or cause is reductionist at best.

In Switzerland, predecessors of direct democracy that enabled self-determination have existed for centuries, yet, paradoxically, the first national MDD was imposed during Napoleonic rule. The intense use of direct democracy in Switzerland has had an effect on the rest of the world, radiating outward to Germany and even the United States, becoming the cause of Progressives and Populists one the one hand, and Social Democrats on the other. However, understanding this effect as one-directional would be erroneous. It is virtually impossible to isolate the Swiss case from the notable influences of the United States in terms of institutional architecture, nor to separate it from the influx of ideas coming from Germany, where the stronger and better-organized Socialist Party arguably became the strongest springboard for direct democracy amplification.

This chapter also shed light on the incredible degree of interconnectivity that existed among policy makers, party activists, and thinkers who designed and advocated for these tools. They discussed and debated democracy among themselves, read each other's writings, and many were more than likely good friends. Ideas flowed freely from one place to another, very much as they do today, just through different means. Thus, it is virtually impossible to isolate the American from the Swiss experience, the Swiss from the French, or the German from the American.

Chapter 3 studied the reasons behind the adoption of citizen-initiated mechanisms of direct democracy into the institutional repertoire of countries since the end of World War I. Inspired by the findings of the previous chapter, it theorized that the adoption of CI-MDDs responds to a combination of local conditions and the international environment. The results show that the adoption of citizen-initiated mechanisms of direct democracy is more likely when a polity is immersed in times of political instability, has a relatively high degree of democracy, and has relatively fresh memories of previous experiences with MDDs (regardless of who the promoter was, or even what the results of the prior popular vote were).[1]

[1] These findings provide a more specific explanation of CI-MDDs' adoption than the more ambiguous previous research; see for instance, Bowler et al., who argue that "sometimes many of these choices are made simultaneously at moments of constitutional formation. At other times, the choices are shaped through incremental adjustments to established rules" (Bowler et al. 2002: 732).

It also showed that countries are definitely not isolated when deciding to adopt CI-MDDs. The degree of success of proximate polities (called democratic reputation) that have adopted CI-MDDs is the parameter of contagion, rather than how many countries held CI-MDDs per se. Interestingly, there are no evident conditional effects among critical variables, e.g., there is no need to face a crisis for international diffusion to play a role in the adoption of CI-MDDs. Taking into consideration the international diffusion and the particularities of national scenarios, this chapter provides the first worldwide empirical test of a theory of CI-MDD adoption.

8.1.2 Performance

Once citizen-initiated mechanisms of direct democracy are adopted, what should we expect in terms of their relationship with public policy and representative government? Is it true that direct votes systematically favor the status quo? Do extremists exploit direct democracy more frequently than moderates? These questions are important, but direct democracy is not only about challenges. It also opens the door to a comprehensive rethink of democracy itself.

The second section of the book dealt with some of the most common popular apprehensions about direct democracy – reiterated over and over again – that direct democracy is biased towards the status quo, or that it is the weapon of extremists (and populists). Of course, the apparent contradictions among these criticisms do not imply that they are without merit. Chapter 4 studied whether the likelihood that a popular vote will succeed is shaped by institutional design and democratic environment. Here, too, there is a striking absence of systematic comparative research dealing with this question, and the very few studies that do exist tend to suffer from at least two major problems: (1) they do not take into account the directionality of the question being asked (even when controlling for different types of MDDs), and as a result, their results are, at best, flawed and (2) the manner of operationalizing quorums in the context of direct democracy has been poor to a certain extent. Chapter 4 uses an enriched method that combines the three types of quorums to avoid conflation among them.

The results suggest that the success of popular votes is more likely when a polity has lower levels of democracy, when lower quorums are required for approval, when the executive recommends it, and when electoral participation is higher. On average, about one in every six attempted CI-MDDs is successful (for top-down MDDs, this figure is three out of four). In the absence of a clear benchmark with which to assess the success of mechanisms of direct democracy, it is interesting to note that rates of acceptance of top-down and citizen-initiated mechanisms of direct democracy around the world are similar to the success rate of government-sponsored versus private member's bills in parliaments.

Nonetheless, despite the fact that the fate of most citizen-initiated popular votes seems a foregone conclusion, promoters appear to value them enough to invest vast amounts of resources (human, economic, etc.) in the process. Perhaps this is the strongest indication that it is the process itself – from triggering the initiative or referendum, all the way through to the vote – that is the most crucial dimension of direct democracy. Consequently, this chapter suggests that comprehensive analyses of mechanisms of direct democracy need to go well beyond electoral results to have an accurate picture of their impact in political life.

Chapter 5 studied the degree to which citizen-initiated mechanisms of direct democracy are vulnerable to being hijacked by populist leaders or minorities with extreme views. In fact, many of the strongest opponents of direct democracy use this type of argument to support their adversarial positions, for example arguing that through CI-MDDs the death penalty might be introduced again, or that women's suffrage was introduced so late in Switzerland because of direct democracy (e.g., The World Bank 2017: 25). This chapter challenged these beliefs, which may be anecdotally supported by a few infamous examples, but are not actually founded in fact.

This chapter started by posing two related questions: Who uses MDDs, and how do instigators capitalize on them? To answer these questions, an intensive historical reconstruction was needed in order to decode the political stance relevant actors adopted in relation to the question asked in each national MDD in the world. The results showed that at a global level there was no evidence of statistically significant ideological skewedness of CI-MDDs to either side of the ideological divide. Of all the contending hypotheses regarding the ideological leanings of promoters, the only one that withstands empirical and statistical tests indicates that instigators' ideological location is becoming more extreme as time goes by (although, again, not in any particular direction).

Regarding the question of who profits from the CI-MDD game, two scenarios were explored. If we consider the approval of the CI-MDD as the token for evaluating success, then the results showed that there is no evidence of a tilt in the instigators' ideological leanings in either direction, at least in terms of favoring one side of the ideological divide over the other. However, if we consider electoral capitalization as the benchmark for assessing success (augmenting the electoral support of those supporting the popular vote regardless of the passage of the measure itself), then there was a strong statistical relationship: The further to the right the promoters are, the higher their degree of capitalization, as long as the MDD was citizen-initiated. There is compelling evidence to support the claim that that promoters use CI-MDDs as tools to achieve larger political aims.

Chapter 5 represents the very first cross-national comparative study on the ideological leanings of CI-MDD instigators, as well as CI-MDD winners and the question of capitalization. In short, taken alone, individual CI-MDDs cannot be said to be ideologically neutral, but taken collectively there is no

evidence that they are systematically biased in any particular direction. CI-MDDs are neither conservative nor liberal, or – more accurately – CI-MDDs are both conservative and liberal; the point of CI-MDDs is that they are a group of institutions that may be initiated by any group of citizens.

8.1.3 Justification and Reform

Though common wisdom tends to evaluate citizen-initiated mechanisms of direct democracy based on their results, Chapter 6 showed that electoral outcomes are just one of many aspects to take into consideration when studying the world of direct democracy. This is because citizen-initiated mechanisms of direct democracy have important spillover effects on the overall democratic life of a polity, even if the results do not live up to the hopes of promoters. These spillover effects occur in two major arenas: the political game itself (paradoxically, by generating incentives for political consensus, moderating circumstantial majorities, and expanding the political playing field), and the relationship between representative institutions and the citizenry (through augmenting policy congruence, women's empowerment, civic participation, satisfaction with democracy, and broadening the topics subject to popular consideration). This chapter further argued that citizen-initiated mechanisms of direct democracy perform better than other democratic alternatives suggested by the literature in dealing with so-called democratic malaise, particularly in contexts of unequal distribution of resources.

Chapter 7 asked if there is a way to improve direct democratic mechanisms while minimizing the observed hazards. To answer this question, it offered a bold institutional vision intended to address some of the aforementioned challenges outlined in the literature. It started from the assumption that despite tensions between representative government and direct democracy, direct democracy is here to stay. Once introduced, direct democratic rights tend to be exceptionally difficult to repeal, largely because citizens must be persuaded to vote away their right to vote in similar elections in the future. Empirically, the occurrence of MDDs is positive and strongly significant even when controlling for the number of countries in the world (as shown in Figure 1.2). This raises the question of how to take the best parts of direct democracy while minimizing its weaknesses. In answering that question, the chapter proposed a new institutional design that fuses the best elements of direct democracy, and the finest characteristics of deliberation, with a representative government framework.

Chapter 7 proposed a hypothetical institutional reform that complements representative and direct institutions with a stratified random sample of eligible voters convened to advance "*citizens' counterproposals*" any time a popular vote (i.e., initiative, referendum, or authorities' referendum) is held. This group, a *Deliberative Citizens' Commission* (DCC), is meant to refine and enlarge public views on a contentious topic throughout a deliberative process, and will offer an alternative to both sides of the popular vote, whose views (detractors

fear) risk being taken prisoner by the extreme ends of the political spectrum. The "citizens' counterproposal" will be voted on against the original ballot and the status quo in a two-stage voting system (first: *Status Quo* v. *Change*, and second: *Change A* v. *Change B*). Ideally, the final vote should combine the proposed DCC with the implementation of "compulsory" voting.

This original institution – that does not exist even in the places where direct democracy is most firmly entrenched and frequently used, i.e., Oregon or Switzerland – would discuss, deliberate, and offer an alternative for any policy question that is to be voted on directly in the near future. Thus, it would refine and enlarge public views on a contentious topic. Despite the risks associated with advancing a new institutional design, the proposal is firmly grounded in the existing literature, inspired by Robert Dahl and his proposed "mini-populus." As Dahl claimed, "I see the institution of the minipopulus in Polyarchy III not as a substitute for legislative bodies but as a complement. It would supplement, not replace" (1989: 340).

The proposal deals with the DNA of some of the apprehensions about direct democracy that have already been discussed. First, due to the random selection of its members, the distribution of opinions in the commission would broadly resemble the larger citizenry (although not perfectly, but perfectly mirroring society is not the point of the body) and therefore minimize the risk of militant minorities capturing the process for their own advantage by framing the proposal to be voted on. Second, adopting the compulsory vote would eliminate the need for participation quorums of any nature (though approval quorums and supermajorities could be considered for certain particular topics). Thus, the risks of boycotts, demobilization campaigns, and strong class bias are notably minimized.

8.2 EXPANDING CITIZENSHIP AND THE QUALITY OF DEMOCRACY

Democracy is an ongoing process that greatly exceeds the twelve or thirteen times we exercise our electoral rights in our lives. These inter-election spaces constitute the weakest link within current democracies, and this is reflected in the study of the quality of democracy as well. These spaces are largely ignored or characterized by horizontal – but not vertical – accountability, in a way that eliminates the most important component of what Dahl calls the "first polyarchy transformation" (Dahl 1989).[2]

Contemporary democracies must be able to provide tools for both horizontal accountability (among institutions) *and* vertical accountability (enforced by

[2] There is another group of scholars who work on "societal accountability," for instance Peruzzotti and Smulovitz (2003). Yet, this literature focuses on noninstitutional actors (protest movements and such).

citizens). A narrow, electoralist, almost Schumpeterian conceptualization of democracy would tell us that citizens do regularly enforce accountability in national elections, activating their sovereignty, punishing misbehaviors, and rewarding public service. The implications of these scattered flashes of popular sovereignty for the crafting of institutions of democratic control are evident. This is because "the chances to exercise vertical accountability, however, are only periodic and, in some cases, citizens must wait several years for the next elections" (Morlino 2004: 19). Stated more bluntly, "In elections the people is omnipotent; between elections it is impotent" (Przeworski 2010: 111).[3]

Thus, those who work with democracy are constantly confronted by a paradox. On the one hand, we are searching for ways to improve vital democratic participation and civic awareness, while striving to create a regime that is accountable to the changing demands of citizens. On the other hand, we emphasize the importance of predictability, rule of law, and consensus building. The paradox is that the first scenario is optimal for inter-temporal policies (public policy, international agreements, economic investment, growth, etc.), while the second is optimal for healthy democracy as uncertainty increases competitiveness. Hence, we are constantly searching for ways to have the best of both worlds, knowing that between them there is a zero-sum game, in which one side's gain is the other's loss, and vice versa.

As described in Chapter 1, in recent years new democratic experiments, "innovations" in the words of Smith (2009) or Goodin (2008), have demanded our attention. A sense of urgency has forced us to critically reexamine long-standing practices and to pay more attention to the innovations that, for many scholars, hold the cure for contemporary democratic malaise. In actuality, democracy involves a constant exercise of fine-tuning: "the story of democracy is nothing if not a story of innovation" (Saward 2000: 3). Yet regrettably, systematic, comparative, cross-national research on democratic innovations has been lacking, or at best, underdeveloped.

Democratic innovations are a diverse and flexible category. They include everything from minority quotas and primary elections to spheres of autonomy from the state, popular assemblies, mini-publics, and direct democracy. Many critics argue that citizens should be more directly included in political decision-making, and for that to become a reality, more participatory and/or deliberative arrangements are needed. Yet, as has often been warned, it is risky to give in to the temptation to transpose any given democratic innovation from one place to another without taking into consideration the environment wherein the innovation originally took place.

[3] I am aware that people may well appeal the decisions of the state, and the review thereof may have effects not only on the plaintiff(s), but also on the collective, even retrospectively. Yet, these resources are only based on the unconstitutionality of certain rules and not on political decisions that fall within the law and spirit of the constitution.

Institutions cannot be easily copied or transplanted. This is particularly true of those innovations that demand considerable cognitive abilities or time investments that only citizens in the richest corners of the world can reasonably be expected to possess. For example, although nobody would deny the enormous potential of new technologies, democratic innovations based on online tools make little sense in countries like Burundi, where fewer than 1.3 percent of the population has access to the Internet, or in Burkina Faso, where citizens have, on average, just 1.4 years of schooling.[4]

Also, and particularly in the context of highly unequal societies, institutional innovations should not be based on the expectation that only good and virtuous citizens will participate and dominate the process. These windows of opportunity open spaces for all, Mafiosi included. Moreover, such innovations may exclude good citizens who cannot participate, either because they cannot invest the required amount of time, or because they feel they do not have the cognitive abilities to do so. It is undoubtedly true that it is healthy for democratic societies to decide their concerns directly, but when political decision-making depends on mechanisms of self-selection, this opens the doors for party machines and/or interests of a diverse nature to coordinate and exploit the opportunities in these new scenarios. Even when political decisions are made by randomly selected bodies, a whole new set of problems arise, as significant portions of the deliberative literature have shown. Citizen participation in these new forums is not a fully voluntary act.

The expectation that any of these innovations will restore the luster to our democracy is naive at best. That said, there are some institutional improvements that deserve a closer look, particularly citizen-initiated mechanisms of direct democracy (namely, popular initiatives and referendums). These tend to be the literal translation of direct citizen decision-making in contemporary democracies, but CI-MDDs are not simply about the blind use of majority rule, and those who dismiss them as such are ignoring possibly the most crucial part of the direct democratic game: the process of direct democracy itself, which is arguably more important than the outcome when tallying the ballots.

Indeed, as mentioned, this book propounds the idea that citizen-initiated mechanisms of direct democracy constitute an important and viable way forward in a landscape littered with proposed but, ultimately, ill-conceived democratic innovations. Unlike competing proposals, CI-MDDs offer a means to invigorate current democratic regimes because they maintain democracies' normative foundations of freedom and equity, which are particularly at risk in the context of unequal societies.

Moreover, unlike top-down mechanisms of direct democracy (TD-MDDs), citizen-initiated mechanisms of direct democracy are considerably less prone to

[4] As a matter of fact, this type of innovation could be particularly problematic in the murky range of middle-income countries, where inequality is blatant. www.internetsociety.org/; http://hdr.undp.org/en/composite/HDI [Last accessed, September 29, 2017].

manipulation in terms of their wording and timing, and they are less likely to face a second-order vote.[5] This is because it is harder to punish authorities simply by voting for or against a citizen-initiated mechanism of direct democracy (which, by nature, tends to originate outside of the authorities' arena). Also, because the instigators of CI-MDDs tend to have different interests than political authorities – otherwise their demands would have been approved as legislation or presented to the citizenry as a TD-MDD rather than a citizen proposal – these tools are subject to well-defined processes that diminish the likelihood of Machiavellian exploitation. There are no surprises in terms of timing simply because gathering and verifying signatures makes them quite foreseeable.[6] Finally, because the wording of the question usually needs the approval of authorities of some kind (e.g., Attorney General, Electoral Authorities), a more neutral and balanced question is more likely to be presented to the citizenry.[7]

Citizen-initiated mechanisms of direct democracy increase uncertainty. And, although uncertainty may be uncomfortable, we should not forget that "democratization is an act of subjecting all interests to competition, of institutionalizing uncertainty" (Przeworski 1991: 14). Thus, citizen-initiated mechanisms of direct democracy actually *democratize* democracy. In fact, "referendums represent a new stage of democratization, just like the extension of the right to vote a century ago, although most political scientists have not yet noticed it" (Vanhanen 2003: 62).

For many scholars and pundits, the increased uncertainty that citizen-initiated mechanisms of direct democracy, as a group of institutions, bring about has the effect of producing a significant number of democratic antibodies. After all, it is not easy to convince people to live under a question mark. This is likely the main reason for the generation of resistance, but not the only reason. Some are still convinced – à la Montesquieu – that "the public

[5] Second-order votes are those votes that individual voters may instrumentalize for objectives that transcend the objective of the vote itself. There is a fecund literature in this regard, particularly regarding EU votes. See Reif and Schmitt (1980), Franklin et al. (1995), Svensson (2002), and Hobolt (2009).

[6] Unlike CI-MDDs, plebiscites – which by definition are institutionally unnecessary – can appear on the ballot on short notice, forcing the campaign and civic discussion to happen too quickly without the necessary time to read the proposal, discuss it, and make up one's mind. For instance, President Santos of Colombia issued a presidential decree on August 30, 2016 (*Decreto Presidencial* #1391), forcing a plebiscite on the Peace Treaty with the FARCs for October 2, 2016. Just thirty-four days separated the presidential decree from the vote itself. As common sense suggests, and as international norms stipulate (Council of Europe 2007: 3.1(d)), there was little time for the discussion or decanting of ideas and positions.

[7] Despite a fair recount of votes and complete freedom of citizens to appear at the polls and opt for a particular alternative, the wording of the question becomes a fundamental issue as it can bias, even through imperceptible details, the attitudes of voters at the time of voting. Thus, the phrasing of the MDD's question is not a trivial matter (Reilly 2010).

voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves" (Madison 1961 [1787]: 50).

The view of "the people" as *merely* capable of choosing leaders, and only that, as Montesquieu or even Schumpeter have argued, is not solely a historical anecdote. A paternalistic treatment of the people either as incapable of knowing their real needs, or taking the elitist view, that legislators are the only ones capable of legislating, is reiterated throughout the literature. This vision undermines two basic liberal assumptions that underpin contemporary democracy: People are able to accurately perceive their own needs, and they are the only possible judges of their own needs. To reject these two premises completely is to reject democracy itself, whether direct or representative.

Many critics contend that while it is important for authorities to have a sense of the preferences of the citizens, professional surveys costs much less and provide a better understanding of the real preferences of the citizenry than uncontrolled direct votes. This argument misses the point; in the words of Linder, "the sense of a votation is not the most precise reproduction of demoscopic opinions but the participation of active citizens in a collectively binding decision" (2010: 110). As Przeworski argues, "after all, we look with disdain at governments that guide their actions by public opinion polls. The voice of public opinion may or may not be countable, but even when it is, as in the public opinion polls, other manners of counting have neither the authority nor the reliability of elections" (2010: 114).

Critics also charge that ordinary citizens do not have the time or knowledge to judge complex issues, and that most current problems cannot be answered with, nor reduced to, a simple yes or a no vote. Of course, nobody can guarantee that CI-MDDs are not risky insofar as they can embrace irresponsible outcomes. Nonetheless, the literature has advanced and shown that these arguments are sweeping generalizations that do not withstand empirical testing. Moreover, most of these claims are based on careful cherry-picking and stereotypes about how direct democracy is used and how representative democracy works.

Opponents of direct democracy continue to argue that citizens should not be free to get whatever they want whenever they want it, as voters tend to have conflicting and changeable preferences. Nonetheless, even in Switzerland, the polity where direct democracy is most fully developed in the contemporary world, direct democracy is virtually nondisruptive, contrary to how these critics portray it.[8]

[8] Between 1871 and 2017, 184 optional referendums were triggered against various pieces of legislation, representing about 6 percent of all laws adopted by the Parliament (Vatter 2016a: 301). Less than half of these referendums were successful (43 percent), which meant that those laws did not enter into force. As Bühlmann argues, in more than 97 percent of all legislative processes, parliament's final decision was implicit (without referendums) or explicit (where referendums were

Moreover, experience has shown that egoistic interests might also seek to exploit citizen-initiated mechanisms of direct democracy, as with any institution, but CI-MDDs, when properly employed, minimize the risk that concerted minorities will hijack the process to advance their own narrow interests. One of the strengths of the argument that citizen-initiated mechanisms of direct democracy constitute a viable alternative to the contemporary democratic deficit is that it does not assume that people are necessarily good nor that they seek laudable or altruistic ends. Society is a conglomerate of diverse and oftentimes opposing interests. Democratic institutions must be designed to deal with the intersection and competition of those interests.

When "the people" vote in a popular initiative or referendum, we might say "the sovereign has spoken." Yet, must we bow before such unfiltered democracy? Of course not; nothing in this research supports or even comes close to arguing that representative democracies should transform themselves into direct democracies. Instead, it defends a shared-sovereignty approach that divides responsibility for governing between representatives and citizens, and where neither reigns over the other. Likewise, it tends to oppose the use of plebiscites, which are instruments that usually allow authorities to avoid making costly and unpopular decisions on controversial issues, or that act as an excuse to bypass other state powers or potential veto players.[9]

8.3 THE ROAD AHEAD

The following paragraphs sketch out just a few of the many potential paths future research might take. This is by no means an exhaustive research agenda, but the topics raised in this section reflect recurring questions encountered in the course of researching this book. Before going any further, it is worth mentioning here that there is always a need to refine and update data. Although the data used in this research is probably the most comprehensive cross-national database ever assembled on direct democracy, we cannot forget that this comparative literature (cross-national and longitudinal) is still in its infancy.

not successful). Simultaneously, between 1848 and 2017, voters were called on to vote for a constitutional amendment 196 times, and in 148 of those (76 percent of such cases) the citizenry approved the amendment (Bühlmann 2018: 111 ff). Finally, 324 popular initiatives have been submitted for vote since their introduction at the federal level in 1891. Two-thirds of these requests, (or 209 separate popular initiatives), resulted in a vote, while instigators withdrew 97 initiatives. Of these 209 popular initiatives, only 22 were accepted by citizens and cantons.

[9] There are tough decisions to be made by governments. In case the decision is questionable, citizens should have the right to interpose a referendum against it. If authorities fail to decide appropriately on a cherished matter, citizens should have the right to interpose an initiative doing so. Yet, governments must solve their problems using representative channels (always accountable to the citizens and the law); governments should not fail to do something they should and ought to do. They should not delegate their responsibilities.

Also, unpacking in greater detail how direct democratic procedures came to be will illuminate the current political and partisan use of direct democracy (i.e., eventually we will have to tackle the different paths along which direct democracy has transited toward its constitutional status). In so doing, a careful analysis of the actors involved, the contexts where votes transpire, and varied institutional designs, as well as different results, will shed light on the prospects for direct democracy's future use, and may help to better explain its consequences.

The worlds of direct and representative democracy, when they coexist, are not isolated. Just as direct democracy is highly influenced by the institutional design surrounding it, direct democracy influences the institutional context in return. Mechanisms of direct democracy "leave few, if any, institutions, processes, and values of liberal, representative democracy untouched" (Mendelsohn and Parkin 2001: 2). One aspect that would be fascinating to explore is whether citizens try to balance between both worlds, as some theories of divided government would likely expect (e.g., Alesina and Rosenthal 1995). In other words, is there a citizens' homeostasis between both worlds (electoral results or popular votes)? For example, after a resounding victory in a given popular vote, do citizens try to balance the weight to the other side, as soon as they can? To what degree are the unexpectedly positive results obtained by Jeremy Corbyn in the UK election of June 2017 a reaction to Brexit? Moreover, one could even hypothesize that this effect transcends national borders, as the resounding victory of Emmanuel Macron in May of the same year in France probably cannot be completely disentangled from Brexit.

As insinuated in the literature, it might be the case that the subject of an initiative may affect the likelihood of its being approved or rejected. Although this research has touched on particular topics such as integration, enlargement, or consolidation of supranational structures (e.g., European Union), much work remains to be done. This constitutes a serious methodological challenge as even a "simple" initiative might simultaneously touch on several major policy areas. For example, in November 1994 Uruguayans rejected the allocation of a fixed amount of the national budget to public education spending. Beyond the discussions about what "public education" really was, the debate pivoted on whether it is reasonable to create such a constitutional obligation, and, of course, the current state of public education. This topic could accurately be framed as an economic issue or a matter of public policy, education, etc. Future research in this area needs to incorporate a complex net of mixed categories to fully capture all the nuances of MDDs.

Translating citizens' desires into legislation is complex in the context of direct democracy. On the one hand, it is recommendable that simple and short questions are presented to the citizenry in order for them to be easy to understand and to limit interpretations. Questions must meet clear standards in the unity of form, the unity of content, and the unity of hierarchical level (Council

of Europe 2007).[10] On the other hand, the shorter the question, the fewer details it contains, and the more leeway lawmakers have in "translating" citizens desires into policy. As interpretations are always disputable, there is much room to explore where the equilibrium point is.

There is a well-known tension between popular sovereignty on the one hand, and judicial review on the other.[11] While most American states have a strong post-election review of initiatives by courts (Miller 2009), which serves as a clear counter-majoritarian (to use the concept of Bickel, 1986) check on popular sovereignty, the gold standard of direct democracy, Switzerland, has only a weak pre-election review by parliament, which is much less rigid (Christmann 2013; Flauss 1995: 22).[12] Most other cases that combine representative democratic institutions and direct democracy are located somewhat in the middle of these two extremes.

In any representative regime, new legislation must be subjected to constitutionality checks for consistency with the entire legal system of a country. Along the same lines, any CI-MDD should be constrained by the rule of law reigning in a given polity, which of course also includes the international conventions and agreements each polity has signed. Therefore, questions such as whether citizens can reform the constitution in such a way that explicitly forbids the constitutional court – or the competent authorities – from invalidating constitutional amendments are out of the question. Nonetheless, the point is where to establish the limits. This is a particularly acute problem in contexts such as the United States, where "a judge [can], with the stroke of a pen, overturn the will of millions of voters" (Manweller 2005: 7).

[10] For this reason, the legal apparatuses of nearly all countries with CI-MDDs contain a single subject rule, which forces each popular vote to be circumscribed to only one subject matter. "The primary purpose of the rule is to eliminate logrolling the combining of multiple measures, none of which would pass on its own, into an omnibus proposition that receives majority support" (Cooter and Gilbert 2010: 689).

[11] By judicial review I mean "the authority of courts to declare legislative or executive acts unconstitutional" (Chemerinsky 2004: 1015–16) or "the extent to which the highest judicial bodies are able to review acts of legislation and other governmental actions in the light of constitutional provisions, and the extent to which such decisions are respected by other bodies." (Coppedge et al. 2011).

[12] From almost any point of view, any time a politically contentious issue is discussed, a classic dilemma arises between majority rule and minority rights. This phenomenon is almost as old as democracy itself. And usually, "any decision about rights is likely to seem tyrannical to the losing minority" (Johanningmeier 2007: 1137). In contemporary democracies, particularly in the US context, "Judicial review has always been the accepted American answer to the perceived 'majoritarian tyranny' of representative legislatures" (Johanningmeier 2007: 1126). And, since the times of *Marbury* v. *Madison* (1803), which is probably the first time in the world that a court invalidated a law by declaring it "unconstitutional," judicial review has entered strongly into the political game.

8.4 FINAL REMARKS

The potential of citizen-initiated mechanisms of direct democracy lies in the fact that they maintain democracy's normative foundations (of freedom and equity), which are particularly crucial in the context of unequal societies. Moreover, citizen-initiated mechanisms of direct democracy are powerful instruments of synchronization between governing elites and citizens that let the steam out of the pressure cooker, channeling social demands and therefore defusing violence. They shape and constrain political conflict while simultaneously allowing for change. In short, citizen-initiated mechanisms of direct democracy make the citizenry an accomplice of the democratic regime.

To avoid misunderstanding, this book is not meant to imply or advocate that citizens deciding directly is always desirable or wise, nor does it argue that decisions taken by CI-MDDs are necessarily efficient, good, just, or that there is no tension between these decisions and representative institutions. Rather, CI-MDDs are control mechanisms to be used by citizens on occasion. This does not imply voting every week, nor the steamrolling of minorities through majority rule, nor the substitution of party politics by citizens. More importantly, CI-MDDs are not intended to supplant representative democracy, but to serve as intermittent safety valves against perverse or, literally, unresponsive behavior of representative institutions and politicians.

At the turn of the twentieth century, some intellectuals and political activists clamored for universal male suffrage, and later, for the enfranchisement of women. On both occasions, critics treated these ideas as ethereal proposals that failed to take into consideration the particular conditions where they sought to implement them. Critics claimed that because of "x" or "y" conditions, their polities were not "ready" for those drastic changes. Seeing these events from today's perspective, no sensible reader would agree with those opponents of these democratic extensions of the early twentieth century. Indeed, today we cannot even think of a regime as a democracy without universal suffrage, which constitutes the very basic DNA of what we currently define as a representative government. Now, one hundred years after those revolutionary changes, democracy is again in need of an upgrade. If we fail to make the necessary changes, we may risk the many, enormous advances representative democracy has made thus far.

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