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Direct Democracy Upside Down

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Abstract

Over the last decades, provisions for direct democracy mechanisms increasingly have been added to new constitutions and more questions have been decided by referendum votes around the world in consolidated, new, or reestablished democracies. These mechanisms are usually classified according to who initiated the call: mandatory referendum (by law), referendum by legislatures and office holders (top-down), or citizen referendum and initiative (bottom-up). While the first and the second types have been studied in a comparative approach, the third remains an issue for case studies mainly (e.g., Switzerland, Liechtenstein, and Italy). However, despite incomplete research, bottom-up direct democracy is seen as a way for citizenry to exercise veto power (refusing laws or constitutional amendments) or to innovate (propose bills). This essay challenges this common assumption by analyzing all the experiences of bottom-up direct democracy at the national level worldwide (1874-2009). It is suggested that even so-called bottom-up referendums could be used (a) to concentrate power, (b) to serve as a partisan strategy, and, rather exceptionally, (c) to empower citizens and civil society. While the first type shows a similar pattern to top-down direct democracy in hybrid regimes or nonconsolidated democracies, and the second type works as a political party's strategy to increase membership and votes, only the last type could reinvigorate democracy, although to what extent this is happening needs further research.

Key words: Referendum, initiative, direct democracy mechanisms, political parties, civil society, democracy.

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Bottom-Up Referendums: Civil Society versus Political Parties

Comparative research shows that provisions for referendums and citizens' initiatives are increasingly being added to new constitutions. Worldwide, more and more issues are decided by direct votes of citizens.[1] We define direct democracy mechanisms as a set of procedures allowing citizens to make political decisions directly through a vote, without the involvement of a parliament or a government. These mechanisms can be grouped conveniently according to who started the call for a vote. The vote can be prescribed by a constitution or a law and, thus, be automatic; it can be triggered without the collection of signatures by the authorities in power (be it a parliament, a government, or often a president); or it can depend on a collection of signatures in order to, on the one hand, block decisions *post factum* or, on the other hand, introduce legal provisions independent of previous legislative action. Automatically triggered referendums often are used to ratify constitutional reforms, territorial changes, or international treaties. There is some agreement about the value of this particular type of referendum as a source of legitimization in contemporary democracies.[2] Conversely, several scholars have alerted against the use of referendums triggered *ex officio*, in particular, when activated by a president, who is called to ratify decisions or to resolve conflict between political powers, frequently the executive and the legislative branches. Historical evidence raises a certain amount of scepticism toward this type of direct democracy because of its risk of manipulation and its "plebiscitarian" nature.[3] In this essay, we deal with the third mechanism, requiring the collection of signatures to be activated, frequently called a vote triggered from the bottom up.

Unlike Kaufmann and Waters,[4] we do not include the mandatory referendum as a citizen-empowering instrument of direct democracy since it is constitutionally required and, thus, automatic. In accordance with Papadopoulos,[5] we focus on those mechanisms where the initiative comes from the citizens themselves, a certain number of whom demand a vote that the

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[1] Simon Hug and George Tsebelis, "Veto Players and Referendums around the World," *Journal of Theoretical Politics* 14, no. 4 (2002): 465-515; Yanina Welp and Uwe Serdült, *Armas de Doble Filo. La participación ciudadana en la encrucijada* [Double-edged weapons: Citizen participation at the crossroads] (Buenos Aires: Prometeo, 2009); and David Altman, *Direct Democracy Worldwide* (Cambridge, England: Cambridge University Press, 2011).

[2] Andreas Auer, "National Referendums in the Process of European Integration: Time for Change," in *The European Constitution and National Constitutions: Ratification and Beyond*, ed. Anneli Albi and Jacques Ziller (Netherlands: Kluwer Law International, 2007), 261-271.

[3] Mónica Barczak, "Representation by Consultation? The Rise of Direct Democracy in Latin America," *Latin American Politics & Society* 43, no. 3 (2001): 37-59.

[4] Bruno Kaufmann and Dane M. Waters, *Direct Democracy in Europe* (Durham, NC: Carolina Academic Press, 2004).

[5] Yannis Papadopoulos, "Analysis of Functions and Dysfunctions of Direct Democracy: Top-Down and Bottom-Up Perspectives," *Politics & Society* 23, no. 4 (1995): 421-448.

political authorities have to accept. We also include recall when it is activated by signature collection. Despite some criticism of direct democracy, such as the power of lobby groups to activate and control direct democracy, or the question of the competence of the electorate,[6] in recent years, there has been a growing interest in bottom-up mechanisms and a call for more bottom-up direct democracy, such as the request for a European citizens' initiative,[7] the spread of direct and participatory democracy at national and local levels,[8] and an opinion in favor of that mechanism.[9]

It is argued that institutional provisions for bottom-up direct democracy allow citizens to become veto players, and in Tsebelis's words, actors whose agreement is necessary for a change in the legislative *status quo*.[10] Bottom-up democracy also allows for the citizenry to become innovators. Citizens can refuse a law passed by a parliament, propose a new law or modify an existing one, or propose constitutional amendments through signature collection designed to be concluded by a vote.[11] Bottom-up direct democracy is supposed to produce social accountability and to reduce the distance between representatives' actions and citizens' preferences.[12] However, there is no overall agreement on the relation between representative democracy and bottom-up direct democracy.

According to Kaufmann and Waters, wherever direct democracy exists, "it has not replaced representative democracy but has complemented the work of parliamentarians and political parties."[13] Others, such as Setälä, have stated that,

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[6] Arthur Lupia and John Matsusaka, "Direct Democracy: New Approaches to Old Questions," *Annual Review of Political Sciences* 7 (2004): 463-482.

[7] Treaty on European Union, art. 11, par. 4, requires the signatures of one million citizens of the European Union in order to activate an initiative to directly address the European Commission.

[8] Archon Fung and Erik Wright, *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance* (London: Verso, 2003).

[9] Bruno Kaufmann, *The European Citizens' Initiative Handbook: Your Guide to the World's First Transnational Direct Democratic Tool* (Luxembourg: Green European Foundation, 2010).

[10] Hug and Tsebelis, "Veto Players and Referendums around the World."

[11] A specific number of signatures is requested in some countries (500,000 for an abrogative referendum in Italy, equivalent to one percent of the electorate), whereas in others it is a percentage (25 percent in Uruguay for an abrogative referendum, but 10 percent for a constitutional one). In some cases, a territorial representation, in addition to the majority of the electorate, is required, such as the requirement for a majority of the cantons for constitutional changes in Switzerland. Time limits to reject a law and to collect signatures can vary (no period in Italy, while in Switzerland it is one hundred days). In some cases, there is a turnout threshold (Italy, Colombia), while in others there is not (Switzerland).

[12] David Altman, "Democracia directa en el continente americano: ¿autolegitimación gubernamental o censura ciudadana?" [Direct democracy in the American continent: Self-legitimation government or citizenship censure?] *Politica y Gobierno* [Politics and Government], no. 2 (2005): 203-232.

[13] Kaufmann and Waters, *Direct Democracy in Europe*, xix.

> an increased number of citizens' initiatives can be expected if citizens become increasingly detached from the traditional parties... . Also the number of referendums may rise if governmental parties increasingly fail to represent the opinions of the majority of voters on a salient issue.[14]

Dalton goes further, stressing that,

> on one side of the democratic spectrum stands the model of articulating citizen demands through representation. This model often takes the form of party-based parliamentary rule and functions primarily through elected representatives... . At the other end of the spectrum the model of direct democracy is placing control in the hand of the people themselves.[15]

If the last arguments reflect a current trend, when a constitutional provision for bottom-up direct democracy exists, contemporary societies would be characterized by a growing divorce between the citizenry and the institutions of representative democracy, especially political parties, and an increasing intervention of citizenry in the political arena.

However, evidence from the Swiss, Italian, and Uruguayan experiences shows that political parties are not necessarily against bottom-up referendums. Morel's study of party attitudes toward referendums concludes with a diverse typology showing that direct democracy is not necessarily against parties and parties are not automatically against direct democracy.[16] Ladner and Brändle have challenged the widespread thesis that direct democracy weakens political parties. Their study of the Swiss cantons suggests that direct democracy goes hand-in-hand with more professional and formalized party organizations.[17] The Uruguayan case demonstrates how useful referendums can be in order to mobilize and increase the visibility of a new party in the political arena.[18]

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[14] Maija Setälä, "Referendums in Western Europe—A Wave of Direct Democracy," *Scandinavian Political Studies* 22 (1999): 333.

[15] Russell J. Dalton, Wilhelm P. Bürklin, and Andrew Drummond, "Public Opinion and Direct Democracy," *Journal of Democracy* 12, no. 4 (2001): 142.

[16] Laurence Morel, "Party Attitudes toward Referendums in Western Europe," *West European Politics* 16, no. 3 (1993): 225-244.

[17] Andreas Ladner and Michael Brändle, "Does Direct Democracy Matter for Political Parties?" *Party Politics* 5, no. 3 (1999): 283-302.

[18] Yanina Welp and Uwe Serdült, "Reto, competencia y manipulación: Referéndum y poder político en América Latina" [Challenge, competition and manipulation: Referendum and political power in Latin America], in *Democracia participativa vs. representación. Tensiones en América Latina* [Participatory democracy and representation: Tensions in Latin America], coord. Mascareño and Montecinos, Center of Studies of Development, Central University of Venezuela, and Center of Regional Development, University of Los Lagos, Chile, 2012.

The Italian case also has shown that, even if parties are cautious about the promotion of referendum votes, nongoverning parties have been the most active in setting them up.[19] Finally, it must be considered that activating a referendum incurs high costs in terms of human and financial resources. In some scenarios, political parties could have strong incentives to activate referendums and could be more prepared than other actors (e.g., labor unions, NGOs, and individual citizens) for such an endeavor. Finally, in nonconsolidated democracies or hybrid regimes, experience shows that even if formally following legal procedures, some bottom-up direct democracy practices could exhibit a similar pattern to top-down direct democracy, with a government controlling or even creating social movements to promote an initiative oriented toward reinforcing its power. In this particular case, bottom-up direct democracy is turned upside down, and the primary function of the instrument perverted.[20]

Given the growing interest in the subject and the lack of comparative studies, this exploratory research aims to identify all national bottom-up direct democracy experiences in the world from 1874 (when the first bottom-up mechanism was introduced in Switzerland) to 2009. Before continuing, we must mention that several scholars also have hinted at the growing importance of direct democracy—including bottom-up mechanisms—on the subnational level. This is especially relevant for the Swiss cantons, the German *Länder*, and the states of the United States.[21] In Germany, the subnational use of bottom-up direct democracy mechanisms has increased since the codification of the citizens' initiative in the 1990s in all the *Länder*. After the reunification of Germany, all the new *Länder* in the former East introduced the citizens' initiative as a consequence of the strong involvement of citizen movements in breaking up the communist government; the Western *Länder*, still without this instrument, followed soon thereafter. Citizen-induced votes overturning parliamentary legislation in the form of optional referendums were not possible until very recently and continue to have ephemeral importance only.[22] The frequency of bottom-up votes clearly increased from seven between 1945 and

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[19] Pier Vincenzo Uleri, "On Referendum Voting in Italy: Yes, No or Non Vote? How Italian Parties Learned to Control Referenda," *European Journal of Political Research* 41, no. 6 (2002): 863-883.

[20] See Jonathan Wheatley, "Direct Democracy in the Commonwealth of Independent States: The State of the Art," C2D Working Paper Series, no. 28 (2008).

[21] Bruno Frey and Alois Stutzer, "Happiness, Economy and Institutions," *Economic Journal* 110 (2000): 918-938; Andreas Ladner and Michael Brändle, "Does Direct Democracy Matter for Political Parties?" *Party Politics* 5 (1999): 283-302; Christina Eder, Adrian Vatter, and Markus Freitag, "Institutional Design and the Use of Direct Democracy: Evidence from the German Länder," *West European Politics* 32, no. 3 (2009): 611-633; and Daniel Smith and Caroline Tolbert, *Educated by Initiative: The Effects of Direct Democracy on Citizens and Political Organizations in the American States* (Ann Arbor, MI: University of Michigan Press, 2004).

[22] Andreas Rohner, "Direct Democracy in the German Länder: History, Institutions, and (Mal) Functions," C2D Working Paper Series, no. 38 (2011).

1989 to fourteen between 1990 and 2009; however, due to sometimes very restrictive qualification hurdles, overall success rates are relatively low. In the Swiss cantons, we also observe a steady increase in bottom-up votes for each decade after 1970 (1970-1979, 229; 1980-1989, 353; 1990-1999, 296; and 2000-2009, 372).[23] The increase can be attributed to a better organized civil society sector and to the fact that the number of required signatures in order to trigger the procedure has been left untouched in most cantons, if not lowered despite a growing population. For the states in the United States, we observe new highs for state-level initiatives for the last two decades as well.[24] One additional and striking case is the growth of recall votes in Peru. Starting with 181 local-level recalls in 1997, recalls steadily spread throughout the country and occurred 1,541 times between 2008 and 2009.[25] However, given our intention of dealing with the whole universe of cases, at this stage, we could not start data collection and process the thousands of bottom-up votes emerging at the subnational level.

Thus, our first goal is to draw the map of bottom-up direct democracy experiences on the national level, identifying the number, countries, and geographical areas in which they are spreading. Second, we want to test to what extent the following scenarios can be identified:

1. "Citizens as policy makers." If, as some scholars stress, bottom-up direct democracy works as an alternative to power distribution in representative democracies, we should find an increasing number of citizens or civil society organizations playing a role in the activation of direct democracy.
2. "Political parties as the main players." This, in case bottom-up direct democracy is just another strategy for opposition parties to continue the fight against a policy passed in parliament; a party strategy to mobilize (potential) voters; or a tactic to place an issue on the agenda.
3. A "government's strategy to increase its power." Bottom-up direct democracy could be a tool controlled by governments.

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[23] Data extracted from the C2D database: www.c2d.ch (accessed December 14, 2011).

[24] The data for the states in the United States can be accessed and downloaded from the Initiative and Referendum Institute Web site: www.iandrinstitute.org. Also see, John G. Matsusaka, *For the Many or the Few: The Initiative, Public Policy, and American Democracy* (Chicago: University of Chicago Press, 2004).

[25] Yanina Welp and Uwe Serdült "¿Jaque a la representación? Análisis de la revocatoria de mandato en los gobiernos locales de América Latina" [Check to representation? Analysis of the recall referendum in local governments of Latin America], in *Caleidoscopio de la innovación democrática en América Latina* [Kaleidoscope of democratic innovation in Latin America], comp. Yanina Welp and Laurence Whitehead (México: FLACSO, 2011).

Even though the citizenry has the final say in all three scenarios, the predominance of the first scenario could show an extension of the political game to new actors previously excluded from policy-making. The predominance of the second scenario could be explained in several ways (crisis of representative democracy, power struggle, or partisan strategy), but shows, in any case, that political parties continue to play an important role. Option 3 could show that even bottom-up direct democracy could be a strategy to reinforce power by the (mis)use of public means.

All national referendum votes in the C2D database (http://www.c2d.ch) were therefore classified according to who made the call: (1) individuals or civil society organizations; (2) political parties in the opposition; or (3) the president and/or political parties in government. The promoter was identified as the actor who started the request, but this does not necessarily mean that the actor did not have the support of others (from a political party or from civil society). Because we focus on the activation of the instrument, we took binding as well as nonbinding votes into account. While further research should be done to analyze links among actors, here we contribute by analyzing, in the last part of the study, some cases from each category in order to identify trends on the relation between political parties and civil society organizations.

Mapping the Evolution of Bottom-Up Direct Democracy

Institutional provisions and experiences with referendums have been increasing not only in Western countries but also in post-communist countries, Latin America, and Asia. In the post-communist countries, most of the new constitutions were ratified by this procedure; in Europe, referendums have been quite intensively used for issues linked with European integration,[26] while in Latin America, there has been an increase in the use of referendums in countries such as Bolivia, Ecuador, and Venezuela. However, even though institutional provisions for and practices of bottom-up direct democracy are increasing, these are rare in comparison to mandatory and top-down mechanisms of direct democracy.[27]

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[26] Simon Hug, *Voices of Europe: Citizens, Referendums and European Integration* (Lanham: MD: Rowman & Littlefield, 2002).

[27] Data from the C2D's (www.c2d.ch) and Beat Müller's database (http://www.sudd.ch/); also, reports provided by IDEA in *Direct Democracy: The International IDEA Handbook*, 2008. For Europe, see Kaufmann and Waters, *Direct Democracy in Europe*; for post-communist countries, see Wheatley, "Direct Democracy in the Commonwealth of Independent States," and Andreas Auer and Michael Bützer, *Direct Democracy: The Eastern and Central European Experience* (Hants, England: Aldershot, 2001); for Latin America, see Welp and Serdült, *Armas de Doble Filo*; and for Asia, see Jau-Yuan Hwang, *Direct Democracy in Asia: A Reference Guide to the Legislations and Practices* (Taipei: IRI-Taiwan Foundation for Democracy, 2007), and Jung-Ok Lee and Bruno Kaufmann, *Global Citizens in Charge: How Modern Direct Democracy Can Make Our Representative Democracy Truly Representative* (Seoul: Korea Democracy Foundation, 2009).

Table 1. Bottom-Up Direct Democracy (1874-2009)

	Countries with Bottom-Up Institutional Provisions	Referendum	
		#	%
Western Europe[1] (4)	Switzerland	336	62.6
	Italy	62	11.5
	Liechtenstein	56	10.4
	San Marino	14	2.6
Post-communist countries (14)	Latvia	10	1.9
	Slovakia	5	0.9
	Lithuania	9	1.7
	Hungary	7	1.3
	Slovenia	3	0.6
	Ukraine	4	0.7
	Serbia	1	0.2
	Georgia	1	0.2
	Macedonia FYR	1	0.2
	Albania, Belarus, Kyrgyzstan, Moldova, Russian Federation	0	0
	(Estonia) [2]	2	0.4
Latin America (8)	Uruguay	11	2.0
	Colombia	1	0.2
	Venezuela	1	0.2
	Bolivia,[3] Costa Rica, Ecuador, Nicaragua, Peru	0	0
Africa (6)	Cape Verde, Ethiopia, Liberia, Niger, Togo, and Uganda	0	0
Asia (3)	Taiwan	4	0.7
	Philippines, Turkmenistan	0	0
Oceania (3)	Palau	5	0.9
	Micronesia	0	0
	New Zealand	4	0.7
Total	38 Countries	537	100

Source: C2D database, www.c2d.ch .

Note 1: Cases such as Portugal are not included because, even if citizens can collect signatures, the parliament decides whether to call for a referendum vote (art. 115, Portuguese Constitution of 1976).

Note 2: In Estonia, the constitution of 1920 allowed for bottom-up referendums. Within that framework, two referendums were held, one in 1923 and one in 1933. However, the mechanism is not included in the current constitution. See, Ero Liivik, "Legitimacy through Direct Democracy in the EU Member State: Direct Democratic Initiatives in the Estonian Parliament," *Proceedings of the Institute for European Studies – Journal of Tallinn University of Technology*, no. 8 (2010): 82-99.

Note 3: For Bolivia, the regional-level referendums on the autonomy statutes are not included.

While at least 156 countries provide for mandatory or optional referendums, only thirty-eight countries have provisions for bottom-up mechanisms, and in six of these cases (Russian Federation, Ethiopia, Kyrgyzstan, Niger, Liberia, and Uganda) only the recall of members of parliament can be activated by the citizenry. Therefore, citizens are allowed to participate directly in the legislative and/or in the constitution-making process in only thirty-two countries.

As we can see in table 1, the countries with these provisions have very different political histories, although there has been a general trend toward the inclusion of these mechanisms in post-communist countries (fourteen countries have provisions for direct democracy). Despite a common belief, bottom-up mechanisms are not particularly developed in most consolidated democracies. In Western Europe, only four countries provide for them (Switzerland, Italy, Liechtenstein, and San Marino), while they are not included at all at the federal level in the United States, Canada, or Australia. In New Zealand, they are regulated by the Citizens Initiated Referenda Act, approved in 1993, though due to the nonbinding character of the result, the system has been highly criticized and up to now has been rarely used.[28] Legal provisions also have been introduced in new or reestablished democracies, such as in eight Latin American, six African (in four cases, there is only the recall of MPs), four Asian, and three Oceanian countries. We may notice here, despite a common assumption relating direct democracy with small states, Anckar has shown that although micro states and small islands have a "special inclination to introduce in their constitutions prescriptions for the constitutional referendum, [they] are otherwise equally or even more disinterested than large countries in more differentiated instruments of direct democracy."[29]

There are explanations for the low number of countries with legal provisions for bottom-up direct democracy. One reason is that, in Setälä's words, "these types of referendums are beyond the control of governments and they may be directed against the policies pursued by governments."[30] Therefore, it may be expected that they receive opposition from the parties most likely to be in power. A referendum may also bring about rather unexpected results. It has been shown that many voters decide on which way to vote during the campaign, and, in some cases, there were changing trends until the very last day of the campaign.[31] However, there is no homogeneous pattern, as is shown for some Latin American countries such as Ecuador, Venezuela, Colombia, and Bolivia,

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[28] Maja Harris, "New Zealand's Direct Democracy Experience: An Institution Found Lacking?" C2D Working Paper, no. 34 (2010).

[29] Dag Anckar "Direct Democracy in Microstates and Small Island States," *World Development* 32, no. 2 (2004): 387.

[30] Setälä, "Referendums in Western Europe," 337.

[31] Claes H. de Vreese, "Political Parties in Dire Straits? Consequences of National Referendums for Political Parties," *Party Politics* 12, no. 5 (2006): 581-598.

where the spread of direct democracy institutions created mandatory top-down and bottom-up mechanisms, surrounded by a public discourse oriented toward reinvigorating democracy. Despite this fact, it should be stressed that, in Latin America, top-down referendums are used more frequently, with some mandatory referendums and only two experiences of bottom-up referendums as the exceptions (one recall in Venezuela, 2004, and an initiative in Colombia asking for the introduction of direct democracy into the constitution).[32]

In nineteen of the thirty-eight countries with institutional provisions for direct democracy from the bottom up, the mechanism has been activated at least once. If Estonia, which had provisions for the mechanism before the First World War (but not after), is included, we can say that bottom-up direct democracy has been activated in twenty countries worldwide at least once. Switzerland emerges as the most intensive user of direct democracy. Bottom-up direct democracy was introduced in 1874. Switzerland was followed many years later by Liechtenstein (1925), Italy (1974,) and San Marino (1982). Additionally, countries such as Uruguay (where the mechanism was first in the hands of parties and after 1967 included legal provision for citizens' initiatives) and Latvia (introduced in 1923 and reestablished after the communist period) have used the mechanism several times. With the exception of Switzerland and Liechtenstein, the spread of direct democracy among countries and regions is a recent phenomenon, starting in the 1980s (Italy could be considered a forerunner in the middle of the 1970s). However, bottom-up direct democracy has to be understood as a rather ephemeral institution. Apart from the already mentioned ones, only four countries, Latvia, Uruguay, Hungary,[33] and Slovakia, have used the institution repeatedly, on a minor scale, while in most cases, referendum calls have been a unique experience so far (Colombia, 1991; Serbia, 1992; Georgia, 2003; Macedonia, 2004; Ukraine, 2000; and Venezuela, 2004).

How can this variance and recent growth in use be explained? Arend Lijphart's well-known study on majoritarian and consensual democracies comes to the conclusion that the question of why referendums occur in some countries more frequently than in others cannot be answered satisfactorily. Regarding the very specific case of direct democracy from the bottom, the question is not only about the use but also about the reasons for the introduction of legal provisions. Why should political groups or parties in office be inclined to introduce mechanisms that can reduce their power and challenge their decisions? Our fieldwork does not allow us to present conclusions; however, preliminary

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[32] Yanina Welp. "El referéndum en América Latina. Diseños institucionales y equilibrios de poder" [The referendum in Latin America : Institutional designs and balances of power] *Nueva Sociedad* [New Society] 208 (2010): 26-42.

[33] László Komáromi, "Popular Rights in Hungary: A Brief Overview of Ideas, Institutions and Practice from the Late 18th Century until Our Days," C2D Working Paper Series, no. 35 (2010).

research on particular cases suggests that there is neither a single reason nor an overarching trend. In Switzerland, for example, two main influences are usually cited concerning the introduction of direct democratic mechanisms into the constitutions of the cantons during the nineteenth century: the premodern *Landsgemeinde* (decisions taken in the open space by a show of hands) and the French Revolution, both of which served as cultural reference models for political opposition groups. However, looking at historical trajectories of Swiss cantons introducing direct democracy, the political constellations and motivations leading to this step were far from homogeneous.[34] In the American states, direct democracy blossomed throughout the Progressive Era in response to government corruption.[35] If, in the mentioned cases, the main supporting factor seems to have been social pressure, in other cases, provisions for direct democracy were promoted by the central power. Comparing the introduction of direct democracy in South America, Barczak suggests that new constitutions can be expected to contain direct democratic mechanisms when the reform and rewriting process is controlled by traditionally excluded political interests; or when, under conditions of extreme institutional stress, formerly excluded interests mobilize to capture a significant, but not controlling, share of the authority over the reform process.[36] In other words, referendums can be seen as weapons to overthrow institutional constraints. Of course, it opens the door for a very controversial debate when these regimes—often defined as populist—can base themselves on strong popular support. In the Peruvian case, it was the result of Alberto Fujimori's attempt to resolve the institutional crisis produced by his *coup d'état* in 1992. His intention was to unblock the international ban he faced by promoting a constitutional convention introducing several mechanisms of bottom-up direct democracy. However, although the 1993 constitution created a referendum system, the government blocked the opposition's effort to submit the re-election issue to a popular vote and other attempts to reinforce decentralization and to strengthen democratic institutions.[37] Besides this rather organic emergence in countries such as

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[34] Wolf Linder, "Direct Democracy," in *Handbook of Swiss Politics*, ed. Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopoulos, Pascal Sciarini (Zürich: Neue Zürcher Zeitung Publishing, 2007), 102-103. Also see, Andreas Auer, ed., *Les origines de la démocratie directe en Suisse—Die Ursprünge der schweizerischen direkten Demokratie* [The origins of direct democracy in Switzerland] (Basle/Frankfurt a. M.: Helbing & Lichtenhahn, 1996), and René Roca and Andreas Auer, eds., *Wege zur direkten Demokratie in den schweizerischen Kantonen* [Ways to direct democracy in the Swiss cantons] (Zürich: Schulthess, 2011).

[35] Todd Donovan and Shaun Bowler, "An Overview of Direct Democracy in the American States," in *Citizens as Legislators: Direct Democracy in the United States*, ed. Shaun Bowler et al. (Columbus: Ohio State University Press, 1998)

[36] Mónica Barczak, "Representation by Consultation? The Rise of Direct Democracy in Latin America," *Latin American Politics & Society* 43, no. 3 (2001): 39.

[37] Steven Levitsky, "Fujimori and Post-Party Politics in Peru," *Journal of Democracy* 10, no. 3 (1999): 78-92.

Switzerland and the United States, the democratization wave in Latin America during the 1980s and the fall of the Berlin Wall opened a historic opportunity for countries of the former Eastern bloc to introduce direct democratic elements into their constitutions. However, compared to the frequency of referendum votes, studies about direct democracy in Eastern European countries are still scant. In his assessment of direct democracy in the Commonwealth of Independent States (CIS), Wheatley stresses that, although most of the twelve republics possess a formally democratic system in terms of a constitution that guarantees a multiparty system and universal human rights, this *façade* of democracy often obscures an underlying informal reality in which political life is determined by raw power struggles unrestrained by the rule of law.[38] Furthermore, despite a legal framework allowing for a number of mechanisms of direct democracy, they are either hardly used or (worse) suborned by an authoritarian leadership in order to exert control. On occasions, citizens' initiatives have been hijacked by the authorities or by economic agents with close links to the authorities (as in the 2000 referendum in Ukraine).

With the data at hand representing the universe of all cases and the threefold functional typology of bottom-up referendums (power concentration, party competition, and civil society empowerment), we hope to go beyond and further contribute to the two viewpoints we currently find in the literature. Arendt Lijphart and Butler and Ranney, focusing on Western polities, stated that governments are basically in control of referendum votes. They seem to stand corrected by Mads Qvortrup's investigation—applying Gordon Smith's model dividing referendums into "controlled" and "uncontrolled"—demonstrating that a large majority (77 percent) of referendums are actually uncontrolled.[39] However, they both had cases only from Western polities under study, and, according to us, by including mandatory constitutional referendums as well as top-down organized plebiscites, did not focus on cases in which the citizens have had the option of playing an active role in triggering the referendum vote.

Turning Bottom-Up Referendums Upside Down

The question whether global patterns are emerging thus can be explored and we can try to better understand the role of direct democracy in representative democracies. To proceed with the analysis, referendums were classified

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[38] Jonathan Wheatley, "Direct Democracy in the Commonwealth of Independent States: The State of the Art," *C2D Working Paper*, no. 28 (2008).

[39] Arendt Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven, CT: Yale University Press, 1984); David Butler and Austin Ranney, *Referendums: A Comparative Study of Practice and Theory* (Washington, DC: American Enterprise Institute, 1994); and Mads Qvortrup, "Are Referendums Controlled and Pro-hegemonic?" *Political Studies* 48, no. 4 (2000): 821-826.

according to what group initiated the request (political party in government, political party in the opposition, or civil society organizations). The main promoter can usually be identified by looking at the committee created to collect signatures. However, in some cases, it was difficult to categorize the initiator as a political party in the opposition or civil society, given that there were shared efforts between actors from both sides. In a subsection below, some cases are explored in more detail in order to identify the existence of more actors involved in the support of a bottom-up referendum.

Table 2 shows the evolution of bottom-up direct democracy according to countries and promoters of a vote. The time periods were chosen to emphasise this evolution in waves of bottom-up direct democracy. We are well aware that time periods could easily and for good reasons be set differently. The first developments of modern direct democracy happened from 1874 to 1920 and evolved in coexistence with representative institutions. The first period identified shows Switzerland as the only country with referendum practice and political parties as key activators of the votes. Of the forty-four consultations that took place in those forty-six years, 64 percent (twenty-eight) were initiated by political parties in the opposition. The referendums called in that period represent 8.2 percent of the total registered until 2009.

Between 1921 and 1950, more countries with bottom-up votes emerged. Estonia showed only exceptional usage, while the Latvian experience, which was interrupted during the communist period, was reestablished only recently. Liechtenstein also became an adopter during this period and since has developed to be comparable to the Swiss experience.[40] Political parties maintain an important role as initiators (parties in the opposition activated 42.4 percent), but civil society clearly gained in importance (56.1 percent). However, the weight of Switzerland should be stressed, given that organizations in Swiss civil society activate referendums more and more frequently. In Latvia, the opposition is the main actor, and in Liechtenstein, both parties and civil society organizations resort to referendums.

In the post-World War II period from 1951 through 1988, there were five countries (although with varying intensity) in which bottom-up direct democracy played a fundamental role. Compared to the previous period, San Marino, Uruguay,[41] and Italy entered the set of countries with bottom-up direct democracy, while Latvia and Estonia dropped out. Due to the influence of the Swiss case, civil society initiated most of the calls during this period of time (54.3 percent). Again, a sharp increase of the total number of referendums compared with the previous period can be observed.

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[40] For more information on the case, see Wilfried Marxer and Zoltán Tibor Pállinger, *Direkte Demokratie in der Schweiz und Liechtenstein: Systemkontexte und Effekte* [Direct democracy in Switzerland and Liechtenstein: Systems contexts and effects] (Bendern, Liechtenstein: Liechtenstein-Institut, 2006).

[41] We thank Alicia Lissidini, who helped us to understand and classify the Uruguayan case.

Table 2. Bottom-Up Direct Democracy According to What Group Initiated the Call (1874-2009)

Period	Initiator									Total	
	Government			Political party in the opposition			Individuals or civil society				
	Country	#	%	Country	#	%	Country	#	%	Σ	%
1874-1920 (46 years, 1 country)	Switzerland	2	4.5	Switzerland	28	43.6	Switzerland	14	31.8		
		2			28			14		44	8.2
1921-1950 (29 years, 4 countries)	Switzerland	1	1.5	Switzerland Latvia Liechtenstein	19 4 5	42.4	Switzerland Estonia Liechtenstein	27 2 8	56.1		
		1			28			37		66	12.3
1951-1988 (37 years, 5 countries)	Switzerland Liechtenstein	15 2	12.1	Switzerland Italy Liechtenstein Uruguay	27 12 5 3	33.6	Switzerland Italy Liechtenstein San Marino	62 2 11 1	54.3		
		17			47			76		140	26.1
1989-2009 (20 years, 19 countries)	Switzerland Italy Liechtenstein Ukraine Taiwan Palau	26 3 1 4 2 5	14.3	Switzerland Italy Hungary Slovakia Macedonia FYR Latvia Liechtenstein Lithuania San Marino Serbia Taiwan Uruguay Venezuela	17 45 7 4 1 5 9 9 8 1 2 1 1	38.3	Switzerland Colombia Georgia Latvia Liechtenstein Slovenia New Zealand San Marino Uruguay Slovakia	98 1 1 1 15 3 4 5 7 1	47.4		
		41			110			136		287	53.4
Total		61	11.4		213	39.7		263	49.0	537	100.0

Source: C2D database, www.c2d.ch.

Finally, after the fall of the Berlin Wall and the third wave of democratization, several more countries started to introduce legal provisions for bottom-up direct democracy and to use them (with more than half of the total number of calls in history so far: 53.4 percent). This has occurred not only in post-communist countries but also in other regions of the world, albeit with different intensity and under varying circumstances. Currently, nineteen countries have used bottom-up mechanisms of direct democracy. Liechtenstein has followed a similar development as Switzerland, with an increased presence of civil society organizations for the activation of the referendum.[42] Uruguay, although to a lesser extent, seems to follow this path. Civil society, again, is the main actor, but the figure is distorted by the Swiss experiences, followed by Liechtenstein and Uruguay, where referendums have been activated more often by civil society than by political parties.

We created table 3 to further highlight the importance of Switzerland and Liechtenstein for the activation of bottom-up referendums worldwide (73 percent of all cases). As mentioned before, over time, Switzerland and Liechtenstein have developed into a mode with only a few votes initiated by governmental parties, a considerable number of votes triggered by opposition parties, but the bulk of bottom-up referendums stemming from political forces rooted in civil society (including trade unions, workers' unions, and employers' associations). We also can observe that, for the rest of the world, political parties in the opposition have been the most active initiators of bottom-up votes (71 percent of the calls initiated in the world, excluding Switzerland and Liechtenstein). Countries in this last group have a shorter history, are less practiced in the use of direct democracy, and are sometimes characterized by fierce party antagonisms (as in Italy). However, there seems to be a temporal trend as well. Bottom-up direct democratic mechanisms, in a first phase, are a tool in the hands of political parties. At some point, in an open and liberal society with a certain experience in the use of direct democracy, civil society organizations take over, fulfilling the task of political watchdogs, demanding a vote whenever societal preferences do not seem in line with what political parties produce as policy outputs any more. Regarding the Swiss case, it is worthwhile noting that 13 percent of the bottom-up referendum votes have been initiated by political parties in government. In a polity with strong direct democratic instruments such as in Switzerland, even political parties in the governing coalition need to reassess themselves and their electorate from time to time, and prove that they can initiate, and eventually even win, a referendum vote.

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[42] A peculiarity of the bottom-up mechanisms in Liechtenstein is that popular votes are binding for Parliament but not necessarily for the Prince (the country is a constitutional monarchy). In most cases, he has a veto right. If he does not sign a law, it cannot enter into force, even if an overwhelming majority of the people at the ballot favor it.

Table 3. Referendums by Initiator for Switzerland, Liechtenstein, and Rest of the World

	Initiator						Total	
	Government		Political party in the opposition		Individuals or civil society			
	Σ	%	Σ	%	Σ	%	Σ	%
Switzerland	44	13.1	91	27.1	201	59.8	336	62.6
Liechtenstein	3	5.4	19	33.9	34	60.7	56	10.4
Rest of the world	14	9.7	103	71.0	28	19.3	145	27.0
Total	61	11.4	213	40.0	263	48.6	537	100.0

Source: C2D database, www.c2d.ch.

Furthermore, we can calculate a success rate from the perspective of the initiators, expressing how many of the bottom-up votes were accepted by the electorate (see table 4). Again, we distinguish Switzerland and Liechtenstein from the rest of the world. Overall, the success rate of bottom-up referendums amounts to roughly a third, irrespective of differences in institutional design of direct democratic instruments, political party systems, or polity. In Switzerland, for example, 106 of 336 (figure from table 3) votes passed. Overall, with a one-third success rate, the price to launch a referendum vote is high but worth the effort. Referendums initiated by civil society clearly have the highest chance of passing compared to the two other types, with 35 percent in Switzerland, 44 percent in Liechtenstein,[43] and even 57 percent in the rest of the world. The high success rates for this type of referendum justify the function it can have in a political system as a corrective and safety valve. However, the high success rate of government-induced bottom-up referendums with a rate of 57 percent again shows that bottom-up direct democracy also can be turned upside down and used as a tool to further consolidate political power.

Applying a more qualitative approach to the empirical evidence listed above, we can analyze to what extent referendum calls could be linked to the suggested scenarios and even go a bit further to differentiate within those scenarios. In other words, we ask to what extent direct democracy from below is (1) activated by individuals or civil society as a consequence of a crisis of

[43] We are aware that success rates in Switzerland vary to a considerable extent between the citizens' initiative (very low) and the referendum (high). See Wilfried Marxer and Tibor Pállinger, "System Contexts and System Effects of Direct Democracy—Direct Democracy in Liechtenstein and Switzerland Compared," in *Direct Democracy in Europe: Developments and Prospects*, ed. Zoltán Tibor Pállinger, Bruno Kaufmann, Wilfried Marxer, and Theo Schiller (Wiesbaden, Germany: VS Verlag, 2007), 24. However, for our purpose, we place the emphasis on the bottom-up procedure.

Table 4. Success Rates of Bottom-Up Votes for Switzerland, Liechtenstein, and Rest of the World

	Initiator						Total	
	Government		Political party in the opposition		Individuals or civil society			
	Σ	% passed	Σ	% passed	Σ	% passed	Σ	%
Switzerland	11	25,0	25	27,5	70	34,8	106	31,5
Liechtenstein	0	0,0	4	21,1	15	44,1	19	33,9
Rest of the world	8	57,1	24	23,3	16	57,1	48	33,1
Total	19	31,1	53	24,9	101	38,4	173	32,2

Source: C2D archives.

representative democracy and/or by the demands of more participatory forms of democracy; (2) called by opposition parties which activate a referendum as a mechanism to bypass a resolution, placing the decision in the hands of citizenry, or initiated by small, radical and/or single-issue parties, even if they know that their possibilities of winning are low, simply to mobilize and place the issue on the political agenda; or (3) more or less directly promoted by governments for purposes of gaining legitimacy or the enlargement of political power.

Challenging Representative Democracy?

Direct democracy activated by the people could be characterized by the divorce between civil society and institutions of representative democracy, or just by the emergence of the citizenry as one more player in the political arena. Even if this challenges representative democracy, political parties are not excluded necessarily from the process, as can be observed in the Uruguayan case (see below).

Empirical findings suggest that bottom-up referendums have been used in different contexts, as shown by the early experience in Estonia (1933), where a fascist regime was created through direct democracy from the bottom. In other scenarios, direct democracy can provide a tool for the citizenry to become an actor in the political game. This was the case in Georgia, when in 2003, a coalition of NGOs was successful in collecting 218,000 signatures to force a referendum trying to reduce the number of members of the parliament for economical reasons and also to make it easier to gather sufficient members to fulfill the quorum during sessions. However, a new attempt to bring about political reform, driven by the opposition parties and an NGO, was rejected by the Central Electoral Commission, which claimed that the procedure did not suit the requests (presentation of signatures), while the sponsors dismissed the

legal arguments as unconstitutional.[44]

In Colombia (1991), students initiated an informal referendum to propose a constitutional amendment for a more participatory regime. The government recognized the process, a new official referendum was called, and the proposal was included in a constitutional amendment.[45] In New Zealand, the Citizens Initiated Referenda Act (1993) was approved for the purpose of providing "for the holding, on specific questions, of citizens initiated referenda, the results of which referenda will indicate the views held by the people of New Zealand… but will not be binding... ." There were some submissions but, according to Morris, the act appeared to have fallen into disuse in part because of the nonbinding character of the mechanism, reinforced by the lack of reaction by the government in the face of the results.[46] Despite this, there was a new submission in 2009.

With the exception of Italy, the most intensive users of direct democracy (Switzerland, Liechtenstein, San Marino, and more recently, Uruguay) are characterized by a well-organized civil society with a high social capital and links to political parties. Even if the scenario of referendum votes induced by civil society challenges the exclusive structure of representative democracies, there need not necessarily be a divorce.

In Uruguay, the mechanism of direct democracy was included in the constitution before the third wave of democratization, and played a central role in shaping the current political system. Bottom-up popular referendums activated by signature collections were developed by political parties in the 1950s and 1960s. Lissidini considers the proposals for constitutional reform promoted by referendums in 1958, 1962, and 1966 as authoritarian attempts to change the prevailing political equation in favor of a single executive power. After the restoration of democracy in 1985, a new wave of popular initiatives emerged. Citizens have initiated this mechanism on numerous occasions. The first occurred in 1989, when an independent committee of political parties was organized to collect signatures and activate a referendum to repeal the law that prevented an expiration date for the prosecution of those responsible for crimes committed during the dictatorship. The referendum took place but a majority vetoed the bill. Yet, this experience paved the way for initiatives that would occur in subsequent years. Altman notes that direct democracy in Uruguay was the result of an almost natural extension of the game of political

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[44] Hwang, *Direct Democracy in Asia*.

[45] Thomas Acuña Evaristo, "Colombia: entre la crisis de representación y la democracia directa" [Columbia : Between the crisis of representation and direct democracy], in *Armas de Doble Filo. La participación ciudadana en la encrucijada* [Double-edged weapons: Citizen participation at the crossroads], ed. Yanina Welp and Uwe Serdült (Buenos Aires: Prometeo, 2009), 109-128.

[46] Caroline Morris, "Improving Our Democracy or a Fraud on the Community? A Closer Look at New Zealand's Citizens Initiated Referenda Act 1993," *Statute Law Review* 25, no. 2 (2004): 116-135.

parties.[47] Civil organizations (independent commissions, trade unions, and pensioners) promoted abrogative or constitutional referendums in most of the cases, with the support of the political party Frente Amplio. During the 1990s, the Frente Amplio emerged as a powerful coalition able to challenge the traditional Uruguayan bipartite system, which finally happened successfully when the Frente Amplio came into power in 2004. Referendums were part of the party's strategy, with successive demonstrations against the government and, in particular, against its privatization policy, which allowed the party to increase its presence and strengthen its networks in society. But referendums also allowed civil society to decide, through a democratic mechanism, on policies perceived as crucial for the future of the country's welfare state and to become a veto player.

In Switzerland, the emergence and further development of direct democracy is closely coupled with political movements representing the minority of conservative Catholics and, later on, the union workers' movement.[48] These movements used mechanisms of direct democracy to mobilize their followers and to oppose the dominant political parties in power, which, in turn, helped them to eventually consolidate as political parties, namely as the Christian and Social Democratic Parties. Without ever having experienced the disruptive effect of autocratic rulers or the destruction of the country by wars, Switzerland's bottom-up mechanisms of direct democracy were applied with increasing frequency by nonpartisan interest associations, public action committees, social movement organizations, and even by individuals.

When Bottom-Up Referendums Are Initiated by Opposition Parties

Conflict Resolution

There is a difference between political parties in the opposition and political parties in power, given the risk of using (illegally) public means to run a campaign. However, there are cases in which an initiative organized by the government can be answered by another launched by the opposition. This happened in Taiwan where the four referendums in 2008 confronted two bills introduced by the ruling party, the Democratic Progressive Party (DPP), and two by the opposition party, the Kuomintang Party (KMT). Corruption control and the status of Taiwan in relation to China were the axes of confrontation between the parties.

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[47] David Altman, "Uruguay: La Suiza de América Latina" [Uruguay: The Switzerland of Latin America], in *Armas de Doble Filo. La participación ciudadana en la encrucijada*, ed. Yanina Welp and Uwe Serdült (Buenos Aires: Prometeo, 2009), 63-86.

[48] Paolo Dardanelli, "The Emergence and Evolution of Democracy in Switzerland," in *Achieving Democracy: Democratization in Theory and Practice*, ed. Mary Fran T. Malone (London: Continuum, 2011), 141-162.

In Slovakia, a referendum has been initiated at least five times, though there were more attempts to summon referendums. Belko and Kopecek describe the quirks employed by the government to prevent the realization of these consultations by alleging unconstitutionality or changing the rules of the game.[49] The People's Party Movement for a Democratic Slovakia (HZDS) used the first referendum vote while being in the opposition (1996 and 1997), and then again while in government (1998). Venezuela (2004) is the only case of an attempted recall of the president (failed), demonstrating the extreme conflict between the opposition and the government, which was addressed by calling citizens to vote. This case was resolved in favor of the government, with the confirmation of the mandate of President Hugo Chávez.[50]

In terms of the confrontation between parties or between parliament and the government or the president, referendums have been used frequently to reject laws. This occurred in the Former Yugoslav Republic (FYR) of Macedonia in 2004, when opposition parties gathered signatures to prevent the advancement of a bill seeking to amend the country's territorial divisions. It also happened in Lithuania (1994), Hungary (2004), and Uruguay (2003), where opposition parties organized to reject privatization promoted by their respective governments, with strong support from some civil society organizations such as labor unions.

In Hungary, the referendums of 2004 and 2008 had a strong effect on domestic politics. In 2008, the government was defeated, showing that popular votes have worked more than just to empower the people and as another instrument in the hands of elites. This situation led Reti to assert that direct democracy is not yet an alternative or even a supplement to partisan politics, but rather an organic part of it. As the Hungarian and other cases have shown, the parties have set the questions and people have voted mostly according to their party affiliations.[51] However, there are exceptions to this rule.[52]

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[49] Marian Belko and Lubomir Kopecek, "Referendum in Theory and Practice: The History of the Slovak Referendums and Their Consequences," *CEPSR, 2003*, http://www.cepsr.com/clanek.php?ID=165 (accessed August 29, 2011).

[50] Miriam Kornblith, "The Referendum in Venezuela: Elections versus Democracy," *Journal of Democracy* 16, (2007): 124-137. The deadlock between the government and the opposition may involve conflicts between state and regions, as happened in Ecuador in 2000, and in Peru during Alberto Fujimori's government, and then during the presidency of Alan García.

[51] Partly cited from, Pál Reti, "Hungary: Direct Democracy in an Antagonistic Society," in *Global Citizens in Charge: How Modern Direct Democracy Can Make Our Representative Democracy Truly Representative*, ed. Lee Jung-Ok and Bruno Kaufmann (Seoul: Korea Democracy Foundation, 2009), 211-220.

[52] In 2008, about 82-84 percent said "Yes" to the questions of the oppositional party FIDESZ, and only 16-18 percent said "No," following the opinion of the governing Socialist Party. However, the party preferences were FIDESZ, 62 percent, and Socialist Party, 29 percent. For a study on that issue, see LeDuc Lawrence, "Opinion Change and Voting Behavior in Referendums," *European Journal of Political Research* 41, no. 6 (2002): 711-732.

Placing Issues on the Political Agenda

The political system of Italy is the paradigmatic case of what has been called a "partidocracia," a system dominated by political parties. The only bottom-up direct democratic mechanism provided for in the Italian constitution is the abrogative referendum. One of the peculiarities of the Italian referendum is that it has been used extensively by opposition parties and political groups. The entire system shows how the parties have learned to control and neutralize the referendum in different ways, ranging from the early dissolution of parliament (which allows the parties to gain time by delaying the consultation), to avoiding subjects whose treatment could cause the call of a referendum and/or campaign for abstention to prevent the referendum's being valid (given the requirement of a 50 percent quorum established by the Italian constitution). Setälä suggests that findings such as this may be interpreted as an indication of an increasing sentiment felt by political activists and citizens that the representative system and the traditional parties do not adequately reflect the interests and matters that they consider important. Since the 1970s, consultations have been dominated by various issues (from the opposition to divorce and abortion and the emergence of an environmental movement to topics such as the regulation of campaigns or antitrust laws in the media) and with varying degrees of homogeneity within each party. Partnerships have been multiple and varied.

New, radical, or single-issue parties have used referendums, even when knowing in advance that they have few chances of being successful. Uleri suggests that, in Italy, "most of the initiatives were promoted to force issues onto the political agenda that would otherwise have been excluded."[53]

In Slovakia, referendums also have been used to mobilize at the grass-roots level. This happened when the Slovak Workers Union Party held a consultation in 1994 as a response to having been left out of the parliament. The number of voters proved to be insufficient to increase the party's support or to gain its visibility. The referendum promoted by the HZDS in the government sought to improve public opinion of the administration, although the vote again lacked sufficient voter turnout. There were two further consultations in 2000 and 2004, driven by opposition parties against government policies.[54]

The Authoritarian Temptation

When the government initiates a referendum through a signature collection, a similar context to the one described for some top-down referendums (mainly in nonconsolidated democracies) could be expected. The ruling party decides

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[53] Uleri, "On Referendum Voting in Italy," 868.

[54] Erik Láštic, "Referendum Experience in Slovakia: A Long and Winding Road," in *Direct Democracy in Europe: Developments and Prospects*, ed. Zoltán Tibor Pállinger, Bruno Kaufmann, Wilfried Marxer, and Theo Schiller (Wiesbaden, Germany: VS Verlag, 2007), 189-198.

to gather signatures and promote consultation either because a presidential referendum is not foreseen in the constitution or to provide a veneer of legitimacy to a consultation. Often the aim is to resolve a deadlock with an adverse parliamentary majority and/or to increase the power of the government through political reform. In Ukraine, the referendum of 2000 supposedly originated from a popular initiative signed by around four million citizens. However, the collection of signatures allegedly was organized by President Leonid Kuchma and his supporters. The speed and way in which the signatures were collected produced uncertainty regarding the legality of the process. The proposals were clearly oriented toward reinforcing presidential power: (1) to give the president the right to dissolve parliament if it failed to form a majority or to approve a state budget, (2) to limit the immunity of parliamentary deputies from criminal prosecution, (3) to reduce the number of parliamentary deputies from 450 to 300, (4) to establish a bicameral parliament, (5) to allow the constitution to be amended by referendum alone, and (6) to allow the president to dissolve parliament if voters expressed no confidence in the body in a national referendum. Despite violations occurring in the vote and pressure on all executive branches of power to deliver a favorable outcome, the constitutional changes were not passed, as President Kuchma was unable to gather the required two-thirds majority in parliament.[55]

The experience of Palau (five referendums called by the supporters of the president in 2004) was also a response to the deadlock between the government and parliament, which the president decided to resolve by appealing directly to the citizenry.

Conclusions

Our overview has shown that, despite a growing interest in mechanisms of direct democracy activated by the citizenry at the national level, neither the rules enabling these calls nor the practices are widespread. Though at least 156 countries provide some form of referendum, it is only in thirty-eight that provision exists for citizens to initiate them. Even this number is reduced when we note that in six of these countries it is only possible to activate a recall against members of parliament (Russian Federation, Ethiopia, Kyrgyzstan, Nigeria, Liberia, and Uganda).

Second, the association of the spread of bottom-up direct democracy with a crisis of representative democracy taking place in consolidated democracies of the West is contradicted by empirical evidence presented in this essay. With the exceptions of Switzerland, Italy, San Marino, and Liechtenstein, it is not in the Western countries where the growth of this type of referendum is occurring. Only in Italy can the use of referendums be linked with a crisis of

[55] Wheatley, "Direct Democracy in the Commonwealth of Independent States."

representative democracy, even if political parties are the most active users. In the other three countries, the mechanism is linked more with the political culture than with a particular contemporary crisis.

Post-communist countries stand out, in particular. Fourteen of them have legal provisions for bottom-up referendums, while nine have exercised such a referendum at least once (Latvia, Slovakia, Lithuania, Hungary, Slovenia, Ukraine, Serbia, Georgia, and Macedonia). Only twenty countries (including Estonia, whose constitution does not currently provide for referendums by popular initiative) have enabled bottom-up direct democracy on occasion. No African country has exercised the mechanism; while there have been three events in Latin America (Colombia, Venezuela, and Uruguay) and two in Asia. A trend in the performance of this device can be observed in only a few countries because the practices, although not numerous, have been established for a considerable period—Switzerland (since 1874), Latvia (from 1923 to 1934, and since 1998), Liechtenstein (since 1925), Uruguay (since 1958), Italy (since 1974), San Marino (since 1982), Hungary (since 1990), and Slovakia (since 1994).

Our research has shown that direct democracy from the bottom, even if still rare, has been increasing over time, from the one country that used it from 1874 to 1920 (Switzerland), to few that provided it from 1921 to 1988, until the present in which nineteen countries around the world have used it since the end of the 1980s (while thirty-eight have provisions). Not only have new players emerged, but also there are new trends. The pattern is not homogeneous. While Switzerland or Liechtenstein displays a growing importance of civil society's activating referendums, in Hungary or Latvia, opposition parties have initiated most of the calls, and in countries such as Ukraine, the government organized the referendum, although through a social movement.

Far from a divorce between representative and direct democracy, on the contrary, political parties play a prominent role in the activation of this mechanism. The party in government or, as in Ukraine, the president and his supporters, have resorted directly to a referendum after collecting signatures. Here, bottom-up direct democracy shows a similar pattern to top-down direct democracy. Further, direct democracy allows parties to defend their positions after losing in parliament by, for instance, promoting a veto (abrogative referendum) as has happened in Uruguay and Lithuania. In this situation, direct democracy can help to reduce the distance between representatives and citizens, although further research is required to analyze this in depth. Finally, new, small, or single-issue parties can activate direct democracy as a mechanism to mobilize and/or place a subject on the political agenda, as happened in Italy through the referendums activated by the Radical Party.

Switzerland and Liechtenstein have evolved into a sustained model in which strong civil society organizations have gained enough importance and organizational capacity to activate direct democracy. These two countries, however, are clearly an exception. Direct democracy has existed for decades

in free and open society, where the social capital necessary to use or further develop the institutional mechanisms was able to form. Further investigation is needed to analyze to what extent this reflects a split between political parties and citizens. The Uruguayan experience, which also follows this pattern, shows that the parties (in particular, the Frente Amplio) have been active players in triggering a referendum, even though civil society organizations have recently taken the lead.

In this essay, we have asked about the functions of direct democracy on national and global levels, and tried to identify typical patterns. We have identified three types of direct democratic experiences and functions: (1) concentration of power, which feeds to critics of mechanisms of direct democracy, (2) party competition, with a predominantly strategic use that reinforces party struggles (on the positive side, it maintains party competition and helps political minorities), and (3) citizen empowerment, overall positive but somewhat eroding the power of political parties. We suspect a sound balance between models two and three to have a beneficial effect on democracies. Further research will have to show whether an empirical linkage between the three broad functions of direct democracy and the performance of political systems can be established. Throughout the essay, we have identified at least four additional topics for further research: (1) the conditions and political motivations under which direct democracy mechanisms have been introduced into a constitution should be explored in a more systematic way; (2) the documentation and comparative study of the much larger subnational experience of referendum voting is highly desirable; (3) the links among party systems, government coalitions, and the use of direct democracy mechanisms should be explored in greater detail; and (4) the pattern we have found for success rates and effects deserves additional exploration.