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Abbreviations

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|---------|--|
| AfD | Alternative for Germany |
| approx. | approximately |
| DFG | German Research Foundation |
| e.g. | for example |
| etc. | et cetera |
| GDP | Gross Domestic Product |
| ICC | intra class correlation |
| i.e. | id est (<i>Engl.</i> that is) |
| LGBTQ | lesbian, gay, bisexual, transgender, queer |
| MP | member of parliament |
| SES | socio-economic status |
| SVP | Swiss Peoples Party |
| U.S. | United States of America |

1 Introduction

“I regard as impious and detestable this maxim that in matters of government the majority of a people has the right to do anything”

“So what is a majority taken as a whole, if not an individual who has opinions and, most often, interests contrary to another individual called the minority. Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority?”

Tocqueville, Democracy in America (2012, pp. 410, 411)

“It is of great importance in a republic [...] to guard one part of the society against the injustice of the other part.”

Madison, The Federalist, 51 (2008, p. 258)

Direct democratic votes, where a majority of voters usually directly decides on policies, have gained popularity all over the world in recent decades. While portrayed as a potential cure for the malaises of current representative democracies by some, others fear that the absence of representative filters in direct democratic votes bears the risk of a *Tyranny of the Majority* as described by Tocqueville (2012). In light of the growing popularity of direct democratic votes, this dissertation analyzes quantitatively and cross-nationally the real implications of these votes for minorities, thereby addressing a gap in research on direct democracy as well as the ongoing political debate.

The potential advantages and disadvantages of direct democracy are the subject of fierce debate in the contexts of politics and political science, and the few existing studies on single countries offer no clear picture. From a theoretical perspective, the inclusion of as many citizens as possible in political decision-making can be seen as a democratic value in itself (e.g., Barber, 1984; Pateman, 1970). Scholars of participatory democracy regard direct democratic decision-making as a possible cure for the current “crisis of democracy”, with declining participation and trust in representative institutions. Especially in regard to minorities, direct democratic votes might offer new channels to bring their interests onto the political agenda (e.g., Bowler et al., 2017; Dalton, 2004). In the late 19th century United States (U.S.), direct democracy was already seen as a counterbalance to decision-making by corrupt legislators driven by special interests (Lewis, 2013). Based on these arguments, some political scientists as well as parties and interest groups call for the extension of direct democratic options worldwide. Likewise, the use

of initiatives and referenda has been increasing globally for the last 30 years.¹ However, amplifying theoretical concerns about the consequences of direct democracy, direct democratic votes in the U.S. especially have proven to be difficult for minorities. For example, eleven out of twelve ballot measures concerning the rights of minority groups were decided against the minority in 2006 (Lewis, 2013). In Switzerland, where direct democratic votes are most widespread, results seem to depend on the minority concerned: Muslims and foreigners in particular tended to lose in direct democratic votes during recent years, whereas for instance linguistic minorities did not encounter similar disadvantages (Christmann & Danaci, 2012; Vatter & Danaci, 2010). Yet quantitative and especially cross-national analyses that could shed greater light on these differences are missing.

Corresponding to the academic discourse, political parties are debating the up- and downsides of direct democracy as well. Additionally, recent surveys have witnessed a growing skepticism amongst citizens. Regarding parties, the debate in Germany provides an interesting example. Four out of six parties currently represented in the German Bundestag campaigned for the introduction of direct democratic votes at the federal level in Germany before the Bundestag election in 2017. Support for extending direct democratic options ranged across the whole ideological spectrum, from the Left to Alternative for Germany (AfD).² However, during the election campaign in 2021, the German Greens – historically the party most in favor of direct democracy – replaced their long-standing claim for extension of direct democracy to the German federal level with a call for more citizens' councils.³ This mirrors a growing awareness of the risks of direct democracy and the potential for it to lead to *Tyranny of the Majority*, among center-left parties in recent years, while demands for and use of direct democratic options have been increasing among right-wing populists (see Chapter 3). A trend towards fading enthusiasm for direct democracy is also evident in citizen surveys: in Rounds 6 and 10 of the European Social Survey (conducted in 2012 and 2020) respondents were asked whether it is important for a democracy that citizens have the final say on political issues by voting directly in a referendum. Whereas overall support for referenda was high in both rounds, the share of people choosing the two most supportive options 9 or 10 decreased by roughly 5.5 % from 2012 to 2020. Although the decline is small, it never-

1 https://www.washingtonpost.com/amphtml/news/worldpost/wp/2018/05/08/direct-democracy-is-thriving/?noredirect=on&_twitter_impression=true (29.02.24)

2 <https://www.tagesschau.de/inland/btw17/programmvergleich/programmvergleich-demokratie-101.html> (29.02.24)

3 https://cms.gruene.de/uploads/documents/Wahlprogramm_Englisch_DIE_GRUE_NEN_Bundestagswahl_2021.pdf (29.02.24)

theless hints at growing skepticism about direct democracy in a previously very enthusiastic citizenry.⁴

1.1 Approach of this Dissertation

In light of the current debate on extending direct democratic options in many countries, a cross-national analysis of the outputs of the votes so far is much needed to test empirically the validity of people's hopes and fears about such processes. However, with the lack of a common definition of minorities and an encompassing dataset on direct democratic votes, quantitative and above all comparative research on the results of minority-related votes outside of Switzerland and the U.S. is scarce. This dissertation addresses this research gap by analyzing all direct democratic votes on a national level in European democracies from 1990 to 2015.

Focusing on European democracies, where direct democracy has a long-standing tradition in Switzerland and has gained prominence in many other countries since the 1990s, allows for a comparative design as well as for a certain contextual stability. The timeframe from 1990 onwards enables the inclusion of Central and Eastern European countries whose new constitutions introduced direct democratic options in the early 1990s. Based on data gathered in our project "Inequality and direct democracy in Europe" funded by the German Research Foundation (DFG), the timeframe ends with 2015 but could easily be extended for future research. Analyzing votes from all European democracies over 25 years enables robust conclusions based on a large amount of data to be drawn for the first time.

Analyses to date have used the term minorities in different and often not well-specified ways (e.g., Haider-Markel et al., 2007; Hajnal et al., 2002). Instead, I draw on the concept of "oppressed groups" described by Iris Marion Young (Young, 1990), which I will outline in more detail in Chapter 2. Applying Young's concept permits the investigation of more groups and thereby broader differentiation. While some groups, such as women or people of low socio-economic status (SES), might not be a numerical minority, they are included by Young as they nonetheless face forms of oppression. Therefore, they might be at a disadvantage in direct democratic votes as well. At the same time, a common criticism of Young's concept is that it is too broad (Kymlicka, 1995). In my dissertation, I test whether a broad concept such as

4 Own calculations using European Social Survey Round 6 Data (2012) and European Social Survey Round 10 Data (2020) (ESS6 – Integrated File, Edition 2.4 [Data Set], 2018; ESS10 – Integrated File, Edition 2.1 [Data Set], 2022). Countries include Belgium, Switzerland, Czechia, Estonia, Finland, France, Hungary, Iceland, Italy, Lithuania, Netherlands, Norway, Portugal, Slovenia, Slovakia.

this works in the context of direct democracy or whether a narrower definition, like the previous application of the term minorities, is more useful for analyzing the implications of direct democratic voting.

For the first time in research on direct democratic votes and oppressed groups,⁵ my analyses cover two stages of the direct democratic process – the so-called bill- and output-levels (see also Geißel et al., 2019b, 2019a; Krämling et al., 2022). Again, I shall introduce these terms briefly here then describe them in more detail in the next chapter. At the bill-level, a direct democratic bill brought to a vote can either support the interests of an oppressed group or disadvantage them. The former is the case if a bill aims at benefitting the affected group by improving its legal, political or socio-economic status or by preventing a deterioration of this status (called pro-bill in the following), while the latter is true if a bill aims at preventing an improvement of the group’s status or aims at further deteriorating it (called contra-bill in the following). At the output-level, if a pro-bill wins a majority of votes and passes a potential quorum, it generates a pro-output. In contrast, if a contra-bill wins a majority of votes and passes a potential quorum, it generates a contra-output. This dual focus on the bill- and the output-levels enables a thorough investigation of what actually happens in direct democratic voting.

Summing up, this dissertation represents an important contribution to the literature on direct democracy and oppressed groups. For the first time, a dataset covering all national-level votes in European democracies between 1990 and 2015 allows for an encompassing analysis of the implications of direct democratic votes for various oppressed groups. In the first quantitative and cross-national analysis on the topic, I identify the influence of various institutional, attitudinal and socio-economic variables in this regard. In the process, relevant factors emerge that foster the success of oppressed groups in direct democracy as well as factors that prevent discrimination. Finally, the first application of the concept of oppressed groups in research on direct democracy enables the analysis to be extended to groups such as low SES groups and political minorities who are also likely to be disadvantaged in direct democratic votes but have to date been largely neglected in studies on direct democracy and minorities.

5 I mainly use the term “oppressed groups” from here on when referring to previous research on direct democracy and what it refers to as “minorities”.

1.2 Research Questions

The main aims of my dissertation are threefold: determining the record of oppressed groups in direct democratic votes on the bill- as well as on the output-level, revealing explanations for pro- and contra-bills and their respective success at the ballot, and identifying possible differences between different groups. Based on this, by investigating the fate of oppressed groups in direct democracy cross-nationally, this thesis aims to answer the following research questions:

1. Do direct democratic bills and outputs support or disadvantage the interests of oppressed groups (pro-bills/-outputs or contra-bills/-outputs)?
2. What explains whether supportive rather than disadvantaging bills come to a vote (pro- instead of contra-bills)? What explains supportive and disadvantaging outputs (pro- and contra-outputs), respectively?
3. Can we observe differences in bills and outputs depending on which oppressed group is affected by the vote? Based on this, what constitutes the concept of oppressed groups in direct democracy?

The first question hints at the record of oppressed groups in direct democratic votes in Europe: how many direct democratic bills aim at supporting the interests of oppressed groups and how many aim at disadvantaging them? The results will reveal how successful oppressed groups are in bringing their interests to a vote and thereby onto the public agenda, as well as how successful their opponents are in doing the same. To evaluate the direct impact of these bills, i.e., the impact of their adoption, we must look at the output-level: how many direct democratic outputs aim at supporting the interests of oppressed groups and how many aim at disadvantaging them? Do pro-bills and contra-bills differ in their chances of succeeding?

Regarding the second question, of particular interest is the role of institutional, attitudinal and socio-economic factors. Which circumstances promote the interests of oppressed groups in direct democracy by increasing the probability of pro-bills and pro-outputs? And which circumstances contribute to a potential *Tyranny of the Majority* by increasing the probability of contra-outputs?

The third question entails similar questions to the first one, but now focuses on differences between oppressed groups. Do we find a higher share of pro-bills for some groups while others face contra-bills more often? Are pro-bills for some groups more likely to succeed than pro-bills for others and, vice versa, is adoption easier for bills targeting certain groups compared to bills targeting others? Based on the results, I will evaluate whether all of the groups defined as oppressed by Young and others⁶ are actually so in direct

6 Outlined in Chapter 3.

democracy. If differences emerge, I will identify which groups should count as oppressed as well as which group characteristics might explain this, thereby refining the application of the concept of oppressed groups in research on direct democracy. This will reveal whether a broad concept of oppressed groups is useful in analyzing direct democratic votes or whether research should stick to a narrower notion of (well-specified) minorities.

1.3 Roadmap of the Dissertation

In answering these research questions, the thesis proceeds as follows: Chapter 2, “Conceptual Frame and Definitions” introduces the concept of oppressed groups by Iris M. Young and the advantages of applying this concept instead of the concept of minorities, as well as how Young’s concept has been operationalized in the social sciences thus far and how it is applied here. Furthermore, I outline my definition of direct democracy and the terms pro- and contra-bills and –outputs. The chapter continues by presenting theoretical reasons why direct democracy might result in a *Tyranny of the Majority* versus why it might instead empower oppressed groups. Lastly, I introduce group characteristics that I expect to be influential for a group’s fate in direct democratic votes, as well as institutional factors relating to the vote, attitudes among the electorate, and the socio-economic characteristics of the country that may be relevant.

In Chapter 3, “State of the Art: Findings on Direct Democracy and Oppressed Groups”, I summarize the existing research on the negative implications of direct democracy for oppressed groups as well as on positive implications. For a more differentiated view, I present previous results on institutional, attitudinal, and socio-economic effects influencing direct democratic outputs for oppressed groups. Based on this, I identify the gaps in existing research on direct democracy and oppressed groups that my thesis aims to address.

Building on the theoretical arguments and empirical findings presented in Chapters 2 and 3, I formulate the hypotheses guiding my analyses in Chapter 4, “Hypotheses”. This includes assumptions about different impacts for different groups. Additionally, I formulate hypotheses about the institutional effects of direct democratic instruments and quora; the attitudinal effects of negative attitudes towards the group affected by a vote and support for equality more general; and the socio-economic effects of the levels of education, economic growth and ethnic fractionalization at the time and in the country of a vote.

In Chapter 5, “Methods and Data”, I detail the data I gathered on all national votes in European democracies between 1990 and 2015 and how I

coded direct democratic bills according to their possible impact on oppressed groups. In addition, I provide information about the data for the explaining variables. Afterwards, I outline the methods for my descriptive and bivariate analyses and explain in more detail why I perform Bayesian multilevel logistic regressions in my multivariate analyses.

Chapter 6, “Descriptive Results”, contains descriptive statistics on the direct democratic bills and outputs for different oppressed groups as well as on the institutional explaining variables and on the characteristics of Swiss votes (given the importance of direct democracy in Switzerland), and describes the data on attitudinal and socio-economic explaining variables. The chapter concludes by outlining whether the descriptive results support or contradict the hypotheses formulated in Chapter 4.

In Chapter 7, “Bivariate Statistics”, I present findings on the correlations between the explaining variables and pro-and contra-bills, pro-outputs, and contra-outputs. Furthermore, this chapter explores how the explaining variables correlate with each other. It concludes with the implications of the bivariate results for my hypotheses.

Chapter 8, “Multivariate Statistics”, represents the heart of my analysis: the results of multivariate, multilevel logistic regressions investigating what affects the probability that a pro-bill will come to a vote, the probability of a pro-output, and the probability of a contra-output. Here, I outline the results of models for each of these three dependent variables, carving out the effects of the institutional, attitudinal and socio-economic explaining variables. Taken together, these analyses provide insights into the factors that determine the fate of oppressed groups in direct democracy.

In Chapter 9, “Discussion”, I discuss the results of my analyses in light of the theoretical assumptions and previous findings that led to my hypotheses. For the most surprising and counter-intuitive results I perform additional analyses to test possible causal mechanisms that might explain them. The chapter concludes with a recipe of what works best for oppressed groups in direct democracy – i.e., which steps can be taken to support oppressed groups in direct democratic votes according to my analyses. In addition, I elaborate how Young’s concept of oppressed groups can be applied in research on direct democracy.

Finally, Chapter 10, “Conclusions”, provides an overview of my work, testing the value of the concept of oppressed groups for research on direct democracy and analyzing the implications of direct democratic votes for these groups as well as identifying relevant explaining variables. I present the key results of this undertaking and provide answers on my research questions while also outlining the limitations of my analyses and suggesting avenues for future research on oppressed groups in direct democracy. At the end, the thesis returns to its starting point: do empirical findings substantiate a *Tyranny of the Majority* over oppressed groups in direct democracy? What

can be done to prevent such a tyranny? My answers provide ideas for ways in which we can potentially heal the malaises of current representative democracies through providing options for direct democratic participation without endangering the most vulnerable groups in our societies.