The Rising of Initiative and Referendum for the Replacement of the Decline of Parliaments

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Inspired by the precursor of Political Science Lord James Bryce who pointed out “the decline of parliaments” (1921), this paper will be dedicated to emphasize the rising of initiative and referendum and its theory of direct democracy. Governance model on direct democracy: Use the governance model on direct democracy such as semi-direct democracy and semi-representative democracy presented by Serge Zogg (1996), and make the systematic analysis from its research structure. Based on the examinations of the seven standards of initiative and referendum, for example, national referendum into the Constitution, obligatory constitutional referendum, popular initiative, ordinary facultative referendum, extraordinary facultative referendum, democratic system typology, national referendum volume etc. presented by Hamon (2006a), to make a classification and comparison for 19 countries in Europe. Analysis on the initiative and referendum: The tendency of the global practice on the initiative and referendum is becoming increasing. According to the indication of “Initiative and Referendum Institute Europe”, up to the year of 2010, the national referendums have reached to 1538 cases around the world. Discuss the reason why the global practice on the initiative and referendum is becoming increasing? According to the new data on the national referendums practiced in the whole world (such as phenomenon shows that the volumes are increased on the national referendum, do the systematic analysis spread situation for each country etc.). Comparison on the global national referendums: Based on three voting models (centralization, decentralization, political party), and six systems of national referendums (Denmark, France, Italy, Switzerland, British combination such as New Zealand and Australia, Latin America etc.), to make a comparison and related case study analysis.

Keywords: direct democracy, initiative and referendum, governance on democracy, referendum, semi-direct democracy

Introduction

The precursor of Political Science Lord James Bryce pointed out “the decline of parliaments” (1921), entitled on 58 chapter of his book, due to the rising of political parties and influence groups, so that “the dignity and the moral influence of parliaments are on the decline” (Bryce, 1921, p. 391). Since then debate about the decline of parliaments still goes on today (Leston-Bandeira, 2002, pp.128-152; Norton, 2002, p. 3; Pasquino & Pellizzo, p. 2006, p. 256). Obsessed with the role of political parties and the predominance of executives, a significant part of all literature focuses on the decline of parliaments in modern democracies, insisting that it has progressively and worryingly lost many of its traditional roles (Norton, 2012, pp. 403-418).

Since the parliaments are on the decline, this paper will be dedicated to emphasize the rising of initiative

and referendum and its theory of direct democracy.

Governance Model on Direct Democracy

What is global governance model on direct democracy? Is there some important paradigms could be proved? How could it be compared and divided to the degrees for democratic governance? How could be regulated and put it into the practice? It's worth to the discussion step by step. In the related research on modern paradigmatic governance, first of all, Zogg used firstly the analytical methods as typology to democratic governance, and deduced two sorts of modern governance model on direct democracy: semi-direct democracy and semi-representative democracy (Zogg, 1996, pp. 14-19; Butler, 2001, pp. 60-73; Passelecq, 2001; Aubert, 2006; Kaufmann, et al., 2010).

Table 1

Classification and Comparison on Regulation and Practice of Direct Democracy 19 Countries in Europe

Countries	National referendum into Const-itution	Obligatory constitutional referendum	Popular initiative	Ordinary facultative referendum	Extraordinary facultative referendum	Democratic system typology	National referendum volume until 2006
Switzerland	Y	Y	Y	Y	Y	semi-direct	531
Liechtenstein	Y	N	Y	Y	Y	semi-direct	85
Italy	Y	N	Y	Y	Y	semi-direct	62
Ireland	Y	Y	N	N	Y	semi-direct	29*
Denmark	Y	Y	N	N	Y	semi-direct	12
France	Y	Y	N	N	Y	semi-represen tative	9
Austria	Y	Y	Y	N	Y	semi-represen tative	3
Spain	Y	Y	Y	N	Y	semi-represen tative	3
Sweden	Y	N	N	N	Y	semi-represen tative	7
Norway	N	N	N	N	Y	semi-represen tative	6
Luxembourg	Y	N	N	N	Y	semi-represen tative	4
Finland	Y	N	N	N	Y	semi-represen tative	3
Iceland	Y	Y	N	N	Y	semi-represen tative	0
Greece	Y	N	N	N	Y	semi-represen tative	0
Portugal	Y	N	N	N	y	semi-represen tative	0
Belgium	N	N	N	N	Y	representative	1
United Kingdom	N	N	N	N	Y	representative	1
Germany	N	N	N	N	N	representative	0
Netherlands	N	N	N	N	Y	representative	1

Source: Hamon, 2006b.

Especially he mentioned that the argument of each has its clear difference from the tradition of representative democracy. Afterwards, Hamon went further to make a classification and comparison for 19 countries in Europe, based on the examinations of the seven standards of initiative and referendum, for example,

national referendum into the Constitution, obligatory constitutional referendum, popular initiative, ordinary facultative referendum, extraordinary facultative referendum, democratic system typology, national referendum volume etc. (Hamon, 2006b, pp. 65-67) (see Table 1).

Comparable Comment on Nineteen Countries in Europe

Hamon (2006b) classified three degrees of countries between 19 countries in Europe. That means each first to third degree practices different level on democracy (see Table 1).

First degree countries: belong to semi-direct democracy countries, such as Switzerland, Liechtenstein, Italy, Ireland, and Denmark. They had outstanding performance for its direct democracy regulation and level of practicing. These countries could be reached so called paradigm country on direct democracy.

Second degree countries: belong to semi-representative democracy countries, such as France, Austria, Spain, Sweden, Norway, Luxembourg, Finland, Iceland, Greece, and Portugal. They had passable performance for its direct democracy regulation and level of practicing. These countries still could be waited to promote to become semi-direct democracy countries.

Third degree countries: belong to representative democracy countries, such as Belgium, United Kingdom, Germany, and Netherlands. They had no good performance for its direct democracy regulation and level of practicing. These countries could be waited to promote to become first semi-representative democracy countries, and in the future to become semi-direct democracy countries.

Table 2

National Referendums Practiced Around the World

Period	Europe (Switzerland)	Middle East	Asia	America	Oceania	Africa	Total
Before 1900	68 (57)	0	0	3	0	0	71
1901-1910	14(12)	0	0	0	4	0	18
1911-1920	21(15)	0	0	3	5	0	29
1921-1930	36(28)	1	0	2	6	0	45
1931-1940	40(23)	0	0	7	6	0	53
1941-1950	36(21)	1	1	3	11	0	52
1951-1960	38(32)	8	5	3	5	9	68
1961-1970	44(30)	18	4	4	7	19	96
1971-1980	116(87)	36	14	8	14	34	222
1981-1990	129(76)	24	6	12	7	22	200
1991-2000	235(105)	4	20	76	15	35	385
2001-2010	168(109)	20	10	44	22	35	299
Total	945	112	60	165	102	154	1538

Source: Initiative and Referendum Institute Europe, 2010.

Actual Cases

Representative democracy countries belong to representative democracy countries, such as Belgium, United Kingdom, Germany, Netherlands, main questions lie in its Constitution so that initiative and referendum regulation could not have been found, neither of national referendum. But actually, Belgium voted in 1950 for the issue of return King Léopold III; United Kingdom voted equally in 1975 for continuing stay in European Community; and Netherlands made one national referendum in 2005 for European constitutional project; besides, Germany regulated that in case of territory transfer, Länder could take a referendum decision (Hamon,

2006a, p. 2).

Semi-representative democracy countries belong to semi-representative countries, like France, needs only to increase national referendum volume, it will easily become semi-direct democracy country.

Analysis on the Initiative and Referendum

The very first nation-wide referendum started on June 24, 1793. In the meantime, according to the special law of the National Convention of French Revolution, the 1793 Constitution (so called the first year of French Constitution) (Constitution de l'An I) was passed through the people. Up to now, all the countries over the world, approximately 1538 times of the national referendums took place (see Table 2) (Initiative and Referendum Institute, 2005; Kaufmann, et al., 2010).

According to the statistics, the tendency of referendum that took place all around the countries is getting more and more. From 1793 to 1900, there were only 71 times of nation referendum. But up to 1990, there were 844 referendums and up to now, there have already been 1538 referendums. The increased amount of referendums proved the importance of the existence of the referendum and referendum is corresponding to the currents of the globalization. In the early times of the collapse the European Continental countries such as the Empire of the Austria and Hungary and the reign of the Soviet and followed by the crash of the Soviet Union in the end of the 20th century, in the meantime, after the Second World War, many colonial countries claimed independence causing referendum became a symbol of fashion and referendum became the most powerful tool to make democracy a proper legitimate.

In the early time of the 20th century, when the Constitutional Monarchy still occupied almost all around the world, only United States, France and Switzerland practiced the Democratic Republic. Up to now, most of the 193 member countries of United Nations are democratic country, holding democratic constitution and sovereignty. They are accepted and admitted by other countries. The more advanced European countries and America were trying very hard to enhance the practice of semi-direct democracy and made a tendency of more increased amounts of referendums around the world.

As to the dissemination of countries around the world, although referendum is widely practiced, it is still not so popular. Nowadays, people demand innovative concepts of democracy and believe that innovation will make the society more progressive, however, under the demand of direct democracy, people directly interfering legislation still is an exception up to now.

The practice of the referendums mostly gathered in minor countries. Switzerland is the most representative country of practicing referendum, although its population is less than 8,000,000, however, the referendums that took place in Switzerland totally covered one third of the global national referendum. In the 18th century, there were 57 times of referendums that took place in Switzerland, almost covered the 80% of the global referendums (only 71 times of global referendums). Thereafter, the amounts of referendums were getting less, but still remained up to the standard. In the recent decades, there were almost two times of referendums for Switzerland more than other European countries. If compared to other global countries, Switzerland is still actually two times of amounts of referendums.

Other than Switzerland, semi-direct democracy developed not equally over the world. The countries that held referendums more than 10 times are few, and mostly gathered in the few countries of Europe¹. Most of the

¹ Three exceptional countries like Australia (over 50 referendums), New Zealand (over 45 referendums), Uruguay (over 25 referendums).

countries practiced their own referendums, but the amounts are still much far away than Switzerland. Especially worthy attention is that the democracy in many countries is rather conservative. They have never practiced national referendum (such as America, India, China and Japan and so on). Such world-wide uneven situation is related to their own political system.

Actually, through the research, in some countries practicing semi-direct democracy, when initiating referendum, was nearly not supervised by political power, mainly because referendum is overall systemized, for example, obligatory vote in Australia and Ireland. And as to the people of Italy and Uruguay, they are holding the right of initiative and referendum, or as to Switzerland, people hold the both above mentioned rights (Suksi, 1993). As to Denmark, according to Constitution, initiative should be conducted by the minority of parliament.

Nevertheless, as to the example of France, France is the advanced country to practice referendum, but never had the opportunity to practice the initiative vote and obligatory constitutional referendum; as to Japan, according to Japanese Constitution, if there is any law related to revise Constitution, it must be obligatory to give the power to the people to vote (Suksi, 1993, p. 142)², but until now obligatory constitutional vote has never been practiced.

Therefore, this possibly may further make a supposition that for those countries which practiced semi-direct democracy, whether if it is because of the influence of population, geographical condition and social economy. In accordance with the points of view of Jean-Jacques Rousseau, in order to pass the law through people, it must be resembled to basic conditions: (1) Small country with less population (Rousseau, 1964a, p. 978)³; (2) Self-sufficient agriculture brings prosperous economy (Rousseau believed that the development of art, science and commercial business irritates the enjoyment of the resources, so that the citizen much care about his own privacy, other than the public affairs (Rousseau, 1964b, p. 390).

Actually, the second condition of Rousseau mentioned does not meet the requirement of the actual modern situation, as the contradictory argument of Suksi (1993): the more non-metropolitan countries, reflects that the less constitutional referendum regulations occur. As to the first basic condition of Rousseau, in the point of view on the population and geographical condition, nowadays the countries practicing semi-direct democracy, the community type-approval is much bigger than “each one knowing each other”. Rousseau (1964) thought that in Europe, only people on the island of Corse owns the power to legislative (pp. 390-391), however, in fact, many countries such as Switzerland, California State of the United States, France, Italy and so on may be able to enhance the referendum smoothly, and its population of voting are more than million and 10 million more. From this statement, we may know that the basic condition of “small country, less population” is contradictory in the modern countries. Thus, there is still not specific statistic considering on the appropriate amounts of votes, but basically what can be proved is that the countries whose population is more than one billion such as the United States of America, India, China, Indonesia and Japan etc., up to now, there is not once national referendum actually practiced. However, not the whole situation is matching the above mentioned status, for example, Brazil (1 billion 60 million population, over five referendums) and the ex-Soviet Union (2 billion 50 million population, one referendum). Gorbachev enhanced the referendum in 1991, mainly based on

² According to article 96 of Japanese Constitution.

³ According to the book “Considerations on the Government of Poland” of Rousseau, he mentioned: “over-sized countries govern the bigger boundary, it is very hard to control, so its power of legislation is not easy to practice, only can be accomplished by its delegates.

re-building the new order of the society, and used the power of people to get the legitimacy of the Soviet political power, but it caused the result of the willing of independence of the local governments. They opposed the vote, in the meantime, others claimed to the referendums for their independence.

Because of great amount of population, big country seems to oppose direct democracy. The main reason is that the national referendum will easily cause the tense relationship among the races, so this potential racial conflict will be reached to an easy situation by the reconciliation of parliaments.

According to the arguments of Bogdanor (1981), in the small or middle sized countries, the population is homogeneous, and has not complicated races, so it is beneficial to the frequent practice of the referendum. This could explain why the countries, such as Ireland, Denmark, Italy and France, are easily to practice referendum (pp. 143-170). However, in some countries, such as Belgium, due to the language zone and long term of cultural conflicts in Flamands and Walloons, it is difficult to vote to solve the controversial issues. And, taking Netherlands as a special example, traditional Netherlands is an old parliament democracy and belongs to the homogeneous society, but until 2005 they began to practice their very first national referendum. Besides, to the case of Switzerland, it is also an exception. The Swiss society is not homogeneous, each Canton speaks its own language, and its religion and culture keeps its own distinction, however, Switzerland keeps its regulation of obligatory constitutional referendum. The vote is regulated to be valid unless the result surpasses the half standard.

Is there any country which practiced the referendum is influenced by other country and copied with each other? The answer is not exactly. For example, the early English territory or colonies or even the Commonwealth, followed the traditional Westminster parliamentary system. As to New Zealand, Australia, and Ireland, practice of referendum is rather popular, but in Canada, it rarely practiced and in India, referendum has never been practiced in history.

However, it is worthy to think that the continuous practice of referendum after a long period of time, it formed an unique political culture. In another words, it is so called "habit forming culture" by English people. Semi-direct democracy possesses its spontaneous output system. It makes people's power to properly enhance, just like the people of Italy and Switzerland who own the initiative power. But the semi-direct democracy may be changed by the replacement of political power in one country, such as from 1919 to 1933 popular initiative was practiced in Germany, however, every since 1949, it changed into indirectly parliamentary system.

Comparison on the Global National Referendums

Comparing the global practice of the referendum, it concluded three models:

(1) Referendum becomes the trust and belief of the country's leader in the purpose of avoiding the danger of division by the political party and interest group. The referendum is initiated by the leader, in the name of the nation calling people to vote. This model is called "Centralization vote";

(2) Referendum becomes a spontaneous activity of the citizen group and cooperates with the government leader to accomplish the vote. The referendum is initiated by the hand of the people and it is completely different from the "Centralization vote". This model is called "Decentralization vote";

(3) Referendum becomes an experienced pattern vote. Usually, in representative democracy the referendum is initiated by the hand of the parliament. Due to no official regulation for the parliament to initiate the referendum, only based on the experienced party vote, can this model is called "Political Party vote".

The above mentioned three models of referendum may be too simple. Actually, if we take an advanced

comparison of the same kind of referendums that took place among the countries. We may find out that in “Italy and Switzerland”, the people initiated the referendum, however, comparing the regulations of the people’s power between these two countries, obviously the regulations in Italy are restricted much more than Switzerland. Besides, due to the complication of the power system of many more countries, the above mentioned three models may mix up.

Table 3

Global Category of Voting Systems

Characteristics	Influence in the world	Applications from 1971 to 2010	Appreciation
Denmark system: Minority right for parliamentary and representative opposition (art. 42 Denmark Constitution)	5 practicing countries limited: (as Denmark and Ireland)	35 times (very limited application)	Protection of important minorities in parliament
France system: Presidential prerogative (art. 3,11 and 89 France Constitution)	35 almost alike, 14 very close (like ancient colonies in Africa, ex-Soviet Union, Arabian Turkish countries)	98 times (limited application)	Centralization vote
Italy system: Minority right for extra parliamentary opposition: abrogation referendum (art.75 Italy Constitution). Limites: (1) quorum achievement; (2) material control by constitutional court; (3) quorum participation. Four domains none approved to referendum: finances, penal law, and amnesty, international asylum treaties.	12 very close East European countries with none abrogation referendum	128 times (impressive application)	Minority right for extra parliamentary opposition soften by parliamentary majority hard power
Switzerland system: Minority right for none parliamentary Opposition (art. 138-142, 163-165 and 192-194 Switzerland Constitution).	5 partially alike: New Zealand, Australia, Liechtenstein, Micronesia and Uruguay	395 times (very impressive application)	The minority decide for voting the law or popular initiative
British mixed system: Limitation to small amount of concrete questions	23 countries of British Commonwealth	15 times (very limited application)	Referendum in specific issues to vote
Latin America system: Multiple combination systems.	13 Latin America countries	102 (spontaneous but none systematic application)	Incoherence created by combination of incompatible systems results in low effectiveness of voting

Source: Authors’ collection.

The following improved models on the referendum by Hans (2006), based on the direct democracy to divide into six voting system (see Table 3) which is rather related to the three voting models as remarked above.

(1) Denmark system. In some countries, they imitated Denmark system when initiating the referendum. The referendum may be initiated by the minority party of the parliament. This system is much alike the previous mentioned “Political Party Vote”;

(2) French system. In some countries, they imitated French system. Referendum becomes the political instrument of the President’s power. This system is related to the previous mentioned “Centralization vote”;

(3) Italy system. In some countries, they imitated Italy system. Referendum may be initiated with limit by the citizen group outside parliament;

(4) Switzerland system. In some countries, they imitated Switzerland system. Referendum may be initiated without limit by the citizen group outside the parliament. In other words, referendum belongs to the right of the people;

(5) British mixed system. In some countries, such as 23 countries of the Commonwealth, they initiated referendum in specific issues to vote;

(6) Latin America system. Thirteen countries in Latin America initiated referendum in mixed system.

Table 3 focused on the comparison of the 132 countries' Constitution on referendum. In the United States of America, it belongs to local referendum (25 states of the west of Mississippi initiating the referendum is very outstanding), but it is not included in the form. Table 3 divided into six systems. Generally speaking, the one who established the Constitution, regulated the referendum and it was initiated from the same founder, so the effectiveness of the referendum would be not so successfully obvious. In the following table, may find out that the countries which initiated much more system of referendum, the times of the practice would be not so frequent. But, the countries which initiated much less system of referendum, the times of the practice would be more frequent (Wili, 2006).

Conclusion

Through the arguments semi-direct democracy and semi-representative democracy of paradigm governance on direct democracy models, Zogg (2007) concluded that many countries have practiced the combination of representative democracy and direct democracy which has become new advanced science on modern democratic governance.

Hamon made a classification and comparison for 19 countries in Europe in 2006, based on the examinations of the seven standards of initiative and referendum: national referendum into the Constitution, obligatory constitutional referendum, popular initiative, ordinary facultative referendum, extraordinary facultative referendum, democratic system typology, national referendum volume etc. (that is good worth for the reference). Due to the regulations established in every country, its level of practicing may not be the same, so Hamon (2006b) classified it into three different degrees of countries (semi-direct democracy, semi-representative democracy and representative democracy).

They are more and more important for national referendum, many countries practicing that direct game such as Switzerland, New Zealand, Australia, Ireland, Italy, Uruguay, Denmark, and France. It was nearly not supervised by political power, mainly because referendum is overall systemized.

Through globally practicing the referendum, it concluded three voting models (centralization, decentralization, political party), and six voting systems (Denmark system, French system, Italy system, Switzerland system, British mixed system, Latin America system). The global system of initiative and referendum is worth to be a reference to the developing countries like Asian countries and the others.

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