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1

2 **Innovations of Direct Democracy**

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6 **Synonyms**

7 [Direct legislation](#); [Direct say](#); [Initiative](#);
8 [Referendum](#)

9 **Introduction**

10 Direct democracy is often seen as the most pure
11 and basic form of democracy. Representative
12 democracy allows for indirect influence of citi-
13 zens voting for representatives responsible for
14 taking political decisions. Contrarily, with direct
15 legislation each citizen has effective and direct
16 control over political decision making and equal
17 power to affect decisions through binding votes.
18 The idea of direct democracy is not new at all.
19 The ancient Greeks still knew some sort of
20 assemblies where decisions were made directly
21 by those few full citizens, who were entitled to
22 vote. In Switzerland and some of the US states,
23 forms of direct legislation have been installed
24 since the nineteenth century. Today, some sort
25 of direct democratic mechanisms can be found all
26 over the world (for overviews, see Altman 2011;
27 Gallagher and Uleri 1996; Scarrow 2001).

Given its long heritage and the widespread 28
use, how can direct democracy be treated as an 29
innovation? The reasons are twofold: First, direct 30
democracy is increasingly seen as a remedy for 31
the problems democratic states face in the 32
twenty-first century. The growing mistrust of 33
citizens regarding the political elites, the 34
declining willingness for individual political 35
engagement, and the declining output legitimacy 36
of representative systems are interpreted as signs 37
of a veritable crisis of democracy. It is argued that 38
giving the citizens more direct say – that is, 39
enlarging their possibilities for democratic 40
decision making and control – has the potential 41
to foster motivation to take part in politics, to craft 42
trust, and finally to renew democracy. In this 43
sense, direct democracy is an innovation for 44
representative democratic states and holds great 45
potential for a new democratic turn. Even if direct 46
democratic institutions can be found in many 47
countries, citizen polls are very rare events. 48

Second, direct democracy has an inherent 49
innovative potential because it enlarges the 50
scope of political arguments. In direct democ- 51
racy, it is not only the political elite but – at 52
least theoretically – all citizens who contribute 53
to the discussion of politics. In this sense, the 54
more legislation is direct, the higher is the 55
probability of new and innovative political solu- 56
tions. Direct democracy allows for policy inno- 57
vation and inclusion of new ideas and approaches 58
even from minorities and outsiders. 59

Of course, direct democracy also has its dan- 60
gers. A careful evaluation of the innovative 61

62 potential of direct legislation needs a look at both
63 the benefits as well as the dangers of direct say
64 and control by all citizens. An appropriate juxtaposition
65 of pros and cons must be based on theoretical as well as
66 empirical insights. Prior to this, there must be given a
67 proper definition of direct democracy that indeed has very
68 different notions, features, and instruments.

70 Notions of Direct Democracy

71 Basically, direct democracy means decision
72 making by eligible citizens as opposed to
73 representative democracy, where decisions are
74 taken indirectly (i.e., by representatives for
75 whom the citizens have voted). To distinguish
76 the existing forms of decision making by the
77 people, and to understand their different potential
78 for innovation, three characteristics must be
79 clarified: activation, approval, and definition.

80 Activation

81 The first important attribute of direct democracy
82 relates to the question: Who has the right to start
83 a process of direct legislation and under which
84 conditions?

85 First, the activation of a process of direct
86 decision making can either be a political right for each
87 citizen (bottom-up) or explicitly rest in the hands
88 of the political elite (top-down). In the latter case,
89 direct democracy takes the form of a pure public
90 opinion poll. The government or (a part of) the
91 parliament submits a political issue aiming at
92 hearing the citizens' opinion on this issue, at
93 increasing legitimation for it, or at consolidating
94 of power. Often, this form of direct decision takes
95 the notion of "*plebiscite*" (sometimes also "ad
96 hoc referendum"). When the right of the activation
97 of direct legislation is given to the citizens,
98 this instrument can be considered either as an
99 abrogative or rejective veto or as a citizen's
100 proposal. The veto allows for holding a vote on
101 whether a given law (already implemented or
102 not) should be rejected. To avoid misunderstanding,
103 it is only this veto-form of activation
104 that should be denominated "referendum." The
105 citizen's proposal grants the possibility to suggest

new laws. This suggestion can either lead to
106 a popular vote – in this case, this instrument
107 normally is called a "citizen's initiative" – or to
108 a more or less binding request for the elected
109 representatives to take into consideration
110 propositions for new laws. In Austria or in some
111 German Bundesländer, this form takes the notion
112 of "citizen demands" (sometimes also called
113 "agenda initiatives").

114
115 Second, the activation of a direct decision
116 making process depends on different legal condi-
117 tions. In some countries (e.g., Switzerland,
118 Uruguay), the renewal or modifications of the
119 constitution must lead to a popular vote by rights,
120 normally called "mandatory referendum" (also
121 called regulated referendum). In other
122 countries (e.g., Austria, France, or Spain), the
123 representatives have the right to decide whether
124 the people should vote on a given law or not
125 ("ad hoc referendum"). In contrast, the launch
126 of an "optional or facultative referendum" or
127 a "citizen's initiative" has to fulfill conditions,
128 normally the collection of a given amount of
129 signatures within a given timeframe. Of course,
130 such hurdles can be more or less high. To call for
131 an optional referendum in Switzerland – where
132 direct democracy is most widely used – one needs
133 to collect 50,000 signatures (roughly 1 % of the
134 eligible citizens) within 90 days. For a citizen's
135 initiative, 100,000 signatures must be collected
136 within 18 months.

137 Approval

138 The crucial feature of direct democracy is
139 approval – whether a decision in direct legislation
140 in the end is legally binding or not. Most often,
141 pure plebiscites in terms of citizen opinion polls
142 are only consultative and non-binding. Thus, even
143 if the citizens reject a proposal, the parliament
144 can implement it. On the other end of the scale,
145 there are direct democratic decisions that are
146 binding without consent of the parliament or
147 even against the expressed opposition of the
148 elected representatives. Between these two
149 extremes, there are several levels of conditions
150 for the legal binding, mostly depending on
151 approval quorums and participation quorums.
152 Approval quorums ask for more than

153 simple majorities such as super-majorities (e.g.,
154 a majority of all enrolled citizens) or double
155 majorities (e.g., a majority of citizens plus
156 a majority of federal states). As for participation
157 quorums, whether a decision is binding or not
158 depends on a minimum number of citizens
159 participating.

160 Definition Power

161 Foremost in the case of direct democratic
162 processes initiated by the people, one has to
163 consider the power of definition. First, the use
164 of a referendum or an initiative can be restricted
165 to special cases only or be allowed for all policy
166 fields. Second, a citizen's proposal can be more or
167 less set out – that is, it can give more or less
168 possibilities to the political elite to re-formulate
169 the initial request of the initiators. In some US
170 states and Swiss cantons, citizens are allowed to
171 propose legislative measures (via a “statutory
172 initiative”). The definitional power of this instru-
173 ment is greater than that for a “constitutional
174 initiative,” where citizens are allowed to propose
175 a constitutional amendment that must afterward
176 be specified by the parliament. In some countries
177 (such as Uruguay and Switzerland), the legisla-
178 tures are allowed to make “counterproposals”
179 against the citizen-initiated proposal. The
180 above-mentioned “referendum” in the sense of
181 a pure veto against a decision taken by the par-
182 liament has no definition power, because it only
183 aims at the rejection of an existing law proposal.

184 The three defining elements of direct democ-
185 racy are summarized in Fig. 1.

186 Innovations of Direct Democracy

187 Based on the typology in Fig. 1, considering the
188 theoretical arguments of merits and drawbacks,
189 and leaning on empirical findings of the advan-
190 tages and dangers of direct legislation, the inno-
191 vative potential of direct democracy can be
192 estimated.

193 Bottom-Up Versus Top-Down

194 The vertical axis in Fig. 1 depicts the trigger of
195 a process of direct legislation. The activation

of direct democracy can either be top-down or
bottom-up.

At first sight, innovative potential for
direct legislation is greater when it is activated
by citizens. At least two reasons underline this
suggestion: the argument of the many and the
inclusion effect of direct democracy. *First*,
allowing citizens to bring in propositions for
new legislation measures enlarges the scope of
possible arguments and the range of political
solutions. Marsilius of Padua (1967) already
praised the idea of decision making by many.
According to the medieval physician and philos-
opher, the probability that many citizens do find
a better political decision than only parts of the
people is high. The deliberative theory of democ-
racy concentrates on the process of decision mak-
ing and highlights the public discussion based on
the mutual justification of political arguments as
the essential element of democracy. *Second*,
bottom-up direct legislation has an inclusive
effect. Minorities – often excluded or only
marginally involved in representative decision
making – have the possibility to bring their
specific preferences into the political arena.
They can force the political elite as well as fellow
citizens to think and discuss about the minorities'
interests. In this sense, initiatives have an impor-
tant function as a megaphone or a valve or can
even help to break taboos. New, innovative, and
even displeasing themes come on the agenda, and
the political elite as well as the citizens are forced
to argument for or against them. The innovative
potential of bottom-up direct legislation lies in
the inclusion and enlargement of political ideas,
proposals, and arguments.

Furthermore, a citizen's right to directly take
part in legislation has a system-stabilizing effect.
The acceptance of laws that are directly made by
citizens themselves is higher. Empirical research
further shows that satisfaction with democracy
and even with one's life as well as trust in polit-
ical institutions and representatives is higher
when there is direct democracy (for overviews
on empirical findings of the impact of direct
democracy, see Lupia and Matsusaka 2004;
Maduz 2010). In this sense, direct democracy
has the potential to innovate representative

244 democratic systems that suffer from growing
245 mistrust and political apathy.

246 Contrarily, top-down activation of direct
247 democracy seems to have less innovative
248 potential. Plebiscites normally only have a con-
249 sultative function. The political elite quite selec-
250 tively asks the citizens to legitimize a more or less
251 disputed legislative proposal. This seems not to
252 be innovative, neither in terms of content nor in
253 terms of enlargement of arguments. However,
254 enlarging the scope, one can find innovative
255 potential in top-down activation of direct legisla-
256 tion, too. *First*, even consultation – compared to
257 no direct democracy at all – holds the capability
258 for renewal. Asking the citizens for their opinion
259 forces the representatives to argue for or against
260 their proposal and to explain their points of view.
261 This can lead to a broader and probably innova-
262 tive discussion on a given topic. Given the possi-
263 bility of plebiscites, opposition parties could even
264 use this instrument to force the government to
265 take clear positions. *Second*, top-down direct
266 democracy is not necessarily only consultative.
267 In Switzerland, the parliament has the ability to
268 formulate a counterproposal for a citizen’s initia-
269 tive. Normally, Swiss representatives absorb
270 some requests of the citizen’s proposal but reject
271 those going too far. A counterproposal is
272 a reformulated and attenuated form of the initial
273 initiative. Sometimes the initiators recall their
274 initiative when there is a counterproposal, but
275 most of the time, both the initiative and the coun-
276 terproposal are voted on. A counterproposal not
277 only innovatively enlarges the discussion and the
278 scope of arguments, but it presents an interesting
279 interplay between representative and direct
280 democracy. As such, it also can weaken
281 a widespread criticism of direct democracy: the
282 danger of misuse of direct democratic instruments
283 by powerful groups aiming at promoting their
284 own interests or constraining the power of the
285 state (Bernhard 2012). With a counterproposal,
286 the representatives have the chance to counter,
287 attenuate, or enlarge one-sided proposals.

288 **Advisory Versus Binding Decisions**

289 The horizontal axis in the typology distinguishes
290 binding from non-binding instruments of direct

291 legislation. In combination with the vertical axis
292 discussed above, the approval of a direct decision
293 can strengthen the innovative potential with
294 regard to contents: the motivation to find new
295 arguments and positions is bigger and the scope
296 of new ideas is wider when the stakes are high,
297 regardless of whether activation is bottom-up or
298 top-down. As for the systemic innovation, con-
299 sultative plebiscites that only serve to consolidate
300 power or that are not binding even if rejected by
301 the people rather lead to more political disap-
302 pointment of the citizenry. The very idea of direct
303 democracy is reduced to absurdity, and the feel-
304 ing that the political elite comes close to some
305 sort of oligarchy is aggravated. However, and
306 again, a rejection of a non-binding proposal has
307 also some innovative potential because it cannot
308 be completely ignored by the political elite – at
309 least in democratic systems. If nothing else, some
310 tiny reforms must be undertaken if the represen-
311 tatives want to secure their re-election.

312 The innovative potential of the horizontal axis
313 should be discussed further in terms of responsi-
314 bility. It is the citizens who have the final respon-
315 sibility for decisions of legally binding direct
316 legislation. As for the non-binding advisory pro-
317 posals, it is the political elite who finally decide
318 what will be done. The question of ultimate
319 responsibility lies at the very heart of the debate
320 between supporters and opponents of direct
321 democracy. The former state that giving the peo-
322 ple more direct responsibility to decide on polit-
323 ical issues leads to higher political engagement,
324 greater accountability and awareness of political
325 problems, more acceptance of the democratic
326 process, and finally even more trust in the polit-
327 ical elite (Barber 1984). Supporters of direct
328 democracy, thus, would state that only real direct
329 democracy (i.e., citizen-initiated and binding law
330 proposals) has innovative potential for widening
331 the scope of arguments and reforming represen-
332 tative democracies. The critics of direct democ-
333 racy are very skeptical in consideration of the
334 capabilities of the citizens. They argue that prob-
335 lems of modern societies are far too complex for
336 ordinary citizens who do not consider anything
337 except their own interests and thus lack a sense of
338 responsibility and accountability. Furthermore,

339 direct democracy allows demagogues to launch
340 populist proposals that violate human or minority
341 rights (Schumpeter 1962). Thus, critics of direct
342 democracy deny a responsibility of citizens. In
343 the end, the people do not bear the consequences
344 of their decisions.

345 Empirical investigation confirms neither
346 the naïve belief in the salutary effect of direct
347 participation that brings citizens to perfection,
348 letting them find a Rousseauian common welfare
349 (Rousseau 2006), nor the fear of the anarchical
350 tyranny of powerful populist and self-interested
351 majorities. There are hints that citizens in direct
352 democratic systems are more politically compe-
353 tent and do not blindly abolish taxes or demand
354 higher government spending. Compared with
355 elected representatives, citizens who have the
356 power to decide directly even seem to be
357 more economical in spending money: the level
358 of public debt is lower in direct democratic
359 systems than in representative systems
360 (Matsusaka 2005). Some empirical findings
361 even show positive effects of direct legislation
362 on an individual's development of civic virtues,
363 such as political trust or efficacy (Smith and
364 Tolbert 2004). However, there are also empirical
365 findings that identify at least partially discrimi-
366 nating effects of direct democracy. Turnout at
367 polls in Switzerland or California often is quite
368 low. This is not a problem as such because the
369 absentees often do not take part because they are
370 not interested in the topic, are not concerned or
371 feel not competent enough. The problem of this
372 self-selection, however, is its bias: well-educated
373 upper-class people with high income participate
374 much more in direct legislation than do structur-
375 ally disadvantaged citizens (Mendelsohn and
376 Parkin 2001). Analysis of all polls in Switzerland
377 further shows that the danger of direct democracy
378 for minorities cannot be denied. Sometimes
379 citizen's proposals collide with basic rights
380 (Vatter 2011).

381 Definition Power

382 For some opponents of direct democracy, the
383 notion of innovative direct democracy is a

384 contradiction in terms. Direct democracy, rather
385 than being innovative, severely hinders reforms
386 and improvements. Giving citizens the possibil-
387 ity to veto and even cancel parliamentary legis-
388 lation leads to backlogs instead of political
389 innovation. Thus, direct democracy is seen as
390 a brake.

391 The discussion on the backlog potential of
392 direct democracy should be enlarged by
393 the third feature of the typology in Fig. 1: the
394 definition power. A pure referendum, as defined
395 above, indeed only blocks a given law or legisla-
396 tive reform when it is adopted. This is the literal
397 sense of such a veto- or control-instrument.
398 However, to consider the whole idea of direct
399 democracy as a paralyzing system would ignore
400 some significant facts. Such a view does not
401 account for the definition power of other
402 instruments than the pure referendum, such as
403 statutory or constitutional initiatives, launched
404 by citizens. Proposals that can be more or less
405 drafted out do indeed have a great potential for
406 innovation. As discussed above, bottom-up
407 induced impulses for political reforms can even
408 break up lethargic representative systems and
409 lead to important reforms. In this sense, direct
410 democracy is not a brake but rather an accelerator
411 for political change.

412 The degree of definition power affects the
413 scope of the elected representatives' contribution
414 to a specific legislation. Citizen-initiated legisla-
415 tion can range from a simple mandate for the
416 representatives to create a new law to a specific
417 proposal that must be adjusted by the parliament
418 or even a fully set-out law that – given the accep-
419 tance by the people at the polls – must be adopted
420 wholesale. The larger the degree of definition
421 power of direct democratic instruments is, the
422 less representatives will have control over the
423 specific legislation but the greater the potential
424 of law-giving innovation there is.

425 **Conclusion and Future Directions**

426 To define the innovations of direct democracy,
 427 one must clearly define what is meant by direct
 428 democracy. There are several different instru-
 429 ments allowing for citizens to directly join in
 430 political decision making. Thus, there is no such
 431 thing as the “direct democracy.” Further, direct
 432 democratic institutions should be seen as comple-
 433 mentary to representative democracy. There is
 434 no question of either representative or direct
 435 democracy. The distinction between direct and
 436 representative democracy is not exclusionary,
 437 but the two concepts are complementary. In
 438 fact, an enlargement of representative systems
 439 by direct democratic institutions seems to be
 440 an interesting – given the growing mistrust and
 441 apathy in established democracies, perhaps even
 442 inevitable – innovation of a democratic system.
 443 It is the complementation of representative
 444 democracy with direct forms that holds the most
 445 innovative potential for a transformation of
 446 democratic systems to semi-direct democracies.

447 Depending on the activation, the approval, and
 448 the definition power, the inclusion of citizens’
 449 ideas into the law-making process holds great
 450 innovative potential. As a rule of thumb, the
 451 more bottom-up the direct democratic process is
 452 organized, the more responsibility is given to the
 453 citizens in terms of approval, and the higher the
 454 degree of definition power is for citizen-initiated
 455 legislation, the greater is the potential for demo-
 456 cratic innovation as regards content. The enlarge-
 457 ment of the scope for different arguments, the
 458 potential of taboo breaking, and the possibility
 459 of accelerating political reform is highest when
 460 citizens are allowed to directly bring in specific
 461 law proposals.

462 However, there are trade-offs between the
 463 innovative potential of direct legislation and the
 464 danger of unequal and undemocratic direct deci-
 465 sion making by citizens as well as between innova-
 466 tion and representative control. Direct
 467 democracy has incorporated perils such as the
 468 possible “tyranny of the majority” that harms

basic rights, populist demagoguery, or discrimi- 469
 nating demands. Such jeopardy is greater the 470
 more the responsibility for direct law making is 471
 given to the citizens. Furthermore, the more the 472
 citizens have to decide, the more the elected 473
 representatives must shift responsibility, political 474
 power, and control over the political process and 475
 output. 476

The challenge for established democracies in 477
 the twenty-first century is the search for 478
 a political system that gives possible solutions 479
 to these trade-offs. This should be a system that 480
 is open enough to tap the innovative potential of 481
 citizen-initiated direct legislation, but that leaves 482
 enough scope for the elected representatives to 483
 limit and control the potential dangers of direct 484
 democracy. Such a system will certainly combine 485
 elements of representative and direct democracy. 486

Cross-References

- ▶ Creative Behavior 488
- ▶ Democratic Innovation/Innovation and 489
Democracy 490
- ▶ Political Leadership and Innovation 491

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Uncorrected Proof

Innovations of Direct Democracy,
Fig. 1 Different notions of direct democracy

		Degree of Definition Power of Initiators			
		<i>Low</i>	<i>High</i>	<i>Low</i>	<i>High</i>
Activation	<i>Bottom up</i>	Citizen demand		Referendum	Initiative
	<i>Top down</i>	Plebiscite		Counterproposal	
		<i>Advisory/consultative</i>		<i>Legally binding (depending on quorum or not)</i>	
Approval					

Uncorrected Proof