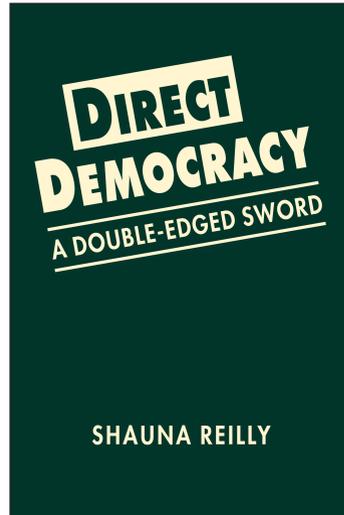


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Direct Democracy:  
A Double-Edged Sword

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# 1

## Power and Manipulation in Direct Democracy

**Direct democracy is a double-edged sword: voters can directly** create laws and make the government accountable, but they often do so with limited information and by being manipulated by various stakeholders. This leads to some important questions about how direct democracy is utilized around the world. Is direct democracy as democratic as it seems? Do citizens really have power in the process, or are they just being manipulated? Several notable examples of direct democracy in 2016 and 2017 have illustrated the significance of these mechanisms in terms of independence (Scotland and Great Britain), constitutions (Thailand), and peace agreements (Colombia). However, is the power actually in the hands of the people, or is this a facade? In this book, I evaluate the power and manipulation of citizens in the direct democracy process. By exploring the power relationships involved, I demonstrate the advantages and disadvantages of this process and its impact on citizens. Driven by case studies, I examine the complexity of direct democracy, its motivations, and the repercussions of how it is used around the world.

*Direct democracy* is a ubiquitous term in today's governance. It promises to make the voters extraordinarily powerful and the government impotent. This promise is not uniformly enacted, as each country has ways of empowering and limiting citizens through this

process—sometimes simultaneously. There are safeguards in the mechanisms that prevent voters from having too much power (e.g., signature requirements, timing issues, and financing), but those can come at the price of true direct democracy. Questions that develop through the study of direct democracy across the globe include how much power citizens should have through this process and whether governments are providing safeguards or are actually manipulating voters. While this book does not completely address a normative perspective, it sheds light on the second question.

The use of direct democracy has declined in some ways since the 1990s when it was at its peak. Governments and the people saw the challenges that came with the high numbers of referenda (both citizen and government initiated). As such, there has been a small decline but steady use of direct democracy around the globe. Some countries are still moving toward embracing this type of election while others are continuing to limit these opportunities to influence policy (Qvortrup 2017). Certain aspects have contributed to an increased use of direct democracy in some countries—political developments have increased pressure on governments and, as a result, they are more willing to hold constitutional referenda.

What do I mean by direct democracy? Direct democracy, in its most primitive forms, includes referenda (legislative and popular), initiatives (agenda and citizen), and recall elections. These are all designed to give power to voters in different ways and to different extents. Voters have the ability to vote on legislative proposals, propose new laws or ideas, and remove officials from office prior to the end of their terms. These are immensely powerful tools and, as I demonstrate in the coming chapters, can be used to empower citizens or manipulate them, creating a facade of democracy.

## **Arguments Surrounding Direct Democracy**

Advocates of direct democracy, like myself, believe that it is an important part of the democratic process. They discuss issues surrounding how voters are educated through the process (D. A. Smith and Tolbert 2009), accountability, and protection against tyranny (Matsusaka 2004). Furthermore, there are cues to assist voters with making informed choices in the voting booth and extensive campaigns to provide additional details (Lupia 1994a). There are also

those who talk about saliency and how ballot measures can increase turnout for other races<sup>1</sup> (Childers and Binder 2012; Donovan et al. 2005; Tolbert, Grummel, and Smith 2001; Dubois 1979). Another benefit of direct democracy is the increase in civic engagement (Smith 2002) that comes from using these mechanisms, as voters have the ability to engage directly in changing policies as well as to participate in campaigns surrounding these elections. Additionally, citizens who are frequently exposed to direct democracy mechanisms have higher levels of efficacy and are more positive about their government (Bowler and Donovan 2002a).

Despite the benefits of direct democracy, there are also perceived drawbacks to these processes. One of the most prevalent discussions is about uninformed voters (Lupia 1994a, 2001; Nicholson 2003, 2005). Voters are often unaware of larger up-ticket races, so how can they be knowledgeable enough about policies to make laws? Another issue is that many of these issues are large in scale or extremely technical; are voters capable of making these choices? One only needs to look at tax implications from initiatives in the United States or the most recent Brexit referendum in Britain to see that the impact of these decisions can reach far beyond the understanding of typical voters (and maybe even politicians). Likewise, many referenda (popular or legislative) deal with election designs—these are complicated issues that voters may be unable to grasp, even with a detailed campaign and voter information distributed. The media reports following the British vote show voter remorse. So, we must question the wisdom of putting these types of decisions into the hands of voters. Voters can be manipulated in elections (particularly in direct democracy elections) by campaigns, spending, or even the questions posed to them.

Furthermore, these drawbacks can be exacerbated by fear campaigns designed to play on the weaknesses of voters (Gastil, Reedy, and Wells 2007; Gerber 2001). Many ballot questions deal with issues of discrimination where the question is designed to advantage one group over another; there are also issues of morality and civil rights that adversely affect minority citizens (Haider-Markel, Querze, and Lindaman 2007; Smith, DeSantis, and Kassel 2006; Donovan et al. 2005; Jackman 2004; Hajnal, Gerber, and Louch 2002). Voters are also limited by a number of procedural issues or regulations and government agents. Moreover, with judicial review of ballot measures and laws proposed through direct democracy,

many are limited or overturned by the courts (Manweller 2005; Miller 2009).

Language complexity issues (Reilly 2010; Reilly and Richey 2009; Magleby 1984) further complicate these elections. Ballot language is not always clear, which further obfuscates the meaning of the questions posed. Ideally, the campaign will clarify issues for voters, but there have been several instances in which ballot language was intentionally complex and made it challenging for voters to make good decisions. The prevalence of these elections can result in voter fatigue and roll-off (Bowler, Donovan, and Happ 1992). The Swiss vote multiple times a year with several questions on each ballot. Long ballots and substantial numbers of campaigns can distract voters and politicians alike. Voters can be overwhelmed by multiple elections, and they are likely to vote less often or not vote down ballot when there are frequent elections.<sup>2</sup> Politicians are also affected by frequent direct democracy elections because they not only have to adjust the laws proposed by direct democracy measures, they must also actively participate in campaigns for and against these measures. In the end, recall elections can disrupt the governing process by interrupting a politician's term with additional elections.

Recent news coverage indicates that some voters question the truly democratic nature of direct democracy (Taub and Fisher 2016). There is strong evidence that money plays a role in the direct democracy process (see Broder 2000; Zisk 1987; Lowenstein 1982). Campaigns are expensive and require funding sources, which often have a stake in the outcomes of these elections. For example, a referendum on an environmental issue may have proponents who want to save the environment, so they will spend money to assist in passing that referendum. But there may also be industries that would be hurt by the environmental measure, so they will spend money to defeat it. This influx of money muddies the issues surrounding the measure—it creates an information environment, but savvy voters will need to spend time determining the true impact and need for such a measure. Money influences voters and complicates the direct democracy process. One of the largest issues facing direct democracy is the role of special interests. Special interests can encapsulate different groups, including the military, businesses, opposition groups, and moneyed interests. Throughout this book, I illustrate where special interests have pervaded every

aspect of direct democracy. Whether it is to oust leaders in countries like Venezuela or to directly propose ballot initiatives in New Zealand, these special interests are active in the direct democracy process. This has made people distrustful of the mechanisms and, thus, less likely to participate and engage. These special interests channel money into the process and, consequently, can be a large part of the campaign to pass or defeat different measures.

## **Regional Variations**

Regional variations are important to note not only because of the forthcoming case selections, but also because of their impacts on the use and success of referenda. When looking at the motivation behind direct democracy methods, there are a number of explanations for why countries and regions explore these mechanisms. One reason for this development is the failure of traditional electoral systems to create a representative government that is responsive to the people. Here, the motivation comes from the people attempting to get more access and influence in government (Barczak 2001). Now, these neopopulist approaches can develop from excluded interests gaining power (as experienced in parts of Western Europe and Latin America) or from the people (as in Egypt 2012).

Although the outcome in some elections is not always predictable, referenda in Africa are often merely symbolic. Failed referenda are rare in Africa, as these are often state sponsored, and there are clear media signals about the intent and expected vote. Additionally, referenda in Africa typically are used only for constitutional matters and are package deals that include many different issues. Thus, in emerging and decaying democracies, it is challenging for voters to participate and not pass all components, even when many are unpopular, because of the value of some of those added to the package; for example, Zimbabwe 2000 and Venezuela 2008 (Kersting 2014).

The African experience with direct democracy is seen as a relatively new phenomenon, but is actually a reflection of the decolonization process of the 1960s. Here, direct democracy (mainly in the form of referenda at the national level) was a culmination of the independence process, but it was reignited in the 1990s as these governments moved toward multipartism (Tripp 2004). Internal and

external influences led to these developments in both experiences (Kersting 2009). A more modern factor in the development of direct democracy at the state and local levels is an intent to create conflict resolution, accountability, and stability. This type of plebiscite usage is fairly rare, but holds important promise in the region (Kersting 2009). These mechanisms are not used consistently across countries or even across political leaders in a single country.

### ***Regimes***

Thinking about the context of a political regime and its desire to utilize direct democracy is important to understanding the complexity of the process. In some contexts (e.g., the former Soviet Union), the referendum can be dominated by the executive branch, which weakens the already fragile democracy in place and threatens the success of the proposition and the long-term legitimacy of the use of these mechanisms (Bâișanu 2010). Thus, a system designed to further deepen democracy can actually be threatened by the use of these manipulative elections. There have also been arguments that referenda serve as constraining instruments on government (Dicey 1890, 1911; Qvortrup 1999)—specifically, that referenda serve as a check and balance on government and that they limit governments from going above their constitutional roles (Dicey 1911). Direct democracy in establishing a national identity and in state building can legitimize the new institutions within a country (Kersting 2009, 2014). Also, direct democracy is a way to create inclusive decisionmaking because it allows all factions within a state to have a say in the outcome of a particular law or amendment (Kersting 2009, 2014). Finally, the power building of authorities can be strengthened and extended through direct democracy (Rourke, Hiskes, and Zirakzadeh 1992; Kersting 2009, 2014). Those who believe in elite institutions are also more likely to use direct democracy because of a concern regarding the power structure (Bjorklund 1982). These elites have a different set of problems in newly democratic countries. In Latin America, after the Cold War ended, competitive authoritarianism developed with charismatic leaders. These leaders had strong populist ties during these countries' development, which contributed to the growth of direct democracy mechanisms in the Latin American west coast. These referendum mechanisms created a threat to a culture of horizontal

accountability between the government and elites (Levitsky and Loxton 2013). As a result, many of the weak democracies that were only paying lip service to democratic processes slid into competitive authoritarianism.

### ***Developing and Developed States***

Most developing countries use referenda sparingly and focus on the basic building blocks of economic and democratic development (Frey 2003). These countries have a different perspective on the use of referenda. They are forging new democracies and can become electoral authoritarian regimes under very specific circumstances, which leads to my theory on authoritarian usage of direct democracy. Many countries limited the use of referenda after World War I—this was particularly true in the Weimar Republic, Austria, and Czechoslovakia. The political class's fear in many of these countries was of the expression of popular will (Băişanu 2010). This, of course, led to other issues (i.e., the rise of Adolf Hitler and World War II), but it also demonstrated the unwillingness of the political class to be at the mercy of public will. There are several reasons why individual political leaders are less than excited about the use of referenda—namely, because of the personal leadership costs. For example, Charles de Gaulle took a number of political and personal risks during France's use of referenda between 1958 and 1969. Another example is Canadian prime minister Brian Mulroney who presented a national referendum that failed in 1992, which resulted in major political losses for Mulroney and his party.

Developing and developed states have different experiences with direct democracy, and they utilize these mechanisms to different ends. Developing and decaying democracies have increasingly utilized these mechanisms to create legitimacy, for state building, and even to appear more democratic than they are. Direct democracy can be used to establish legitimacy for existing regimes by asking for support for the regime (e.g., the Venezuela and Bangladesh case studies discussed in the book). Furthermore, referenda can be used in state building to create a notion of a united government or an established democracy. Finally, many countries include direct democracy mechanisms in their constitutions so as to appear democratic. However, these procedures can be suspended or have so many layers of barriers that it is almost impossible to move forward with them.

Thus, while some countries appear to have these mechanisms, they do not have them in actuality. The case studies I included demonstrate the key differences between established democracies and those that are developing or decaying.

Direct democracy is not created equal, and scholars have identified different types of ethnonational referenda (Wildavsky 1973; McGarry and O’Leary 1993; O’Leary 2001; Qvortrup 2014b). Under the typology of ethnonational referenda (held in divided societies), those involved in the separation or division of a country take significant attention, referred to as secession referenda (e.g., Scotland 2015 and Quebec 1995). During these types of referenda, there is a movement toward homogenizing referenda (Sheehy 1991). There are also right-sizing referenda that occur after a major conflict or regime change (this was common after World War I to determine where new borders would be established).<sup>3</sup> Additional difference-eliminating referenda occur in authoritarian regimes to lend legitimacy to policies of ethnic or national homogenization (e.g., the Soviet Union 1990). Difference-managing referenda occur in countries where democratic procedures are established following long-term ethnic disagreements (e.g., Canada 1992 and Northern Ireland 1998) (Qvortrup 2014b).<sup>4</sup>

## **Challenges of Direct Democracy Around the World**

As explored in later chapters, direct democracy is susceptible to being used by politicians to serve their own interests and not just those of the people. Some have argued for protecting the state by limiting the reach of direct democracy through restricting the number of topics or making referenda difficult to initiate. There can be fiscal or long-term policy implications through referenda that have real effects on a state. Hence, making these mechanisms more insulated from the public does have merits, not only by changing their ease of use but also by changing the signature quotas or participation thresholds.

My goal is to provide a snapshot of how direct democracy is utilized globally to demonstrate the power and manipulation within the process. There are a number of variations to the usage of direct democracy. In each chapter, I highlight countries that utilize the process frequently and those that have limited experience with the mechanism. There also are variations in how much power these mechanisms have in

each country—some are simply advisory, others are binding. And there are differences in how easy these mechanisms are to use as well as in terms of signature requirements, time requirements, intimidation, government involvement, and other barriers.

Looking at direct democracy from a comparative perspective is not a new area of research in political science. However, looking at it from an authoritarian perspective and evaluating this type of direct democracy from a global perspective is a rarity. The literature frequently focuses on individual countries or regions to address problems and issues with direct democracy. This book is different than existing literature due to its more global approach that examines regimes and their use of direct democracy. Eighty-four countries worldwide utilize some form of direct democracy in their constitutions, and 74 explicitly prevent the use of such measures, demonstrating that this is not a phenomenon with equal use across the globe. Thus, states that use these measures do so for specific reasons.

## **Plan of the Book**

In this book, I evaluate the power of citizens to truly implement change and influence the governing of their respective jurisdictions through this process. In the first part, I look at the different types of direct democracy mechanisms—referenda, recalls, and initiatives—through specific case studies around the world to illustrate the variations in the utilization of these mechanisms. In Chapter 2, I focus on referendum usages and whether usage rates influence the value and power of these mechanisms. In Chapter 3, I discuss recalls and how they are used as a check and balance on political leaders during their terms; however, I also look into the dark side of recalls, where tyrannical leaders are buoyed by their survival of a recall and increase their authoritarian activities as a result. In Chapter 4, I examine initiatives and how citizens work together to propose and pass legislation through direct democracy mechanisms. This valuable power of citizens is often seemingly co-opted by interests, or the power is limited by the state to the point where this mechanism is out of reach for most citizens. In Chapter 5, I describe how direct democracy is used at different levels of government and in combination. In the last section, I discuss these mechanisms in different contexts to provide a fascinating depiction of direct democracy in authoritarian regimes

(Chapter 6), state breakdowns (Chapter 7), and peacebuilding (Chapter 8). I conclude by making theoretical ties between the chapters and proposing suggestions for future work.

## Notes

1. Although this is clearly manipulated in some struggling democracies.
2. “Frequent” is also in the eye of the beholder—for some voters, elections every year can seem overwhelming. Others may be overwhelmed by elections more often than every 4 years.
3. Some influences on right-sizing referenda include ethnic fractionalization, the end of war or conflict, gross domestic product (GDP), and changes to the international system.
4. Difference-managing referenda have two forms: devolution referenda, in which the power is delegated to smaller territories, and power-sharing referenda, in which agreements are made on consociational power sharing (e.g., Northern Ireland 1998).