

# Methods of the Navigator to Direct Democracy

## *Typology of Instruments of Direct Democracy*

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### Introduction

Democracy is about giving power to the people and via instruments of direct democracy<sup>1</sup> the people take decisions directly - without the involvement of the representative system. But what exactly is direct democracy? Scholars around the world agree to disagree about that question. There is no common typology of instruments of direct democracy nor is there a consistent terminology. In the following, we present our typology of the Navigator to Direct Democracy. It reflects different positions in the literature, however without the claim or the possibilities of being able to depict the entire breadth of the literature.

We follow a well-established practice that the term referendum is also used as a synonym for direct-democratic decisions per se (Butler/Ranney, 1994; Hug, 2009: 251). Finally, when speaking about the plural of referendum, we follow Matsusaka and speak of “referendums” as opposed to “referenda”. “The rationale is that because referendum is not a Latin noun – it is a modern invention inspired by a Latin word – there is no reason to use Latin rules to form its plural” (Matsusaka, 2020: 65).

### Criteria

The lack of a generally accepted typology is mainly because there is also no agreement about which criteria should be used to distinguish referendums. In his classic work about the functional properties of the referendum, Gordon Smith (1976) points to the source of initiation as the main difference between various types of referendums. Accordingly, in referendums the source of initiation is the government itself, only launching those votes it is sure to win. These are therefore controlled votes. On the other hand, popular initiatives are labeled as uncontrolled referendum, as there are about to bring change to the existing status quo. And “between the polarities there are varying degrees of “control”, depending on the “rules” which operate and the prevailing balance of political power” (Smith, 1976: 6).

This view on the capacity to launch a vote as the main criterion for distinguishing instruments of direct democracy found its way into the literature (for example Möckli 1994: 50; Serdült/Welp, 2012: 70), either in the terminology of controlled and uncontrolled referendums (Morel, 2007; Vatter, 2000, 2009) or in the slightly different perspective of bottom-up and top-down instruments (Papadopoulos, 1995;

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<sup>1</sup> On the use of the term “direct democracy” itself see Cheneval/Al-Wakil 2018.

Serdült/Welp, 2012; Cheneval/Al-Wakil, 2018). A second important criterion relates to the capacity to determine the voting issue. The question is: “Can the initiator be the author of the proposal?” (Morel, 2018: 31). Here, practically the same polarity between bottom-up and top-down instruments applies.

Scholars also point to the question of whether votes are binding or consultative (Möckli, 1994: 50; Altman, 2011: 8; Morel, 2018). Yet Jung argues that this aspect can be neglected as referendums are usually politically binding (Jung, 2001: 86). Consequently, the compulsoriness drops out of her typology and other (Hornig, 2011a; Merkel/Ritzi, 2017: 24), even though we miss empirical proof for this thesis. Further criteria relate to the qualifications for validity like quora of participation or approval, or the timing of referendums. The question is whether the people's vote comes instead of a parliamentary decision or afterward (Jung, 2001; Hornig, 2011a, Merkel/Ritzi, 2017). Consequently, votes can be deciding or affirming.

## Typology

Based on the aforementioned criteria, we build our typology of direct democracy. We follow the differentiation according to the capacity to launch a vote as the main criterion and identify three main types: (1) Initiatives are launched by the people in a bottom-up logic. (2) Referendums are launched top-down by political authorities and (3) the mandatory referendum is triggered by law (constitution). This threefold approach is usually common in the literature (exception for example Möckli 1994).

We aim to keep the typology as narrow and understandable as possible and necessary. Therefore, we refrain from integrating other criteria into the typology but acknowledge them as distinct variables in our dataset (legal codification, compulsoriness, quorum, timing; constitutional). These variables may apply to all types of instruments equally. In the case of bottom-up initiatives we also add the possibility of a counter-proposal by the representative institutions and the possibility of a withdrawal of the proposal as further variables to the dataset. Besides the structural questions of which actor or institution can determine a vote, we also pay attention to the terminology used, which is one of the major challenges of the study of direct democracy.

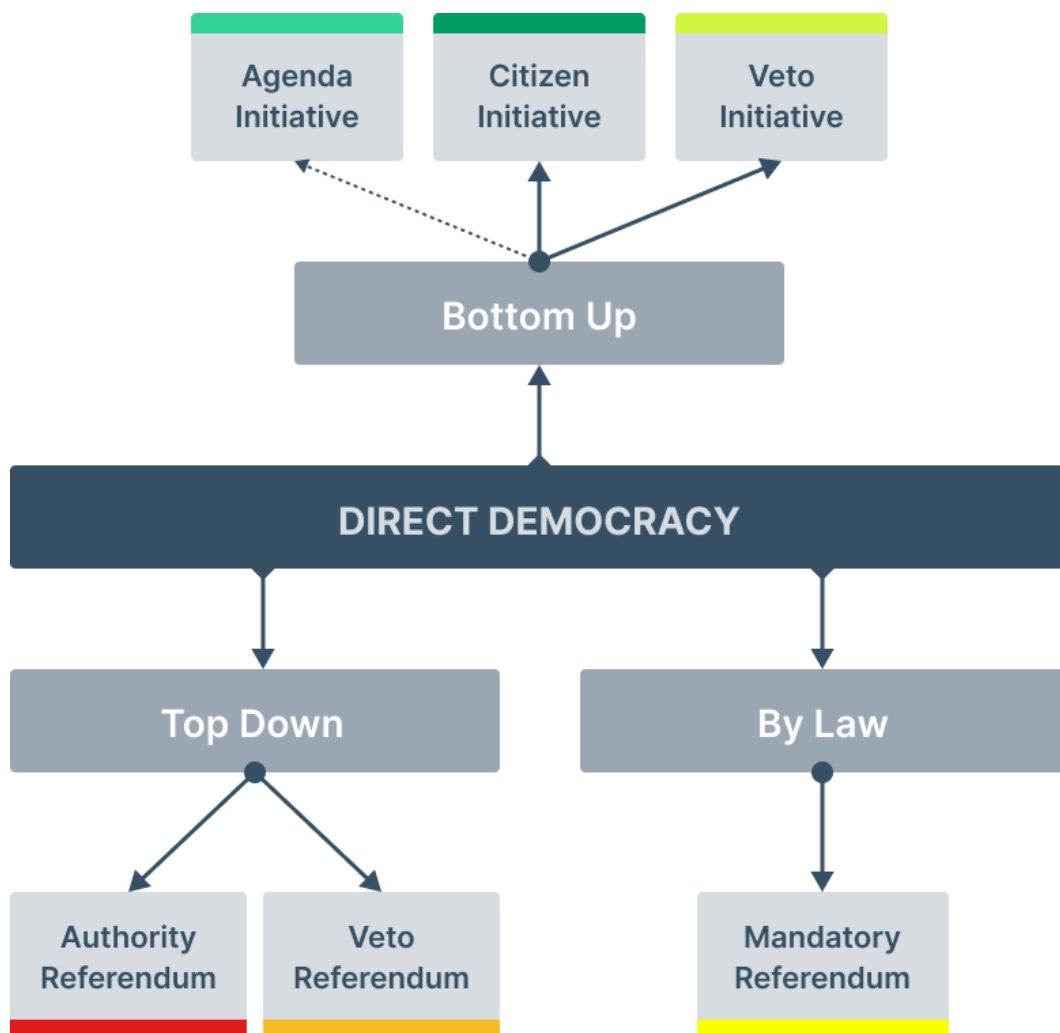
Altogether, we distinguish five types of instruments of direct democracy: Citizen Initiative, facultative referendum, referendum, veto-referendum and the mandatory referendum. The agenda initiative is an additional special case in the area of direct democracy, which is also included here for the sake of completeness. With this, we are in the numerical middle of other typologies. Altman's typology knows twelve types (2011: 11), Merkel/Ritzi's (2017: 16), Morel's seven (2018: 34) and Moeckli's (2021) five. In more detail, our typology looks like this.

### *Citizen Initiative*

In the first type, votes can be launched by collecting the necessary number of signatures. The people, or more precisely actors from civil society (Hornig, 2011a;

Serdült/Welp, 2012: 82), can choose the content and timing of a vote; in the terminology of Smith a vote uncontrolled by political authorities. For such a mechanism, different terms can be found in the literature: “Popular initiative” (Vatter, 2009: 128; Altman/Sánchez, 2020: 34), “legislative initiative” (Qvortrup, 2018: 1), “citizen-initiated referendum” (Moeckli, 2021: 6) or “law initiative” (Hornig, 2011a: 37). This instrument is also labeled as an “active instrument” according to Vatter “because of the active role played by non-governmental actors (e.g., citizens) in launching them” (Vatter, 2009: 128). Similar to International IDEA (2008), we use the term “Citizen initiative” in the Navigator typology, to underline the role of the citizens for timing and content of the vote.

**Figure 1: Typology of Direct Democracy used in the Navigator to Direct Democracy based on the formal capacity for initiating a vote.**



*Veto Initiative*

In the second legal design, the competence to launch a vote is again open via the collection of signatures. But the competence to determine the voting issue is reserved for political authorities. Only existing laws or law proposals, which originated in the representative system, can be voted upon. This means that the citizens can determine the timing of a vote, but not the content. So, the instrument works like a veto option. Due to the open capacity to launch such a vote, it is usually classified as a bottom-up instrument. Such a mechanism can be found throughout the literature, though again with variations in the terminology: “referendum initiative” (Hornig, 2011a: 37), “popular initiative” (Morel, 2007: 1043), “rejective referendum” (Altman/Sánchez, 2020: 34), “citizen-initiated referendum” (Qvortrup, 2017: 146), “referendum” (Altman, 2016: 1211), “optional referendum” (Vatter, 2009: 128). In Moeckli’s concept for example, he speaks of a citizen-initiated referendum with a proactive version (our citizen initiative) and a rejective version (Moeckli, 2021: 6). In our typology, we call it veto initiative to indicate the role of the people and the main function.

### *Authority Referendum*

Votes in which only the political authorities of the representative system (legislative and executive) decide on the initiation and content we define as referendums. Whereas Morel (2007, 2018) for example separates the government and the legislative as actors, we combine them in one type. In parliamentary systems they are entangled anyway and votes are launched by political majorities. In presidential systems the category of the referendum applies when votes are launched by the president or by parliament in a decision taken by the majority.

Especially for pure top-down instruments like this, the term plebiscite is often used. Vatter defines a plebiscite as a type of ad-hoc referendum (Vatter, 2009: 128). Also for Möckli, a plebiscite is an ad-hoc vote launched by state authorities, which is not formally codified in the constitution and can be either consultative or binding (Möckli, 1994: 50). Altman and Sanchez point out that “[s]ome typologies use the term “plebiscite” for “either the bypassing of one representative institution by another (usually the executive avoiding the legislative branch), the renunciation of responsibility for harsh policies, or attempts to legitimize extant policies” (Altman/Sánchez, 2020: 29).

We refrain from using the term plebiscite. According to Morel, the etymological meaning of plebiscite comes from “plebis scitum” which means “degree of the plebs” and “[...] historically it designated the decisions of the assemblies of the plebs in Rome; but at the end of the Roman Republic, with Caesar and Pompey it became a process to consolidate their omnipotence” (Morel, 2018: 57). In that line, the term was also used from the 15<sup>th</sup> century on to Bonapartism and Nazi-Germany (Qvortrup, 2018: 21). Serdült and Welp use the word “plebiscitarian” to label the risk of manipulation in direct democracy (Serdült/Welp, 2012: 70). Given its history, Morel sees a “variety of meanings attached to the word “plebiscite” in academic literature, as well as in national traditions” which makes its use rather problematic (Morel, 2018: 28). We follow the argument of Morel and agree that the term plebiscite has several meanings

attached to it, which are not necessarily connected to democracy. This makes its use inappropriate for today's referendum practice in democratic systems. Instead, we speak of authority referendum.

### *Veto-Referendum*

Another version of the referendum is what we call veto referendum. Here the competencies to launch the vote and to determine the voting content are located within the representative system as well. A decision on a new law is taken by majority according to the respective regulations. Yet in this referendum type, launching a vote is available for structural minorities within the representative system. The purpose is to block legislation via a public vote. Two different versions of minorities apply. The first version refers to minorities within one political institution. This can be a prescribed number of members of parliament in one chamber or in bicameral-systems a minority in one and/or both chambers.

The second version of minority refers to a minority within the political system not only in one institution. This can be in a bicameral system when one chamber is entitled to veto a law proposal coming from the other by referendum. Also, votes by the executive/president fall into this category when the president is entitled to veto a law coming from parliament by initiating a referendum. In both parliamentary and presidential systems, the government may lack a proper majority in parliament and regulations may allow such mechanism of power division. Above we cited Altman/Sánchez who mention that the term plebiscite marks votes used for “the bypassing of one representative institution by another (usually the executive avoiding the legislative branch)” (Altman/Sánchez, 2020: 29). In our understanding, this constellation is not necessarily problematic but can be interpreted as a result of the division of power and as a tool to release blockages (Hornig, 2011b).

This constellation of a veto-referendum is not always present in the literature (see for example Vatter, 2009; Altman/Sánchez, 2020: 34). Moeckli combines the referendum and veto-referendum in one type, which “can be triggered by the legislature (or parts of it), the executive (or parts of it) or (a certain number of) subnational entities” (Moeckli, 2021: 6). Nonetheless, we take such a veto referendum into account in our typology as a separate type to highlight this function of power division.

### *Mandatory Referendum*

In the last main type, the competencies for launching a vote are assigned to law, usually the constitution, whereas the competencies for the voting issue rests with the representative institutions. Some constitutions prescribe that a public vote must be held when the legal status quo of a particular matter is changed by the law-making institutions. This can either be the constitution itself, electoral laws, or international treaties. In these cases, a vote is mandatory. Almost all typologies include a mandatory referendum as a proper type (for example Moeckli, 2021; Vatter, 2009: 128; Morel, 2007; Hornig, 2011).

### *Agenda-Initiative*

Some typologies and studies of direct democracy also include a mechanism called agenda initiative (for example International IDEA, 2008; Moeckli, 2021). These are instruments of political participation which allow for the people to make parliament discuss a certain issue. What is common to direct democracy is the collection of signatures. No doubt, “the citizen initiative must undoubtedly be ranked among popular rights increasing the direct influence of the people on legislation” (Morel, 2018: 30). But the agenda initiative is distinct from direct democracy for a clear reason: It is missing a vote. For Altman, a vote is the absolute prerequisite for direct democracy, which is why he excludes “legislative popular initiatives” from direct democracy (Altman, 2011: 7). Also, other typological considerations leave it out (see for example Vatter, 2000/2009; Hornig, 2011a). Within the navigator dataset, we nonetheless include the agenda or citizen initiative as an instrument *related* to direct democracy as it may have comparable social effects to those of direct democracy. This can be the formation and mobilization of political interests or personal political education.

### **Not included instrument**

Another instrument sometimes connected to direct democracy is the recall (International IDEA, 2008; Altman, 2011; Serdült/Welp, 2012). Here, the people can directly decide whether a public official should resign from office. The two obvious similarities with direct democracy are the collection of signatures and (if sufficient) the public vote about the question at stake. The latter point is also the reason why Altman includes the recall in his system of direct democracy (Altman, 2011). Yet, we leave the recall out of our typology of direct democracy because we think it refers to the sphere of representative democracy. It deals with the question of who should be in public office as representative of the public. Just as elections bring someone into office, a recall can bring this person out again. No surprise Altman speaks of a “recall election” (Altman, 2016: 1210). In contrast, direct democracy refers to the direct decision of the people about policy questions.

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