

Reply

by Nenad Stojanović

Afraid of direct democracy?

A reply to critics

Nenad Stojanović (Universität Zürich)

On 17 May 2009 four out of ten Swiss citizens participated in two direct-democratic votes. One of them was a referendum against the federal law on the introduction of biometrical passports and the creation of a database in which the personal information on passport holders would be stocked. This referendum split the country in two: a slight majority of 50.1 percent voted in favour of the law, 49.9 percent said “no”.

One morning, three to four weeks before the referendum, I happened to listen to the Swiss public radio in Italian (*Radio svizzera di lingua italiana*). This was for me a natural choice, since Italian is my first language in Switzerland. Most (i.e. 98 percent) of my fellow German or French speaking citizens never listen to the radio in Italian. And, of course, the contrary is also true. That morning the radio broadcasted a political debate on the forthcoming referendum on the biometric passport. The journalist who was in charge of the debate had invited three members of the lower house of the Swiss federal parliament: a left-wing Social-Democrat, a centrist-right Christian-Democrat and a nationalist-right representative of the Swiss People’s Party. For almost an hour they discussed passionately about advantages and disadvantages of the biometric passport. And, needless to say, they all communicated in Italian. Yet none of them could be considered as an “Italian speaker” (*Ticinese* or *Grigionitaliano*). The Social-Democrat was a French-speaking woman from Lausanne. Although her family stems from Italy, she speaks Italian with a French accent and uses often French words and expressions. The Christian-Democrat was a German-speaking woman from Zurich. She spoke Italian rather well but with a strong Swiss-German accent. The third guest was a bilingual French/German speaker of Austrian origin living in the French speaking part of the bilingual (French/German) canton of Valais/Wallis.

Why did the journalist invite these three politicians and not some “truly” Italian-speaking members of parliament? I don’t know. But what is sure is that he had no obligation to do so. It could be that he simply chose politicians who were among the most involved in the referendum campaign and who had at least some knowledge of Italian.

Now why did these three politicians accept to participate in a debate on the Italian-speaking radio? Why did they choose to spend an hour of their time, and probably at least as much for the preparation of the debate? We don’t know. What is sure is that they lacked the typical (and probably main) reason that motivates politicians to participate in public debates – the desire to speak to their potential electorate in order to improve their chances of (re)election. Each of them knew that his or her electorate did not listen to the Italian-speaking radio. So why did they take part in it? Perhaps they could not refuse the invitation. Perhaps they are narcissistic and would have spoken even for a Belgian radio channel if they had been asked to.

But what if they simply wanted to convince as many people as possible to vote for a political cause they firmly believed in? From this perspective it makes perfectly sense to address the audience of a minority language group. If this was the motivation, their participation to the radio debate might have been decisive. In fact, at the end the “yes” votes prevailed with a margin of only 5’504 votes.

The day after the referendum we could read the following statement in the German-speaking newspaper *Tages Anzeiger*:

“If we look at the results in the single cantons, [we see] that none of the usual explanatory models holds. There was no röstigraben [i.e. divide between French and German speaking Switzerland]. We cannot spot any major differences even between urban and rural areas, or between the left and the right. The map of Switzerland, instead, looks like a colourful carpet with a lot of stains. The cleavage manifestly cuts across the population.”³¹

Of course, this example is nothing more than anecdotal. But it nicely illustrates what kind of effect direct democracy can have in a linguistically segmented country like Switzerland. Only a serious empirical research could tell us what these effects really are. And in order to carry it out we would need insights from disciplines other than political science or political philosophy – for example from the field of cognitive social psychology. What is the indirect impact of direct democracy on people’s minds? What does it mean, for a common Italian speaker in Switzerland, to listen to politicians from other parts of the country discussing the topic of a forthcoming referendum? Does he feel proud to live in a country in which politicians who are speakers of two larger language groups (German and French) make an effort to learn and to speak Italian, a minority language? Does he, too, feel encouraged to make an effort to better learn German and French? Does she get new information or new insights on the topic of the referendum which, until then, might have been used only in the German and French-speaking media but not in the Italian-speaking public space? Or does she, simply, get a feeling of satisfaction inform living in a country in which she has a say – one vote, equal to all others³² – even on such technical issues as biometrical passports, instead of being courted by politicians only once every four years, when they desperately seek her vote in order to be (re)elected and then disappear in the black box of politics for the following four years?

A tool for integration or disintegration?

In my introductory essay in this volume I argued for the thesis that direct democracy might have an important integrative function in a linguistically diverse country. If I read them correctly, most articles discussing this thesis claim that, on the contrary, direct democracy can lead to further disintegration. They would probably say that the above mentioned example of the referendum on the biometric passport is a typical case of “selection bias”: I described a popular vote in which there were no language or other cleavages. And what about the “röstigraben” cases which the author of the quoted newspaper article hinted at? Yes, they exist as well. Actually in my contribution to this volume I mention some of them.

The critique according to which direct democracy can be potentially divisive is, indeed, the main one which is raised every time when direct democracy is proposed in a divided society.³³ Most critiques of my proposal, with a possible exception of Marc Reynebeau, agree on this point. Direct democracy is a “dangerous thing”, according to, for example, Jeroen van der Kris

Interestingly, van der Kris draws this conclusion by referring to the Dutch “no” to the European Constitution. “Many people voted ‘no’ without knowing exactly what they were voting about.” I do not know if this is an empirical or an impressionistic claim. I am tempted

³¹ Iwan Städler, “Zittersieg für Eveline Widmer-Schlumpf”, *Tages Anzeiger*, Zurich, 18 May 2009. My translation.

³² The exception are the votes in which a double majority – of the citizens and of the cantons – is required. In such occasions the votes of the citizens from smaller cantons have more weight.

³³ For instance, if one proposes direct democracy in a country like Bosnia, the first reaction will be: what if the Serb republic holds a referendum on the secession? Or what if Bosniaks(-Muslims) win a referendum demanding a further centralisation of the country? Or what if through a referendum Croats decide to create a third Bosnian federal “entity”? See Nenad Stojanovic, “Referendumi mogu ujediniti BiH [interview]”, *Oslobodjenje*, Sarajevo, 11 April 2009.

to say that, often, members of parliament do not know what they are voting on either. Or they do, but because of the party discipline and the fear of losing their position (and wage) if they do not conform, they nevertheless vote against their own convictions. Is that form of indirect democracy better than the direct one?

Generally speaking, I would be more cautious in asserting that direct democracy is “dangerous”. Of course, in many countries a “no” to the European Constitution meant a myriad of different things which did not necessarily have anything to do with the Constitution itself. But why is this dangerous? What if the “no” was not against the Constitution itself, but against a possible lack of democracy in the EU? What if a more frequent use of direct democracy at the European level would have created a more democratic Europe, a more legitimate one?

A softer version of direct democracy

The objection about the divisive impact of direct democracy is a serious one and I do not intend to play it down. For this reason I wrote that in countries like Belgium or Bosnia “communitarian” issues must be out of reach of direct democracy.³⁴

In fact, we should not see direct democracy as an all-or-nothing thing, as Marc Hooghe suggests. For him, either the people are totally sovereign and should have the possibility to vote on any matter, or they are not and should live forever in a system of representative (indirect) democracy. A middle way would be a “fundamental contradiction”. I don’t agree. Complex countries desperately need pragmatic and hybrid solutions. In Canada, for instance, an all-or-nothing approach would support such claims as “either all ten provinces are equal, or they are not” and would not allow for a degree of asymmetry which on some issues (like immigration policy) treats all (predominantly) English-speaking provinces as equal, but gives Quebec special rights in order to allow it to better preserve the French language. Today many observers of Canadian politics agree that such agreements have significantly undermined the secessionist movement in Quebec. After all, doesn’t the proposal to introduce of a federal electoral district in Belgium – in which only 10-20 percent of the parliamentary seats would be allocated, while the current system would be preserved for the remaining 80-90 percent – constitute precisely a hybrid solution which runs against the all-or-nothing approach?

Not a zero-sum game

I made an imaginary example (a reform of Belgium’s pension system) and claimed that a difference of 20 percentage point in the vote of Wallonia and Flanders would not allow ethnonationalist politicians to develop an “us vs. them” rhetoric. Dave Sinardet does not agree. He thinks that in the current political-mediatic context of Belgium such referenda would certainly be exploited for nationalist purposes. Jean-Pierre Stroobants also refers to this imaginary referendum and postulates that in such a case a large centre-right coalition in Flanders would defeat a large centre-left coalition in Wallonia and, thus, deepen the language cleavage.

Yes, it is possible that this occurs. But is it a reason to reject direct democracy? Would Belgium fall into a deep coma after such a vote? I do not think so. Or, to put it in a more provocative way, I do not believe that Belgium would get into a deeper crisis than the one it is in.

³⁴ In reality, this is my pragmatic concession to those who fear the “divisive” potential of direct democracy in a country like Belgium. I cannot develop this aspect here, but I suggest to the reader to have a look at the history of Jura. He or she will discover that it is precisely direct democracy that allowed a peaceful resolution of the only serious situation of ethnolinguistic and territorial tension in Swiss history.

One important point is that you must not think of direct democracy as a zero-sum game which is played only once. You must try to think of it as a game which is repeated over and over again. So even if a vote on the pension system shows deep differences between the two language regions, even if all political parties in Flanders favour the increase of the legal retirement age whereas those from Wallonia oppose it (as Stroobants believes would happen), even if nationalist leaders succeed in exploiting the vote and repeat the stereotype that “the” Flemish crushed “the” Walloon (in spite of the fact that, according to my example, 40 percent of the Flemish voted against the proposal and 40 percent of the Walloons were in favour of it), after a couple of months you will have another referendum which will not be divisive and could, indeed, show that the citizens of the two communities are not, after all, that distant from each other.³⁵

Sinardet’s main fear, however, is that both politicians and the media would have the tendency to amplify even the *slightest* difference in the voting preferences of the two language groups and, thus, contribute to deepen the perception of two totally divided public opinions. I agree. But the fact is that they do it anyway. Even in the absence of direct democracy you will always have surveys the results of which will be misinterpreted by media and politicians. Yet as “the” Flemish and “the” Francophone public opinions do not exist, I think that it is also wrong to think that “the” media or “the” politicians, all of them, would project a blatantly wrong interpretation of the outcome of a referendum. There are enough high-quality journalists and politicians around who would propose a different interpretation of the results. At the end of the day, there is a good probability that the media consumers (i.e. citizens) get a more differentiated picture of the situation.

Switzerland and Belgium: similarities and differences

Marnix Beyem rightly underlines the differences between Switzerland and Belgium. Of course, nobody can erase the historical antagonism between Dutch and French speakers in Belgium and it is surely a favourable circumstance for Switzerland that its language groups have hardly been in conflict in the past.

But there was, once, a conflict in Switzerland which was divisive to the point that it ended up in a civil war (1847), through which seven Catholic cantons tried to oppose the centralization tendencies of predominantly Protestant cantons. Even though the war was very short and caused only a couple of dozens of victims, it was a war nevertheless. Now it is important to note that the emergence of direct democracy in the 1860s gave the Catholic minority the possibility of having a greater voice in federal politics. Through a couple of referenda in the 1870s and 1880s they succeeded, for instance, in blocking the centralization tendencies of the (for this matter mostly German-speaking) Protestant cantons. And probably this bottom-up political opposition convinced the ruling Radicals-Liberals to elect a first Catholic-Conservative representative in the Federal Council (executive) in 1891. Even though in my lead piece I did not refer to the religious situation in Switzerland, there would be much to say about the role of direct democracy in appeasing the Catholic-Protestant cleavage which is, today, almost inexistent in Swiss politics and society.

Whereas Beyem stresses the differences between Belgium and Switzerland, Marc Lits underlines the similarities between them. After all, he argues, the Swiss language groups *are* very different. “As opposed to what advances Nenad Stojanovic, there would be thus well a “us vs them” inside the Swiss Confederation.” I never claimed that Swiss people from different language groups are the same, or that there are no “us vs. them” attitudes. They exist. The only point I wanted to make is that direct democracy strongly undermines the development of a nationalist rhetoric of us vs. them. Again, such rhetoric does exist to a certain extent even in Switzerland. But it is more difficult to develop it in a country in which

³⁵. By the way, nowadays the Flemish and the Walloon public opinions are not at all that distant (see Marc Hooghe in this volume). But the validity of such a statement is based on surveys. It is much less significant than the validity and clarity of a popular vote after which you know what the people actually voted for.

you have hard data – the outcomes of popular votes – which tell you with precision what the real preferences of the “people” (Flemish, Walloon, etc.) are.

Lits’s argument goes further and states that “us vs. them” does not perhaps concern anymore the relations between French and German-speaking Swiss, but between the “good” Swiss and the “bad” foreigners. This is, at least partly, true. Even though I am tempted to ask whether the attitudes towards the immigrants are better in the countries with almost no bottom-up direct-democratic tradition like France, the Netherlands, or Belgium, I consider this objection seriously. The argument could be restated as follows: direct democracy facilitates the development of us vs. them rhetoric against the foreigners. Indeed, there is currently a research project in Switzerland³⁶ which examines the impact of direct democracy upon the rights of non-traditional religious minorities (especially Muslims) and upon the foreign population. The first findings suggest that the exercise of direct democracy does tend to block the extension of rights for these groups. For example, the fact that the Swiss naturalization laws are among the most severe in Western Europe is related to the exercise of direct democracy. On a couple of occasions in the past twenty years the majority of the voters rejected the reforms of the naturalization law which had been approved by parliament. And very soon the Swiss will vote on a popular initiative launched by the nationalist-right parties which demands the ban of minarets on Swiss soil. Yet here, too, the picture is more complex. In a number of cantons and municipalities the citizens decided to give voting rights to foreign residents. And most of the anti-foreigners popular initiatives launched by the Swiss People’s Party in the last decade were rejected by a majority of the voters. (I have no doubts that the same will happen to the anti-minaret initiative, too.)

A federal electoral district for Belgium

Marc Reynebeau, who is probably the most open towards my proposal, is right to say that Belgium needs to take inspiration from Switzerland “and should look for institutional change that has an effect *similar* to that of the Swiss referendum tradition: the creation of a public sphere in which different opinions can be debated and which gives voice to political views that are blocked now by the electoral system. A proposal to that end has already been made: the creation of a federal voting district” (my italic).

Indeed, my plea for direct democracy is supporting the plea for a federal electoral district in Belgium. Even though the introduction of direct-democratic tools would, in my view, trigger much more powerful centripetal effects, a single electoral district is surely a step in the good direction.

I would like to conclude with a remark which concerns two important premises on which it is difficult to reach an agreement with some critics. First, it is true that my thesis and the proposal for a single federal electoral district both share a neo-institutionalist perspective (probably a mix of rational choice and historical institutionalism), according to which institutional design can significantly affect the behaviour of social and political actors and lead to more or less desirable outcomes. (This is a point on which Marnix Beyen strongly disagrees.) Second, both proposals share a normative vision of the desirable outcome. Implicit in their argument is the claim that multicultural and complex countries like Belgium should be preserved and that their fragmentation into two, three or more independent states is something we shall try to avoid. Surely not everyone shares this final objective (see Jean-Pierre Stroobants in this volume). Explaining the reasons underlying this normative vision should be a matter of another, very important, debate.

³⁶. The project is led by professor Adrian Vatter of the University of Zurich (forthcoming University of Berne).