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## LIMITS OF CONSOCIATIONALISM AND POSSIBLE ALTERNATIVES

Centripetal Effects of Direct Democracy in a Multiethnic Society

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### INTRODUCTION

In recent years the consociational model of democracy has often been cited as a possible solution for institutional and democratic deadlock in Bosnia and Herzegovina (BiH) (see, e.g., Kasapović 2005; Kasapović 2007; Vlaisavljević 2005). Other authors, however, are more cautious and express doubts that such a model could lead this country to a stable and functional democracy (see, e.g., Mujkić 2007; Mujkić 2008a; Abazović 2007).

I share their scepticism (see Stojanović 2006a). How can consociationalism be seen as “the” solution for BiH if, in reality, it is a part of the problem? In scientific literature the institutional framework of BiH is, indeed, considered an ideal-type of consociationalism (Bose 2002: 216; Belloni 2004: 336; Bieber 2005). There is hardly a country which follows so closely Lijphart’s (1977: 2004) model of consociational democracy. In his comparative analysis of institutions of other “divided societies” in the Balkans, Bieber (2005: 90-91), for instance, claims that BiH can be qualified as a “consociation plus”. Its constitution not only respects all prescriptions of the consociational model (which is not the case, for example, of Kosovo or Macedonia); it goes even beyond it. Its system of vetos is extremely rigid, the ethnonational quotas are applied to all institutional layers, etc. Of course, authors who support the consociational solution for BiH probably do not ignore these facts. Nevertheless, they still insist on it and claim that today “only a small number of people, even among politicians, consider BiH as a consociation” (Vlaisavljević 2005: 122; my translation). Kasapović (2005: 199), on the other hand, observes that BiH still is not fully consociational because the Croatian segment does not have its own self-governing territorial autonomy and

has to share the existing "Federation of Bosnia and Herzegovina" with the Bosniaks (i.e. Bosnian Muslims). According to Ibruj (2006: 180) BiH is a chaotic consociation.

#### WHY IS CONSOCIATIONALISM BAD FOR BIH?

One of the key consociational elements in BiH is the application of ethnic quotas for group representation at all levels of the government. According to Bieber, "Bosnia is probably the only country in the world governed by such a complex system with multiple power-sharing regimes and different systems of group representation at varying levels of governance" (Bieber 2006: 144). Even though ethnic quotas are not the only (consociational) problem in BiH, I believe that it is one of the most pressing. In what follows, therefore, I will mostly focus on this aspect of the consociational model in order to show why it does not constitute a good solution for BiH.

At the level of common state institutions ethnic quotas have been applied ever since 1996. In contrast to the period of Communist rule (1945-1990), when the principle of "equal representation" of all "peoples" has been informally respected in the Yugoslav Federation, and especially in BiH (Pupavac 2000; Anđelić 2003: 18-19), group representation is today mandated by legal documents. The presidency is composed of three members: one Bosniak, one Serb, and one Croat. The executive (Council of Ministers) has an equal number of ministers from all three groups chosen according to the same formula (1:1:1).<sup>2</sup> Only the chair of the Council of Ministers, whose powers have been significantly increased in the past few years by the High Representative of the International Community/Special Representative of the European Union, escapes such a rigid rule (similarly to the Belgian prime minister), while every minister has one deputy minister of another ethnicity.

It must be said that the system of ethnic quotas in the executive has been slightly softened in the early 2000s. In fact, the first law concerning the composition of the Council of Ministers, adopted in 1997, included a particularly rigid form of group representation based on the principle of parity between the three ethnic groups. For instance, the Council was not presided over by one chair but by two co-chairs and a vice-chair. Moreover, the two co-chairs rotated every eight months. But in 1999 the Constitutional Court declared the co-chairs unconstitutional, "the first major decision challenging a system of government in Bosnia which had gone beyond an already highly ethnified institutional structure" (Bieber 2006: 52). Still, according to the 2003 law on the Council of Ministers (Art. 6), "the overall composition of the Council of Ministers shall, throughout its mandate [...] ensure equal representation of the constituent peoples of Bosnia and Herzegovina". Note, however, that the new law stipulates that *at least one* minister or the secretary general must be from the category of "Others" (i.e. not from any of the three "constituent peoples").

As far as the legislative level is concerned, the upper chamber (House of Peoples) is composed of 15 members, five from every constitutional people. The lower chamber (House of Representatives) is elected by the voters of the two entities. Two thirds of its members are elected in the Federation and one third in the Republic of Srpska (RS). However, no seats are explicitly reserved for constituent peoples in this parliamentary chamber.

What has been the impact of this system of ethnic quotas in BiH? In its opinion of the BiH Constitution the International Crisis Group speaks of "denial of individual human rights":

[The Constitution of BiH] leaves no room for those who do not fit into the category of Bosniak, Croat or Serb or who simply would prefer to exercise their right not to belong to any group. [It] does not favour the protection of individuals in their own right. [...] The ethnic determinism and discrimination codified in the BiH Constitution contradicts modern European democratic values of civil liberty and human rights, where sovereignty rests with the citizens of a state, where positions and jobs in all state institutions are open to all, without discrimination on the ground of ethnicity, religion or otherwise (International Crisis Group 1999: 21-23).

A further critique of ethnic quotas, and of the consociational model in general, comes from Belloni:

The main problem has been that consociationalism has had limited effectiveness in promoting long-term cooperation and inter-ethnic compromise. Ethnic quotas reinforced the salience of ethnic identity and cleavages, entrenched many of the ethnic divisions that international intervention was supposed to soften and eventually overcome, and risked perpetuating instability. Without incentives for cooperation, it has been easy for politicians to win popularity by defending their national group and by portraying others as enemies. Consociationalism has an intrinsic dynamic that makes the political system inherently unstable and subject to collapse (Belloni 2004: 336-37).

These arguments illustrate that one of the main problematic aspects of ethnic quotas in BiH is their emphasis on group rights at the expense of individual rights and liberties. Even though the international community and some BiH institutions such as the Constitutional Court have tried to find a balance and to maintain group rights while preserving individual rights, it is inevitable that such a strong emphasis on ethnicity puts at risk rights and liberties of single citizens (see Morawiec Mansfield 2003; Stojanović 2006a).

The system of ethnic quotas is far from being an exclusive feature of the common state institutions. It is applied in both BiH entities, as well as within the cantons of the Federation (see Bieber 2006). It is also applied at the level of municipalities (see, e.g., the statutes of Sarajevo, Mostar). Even the only institutional unit of BiH in which rigid ethnic quotas were deliberately excluded – the Brčko district – and which was often cited as a promising model for BiH's future (see Stojanović 2006a: 343-45; Mujkić 2008b), has recently joined the ethnic quotas paradigm.

#### ARE THERE ALTERNATIVES TO THE CONSOCIATIONAL MODEL?

A critic of my criticism of the consociational model in BiH is likely to say: "It is true that BiH has been encountering many problems in its difficult path towards a stable democracy: but what is the alternative to consociationalism and power sharing among ethnic groups?"

This is, indeed, the main objection that Lijphart addresses to his critics, such as Donald Horowitz (2002).<sup>3</sup> And we must admit that there are not so many valuable and

credible alternatives (see Boggaards 2006). Moreover, they are not all-encompassing as the consociational model is. Typically, they provide possible alternatives to only some aspects of that model. For instance, Roeder (2005) claims that instead of "power sharing" the solution should be sought in "power dividing" mechanisms. Other authors focus on electoral design and point at advantages of non-PR electoral systems, such as alternative vote (Reilly 2001; Horowitz 2003).

In a number of recent articles I have, too, tried to explore alternatives to ethnic quotas by making the distinction between formal and direct quotas and more informal and indirect patterns of representation of groups (Stojanovic 2006a, 2008). In other works, my intention was to support the advocates of non-PR electoral systems and to point out that, in certain contexts, majoritarian systems can do a better job (Stojanovic 2006b).

In this contribution I wish to explore the virtues of direct democracy in a plural and/or divided society. My main thesis, here, will be that direct-democratic tools can have substantial centripetal effects in divided societies and facilitate political integration of different groups. Surprisingly, this aspect of direct democracy has not been sufficiently analysed in the literature.<sup>4</sup>

#### THE PARADOX OF DIRECT DEMOCRACY

Direct democracy can play an important role in establishing a stable democracy in a divided (especially if multiethnic and/or multilingual) society. As I will show, this is a side-effect and a true paradox of direct democracy.

Indeed, direct democracy has many disadvantages. Thinkers like Plato, Edmund Burke, Max Weber or Joseph Schumpeter expressed doubts about the *competence* of citizens to vote on complex political issues (see Kriesi 2005: 4; Papadopoulos 1998). More recently, Sartori (1987: 120) and Budge (1996) have reasoned along similar lines. For Gerber (1999), direct democracy is often manipulated by rich demagogues and populists and, thus, risks being transformed from an instrument of citizens to an instrument for lobbyists. As such, it seriously undermines representative government (Broder 2000).

But the main disadvantage which should concern us here, is that direct democracy is an institution which by its very nature allows a majority of citizens (50 percent + 1) to impose its will on the minority. As such, it does not seem to be an adequate instrument for multiethnic countries made up of a majority and of one or many minorities. Quite the contrary is the case. Many authors consider direct democracy as an "antithesis" of the consociational model (Barry 1975: 485; see also Steiner and Obler 1977: 328; Reilly 2005). Indeed, history shows that referendum results may create tensions among language groups (see the referendum on the "royal question" in Belgium, 1950) or be followed by armed conflicts (see the referenda on independence in the former Yugoslavia in the early 1990s).

Against this background, it comes as a paradox that Switzerland, a country which is generally considered as the most successful multilingual (as well as multireligious, multiethnic, multicultural, etc.) democracy, is at the same time the world's champion in the practice of direct democracy. Almost a third (555 out of 1840) of all popular votes held in the world at the national level until the end of 2008 took place in Switzerland.

The record is even more impressive if we look at the available data on popular votes held at the sub-state level: 4253 out of 7288 (58 percent) took place in Switzerland.<sup>5</sup> It should be stressed, here, that the federal structure of Switzerland provided important incentives for the emergence of direct democracy at the level of the cantons. In fact, positive experiences with direct democracy in the canton of Zurich, in the 1860s, encouraged other cantons, but also the federal authorities, to adopt and/or further develop direct-democratic instruments within the respective jurisdictions (see Wisler 2008: ch. 6). Thus there is a clear link between federalism and direct democracy in Switzerland.<sup>6</sup>

Not only did the Swiss multilingual democracy survive such an intense practice of direct democracy. The *paradox* is that this institution has been an important factor in fostering the internal cohesion of Switzerland, by making the whole Swiss democratic system viable and, indeed, stable in the long run. How was this possible?

In my view, there are at least four important advantages that a *frequent* use of the Swiss type of direct democracy can produce in a plural society: (1) it is a bottom-up type direct democracy which, far from oppressing the minorities, enables them to have a voice in national politics, (2) it creates obstacles to the emergence of (divisive) ethno-nationalistic discourses based on stereotypes and the rhetoric of "us vs. them", (3) it fosters the emergence of a common *demos*, necessary for the "functioning of representative government", and (4) it produces centripetal effects across ethno-national borders.

#### Bottom-up approach

We can distinguish between two main types of direct democracy, depending on who has the right to initiate a popular vote. The "top-down" approach is when a single official (president, prime minister) or a single body (parliament, government) decides to call a referendum on a given issue. (The "plebisicite" is probably the best example of this approach.) Compulsory referenda, typically required for constitutional amendments, also belong to this category.

Yet this approach has nothing to do with the Swiss "bottom-up" direct democracy. In fact, in six out of ten cases the Swiss voted on optional referenda and on popular initiatives which were initiated by citizens.<sup>7</sup> Basically every law adopted by the federal parliament can be overturned by an optional referendum. 50'000 signatures (less than 2 percent of the electoral body) are sufficient to call such a referendum. And 100'000 signatures are requested in order to launch a popular initiative demanding an amendment of the constitution.

The bottom-up approach thus enables minorities to put on the political agenda issues which have been ignored or not sufficiently covered by the institutions of representative democracy. For this reason, even though at the end of the day the decision will still be taken by the majority of the citizens, direct-democratic instruments can be seen as positive for minority rights (Kobach 1993: 26).<sup>8</sup>

It is important to stress that by "minority" we shall not think only of ethnic minorities. Indeed, in most cases it is a political and/or social minority that launches a popular initiative or an optional referendum. But the very existence of bottom-up direct-democratic tools enables groups situated within a minority language region to

put a given issue onto the national political agenda. In November 2008, for example, the Swiss voted on a popular initiative demanding the elimination of "Imprescriptibilité" in relation to pornographic crimes against children. The initiative had been launched by a small group of activists from the French-speaking part of the country, without an established political or party base. In spite of the fact that the federal government and parliament almost unanimously recommended to the citizens to reject the initiative, in the end it was accepted by a majority of the voters (52 percent).

#### *Ethnonationalist rhetoric and multiple majorities/minorities*

Multicultural societies constitute fertile ground for the establishment of "us vs. them" political rhetoric and ethnonationalist discourse. This phenomenon has been largely explored in the literature on nations and nationalism. Nationalist politicians tend to simplify the complex reality by using simplistic categories (see Brubaker 1996). "The" Walloons are lazy because they rely on social transfers from Flanders. "The" Flemish are selfish because they lack solidarity towards their Francophone co-nationals. "The" Quebecers are more leftist than "the" Anglo-Canadians. Yet how can we know what "the" Flemish, "the" Quebecers – or "the" Croats/Bosniaks/Serbs – really feel or desire? Elections and opinion surveys cannot but provide partial answers to this question. My intuition is that on a typical daily political issue "the" Flemish, Québécois, or Bosniak/Croat/Serbian opinion simply does not exist. It is very likely that within each group there is a huge number of diverging opinions.

Bearing this in mind, we shall note that a frequent use of referenda and popular initiatives directly and deeply undermines the rhetoric of "us vs. them". If, say, the results of an imaginary referendum on BiH's health system shows that 60 percent of the citizens of the Federation of BiH and 40 percent of the citizens of the RS accept the inclusion of "alternative medicine" in the basic health insurance,<sup>9</sup> it would hardly be possible for RS's politicians to claim that "the" Bosniaks/Croats from the Federations are bad guys who want the destroy the national health system (provided it had existed in the first place).

In other words, the results of popular votes constantly cut the ground under the feet of (real or potential) ethnonationalist leaders. If the outcome of a referendum shows strong intra-group divisions it is more difficult for them to speak "In the name" of their group. And even if the result of a given popular vote does deeply divide two linguistic groups and enables political leaders to start developing ethnonationalist rhetoric, direct democracy will probably correct that problem by itself.

In order to understand this last and important aspect of direct democracy we shall mention that a frequent use of direct-democratic tools creates a context of multiple majorities and minorities. This is important, because such a context "increas[es] the likelihood that members of ethnic minorities will be parts of political majorities on some issues and many members of any ethnic majority will be members of political minorities on some issues" (Rochchild and Roeder 2005: 17). There is more to be said on this. Majorities and minorities can change over time on the *same* (or similar) issues. Let me illustrate this point by using the following example taken from Switzerland.

In the 1990s many French-speaking politicians and opinion makers propagated the black-white picture of "open-minded" Francophones, favourable to the integration

of Switzerland into the European Union (EU), vs. "closed-minded" German speakers (see Büchi 2000). The trigger was a referendum held in December 1992, when a tiny majority (50.3 percent) of the Swiss rejected to join the European Economic Area (EEA). Most significantly, in *almost all*<sup>10</sup> German-speaking cantons, as well as in the Italian-speaking Ticino, a majority of citizens said "no", whereas in *all* French-speaking cantons the "yes" votes largely prevailed, with percentages above 77 percent.<sup>11</sup> A closer inspection allows us to estimate that 73 percent of French speakers accepted to join the EEA, whereas 56 percent of German speakers and 62 percent of Italian speakers rejected it. Yet the "no" votes prevailed in virtue of the demographic strength of German speakers. Therefore it was an easy game for Francophone politicians and the media to blame the German-speaking majority for blocking the path of French speakers towards European integration. The linguistic cleavage between the two main language groups – known as "röstigraben" – entered the daily vocabulary of the media and politics. "A person reading the newspapers in those days could have gotten the impression that Switzerland was about to fall apart", affirms Büchi (2000: 269; my translation).

But Switzerland, of course, did not fall apart. In the 2000s the clichés about "open-minded" French speakers and "close-minded" German speakers could be hardly spotted anymore in the French-speaking media and the political discourse of Francophone politicians. The reason is that numerous popular votes held after 1992 showed that such a picture was totally false. So the claim that French speakers were in favour of joining the EU literally collapsed in March 2001 when 77 percent of the Swiss rejected the popular initiative demanding the start of negotiations for EU membership. In *no* canton was there a majority of the citizens in favour of this initiative. In French-speaking cantons the percentage of "no" votes ranged from 56 percent in Jura to 79 percent in Valais. One year later, the Swiss accepted to join the United Nations (UN). This vote underlined the existence of an urban-rural rather than a linguistic cleavage. Interestingly, some German-speaking urban areas were even more favourable to the UN than the French-speaking ones. For instance, in the city of Geneva – the European seat of the UN – the percentage of "yes" votes was lower than in the German-speaking city of Berne. The stereotype about "closed-minded" German speakers was additionally broken when as many as five popular votes (2002, twice in 2005, 2006, and 2009) concerning the relations with the EU showed that the majority of them were in favour of a gradual opening to the EU. In the aftermath of the last of these votes, on February 8, 2009, an expert on the relations between Switzerland and the EU said that "l'idéalisme pro-européen n'est plus là: la Suisse romande, que la cause européenne méritait en transe, ne l'est plus".<sup>12</sup> In reality, "the" French-speaking Switzerland – *la Suisse romande* – was never "in transe" for the "European cause". It was, rather, wishful thinking and a cliché diffused in the 1990s by the media and a part of the Francophone political elite. This example, I believe, nicely illustrates how the very exercise of direct democracy structurally dissolves a potential tension between linguistic groups and hinders the emergence of the "us vs. them" nationalist rhetoric of politicians.

### The emergence of a common demos

Multicultural countries face the problem that they cannot rely on myths of common linguistic/ethnic/cultural origins in order to construct a national *demos*. Moreover, how can there be “a” people, or “a” nation<sup>13</sup> if its supposed members live in distinct public spaces? This was a major concern for J. S. Mill (1993) 150 years ago but a similar concern can also be found in the works of contemporary political theorists who consider the emergence of such a *demos* as indispensable not only for a stable democracy but also for cross-country social solidarity (see, e.g., Miller 1995; Habermas 1998).

In Switzerland it is precisely the frequent exercise of direct democracy at the national level which makes the emergence of such a *demos* possible. The thesis, here, is that a repeated practice of direct democracy strengthens the sentiment of the Swiss that they belonged to the same “people” or to the same “nation”. It makes it *visible*. When, in the aftermath of a referendum, politicians and the media affirm that “the people has decided”, there can be no doubt what “people” they have in mind: it is the Swiss people, the Swiss *demos*. In a speech held in 2002 in front of the General Assembly of the UN, the Swiss president Kaspar Villiger affirmed that “national cohesion [in Switzerland] is ... not to be taken for granted. Its central element is our system of direct democracy, the right of the people to decide all important political issues at the ballot box”<sup>14</sup>. Let me recall now a concept advanced in 1882 by Ernest Renan in his famous speech “What is a nation?”. According to Renan, a nation is a “daily plebiscite” [plebiscite de tous les jours]. Probably no other country exemplifies this definition better than Switzerland. Of course, the Swiss do not vote every day. But they do vote two to four times every year on major national issues. And it can be assumed that even those citizens who – occasionally or permanently<sup>14</sup> – do not vote indirectly get the feeling that they, too, belong to the common Swiss *demos*. I do not need to play football in order to cherish a victory of my national football team.

We can easily understand that this *demos* can hardly manifest itself in countries in which national elections are held every four years in separate electoral districts and in which other factors (especially segmented public spaces or the impossibility to rely on myths of common cultural origins) further prevent its emergence.

In order to grasp this last point I shall underline that in Switzerland popular votes held at the national level take place in a single constituency or “voting district”. This is only apparently mitigated by the fact that in 70 percent of the cases (i.e. in votes on compulsory referenda and popular initiatives) a double majority was required, of the people *and* of the cantons. The main claim of this section of the article remains unaffected by this consideration, since the cantonal *demos* do not substitute the Swiss *demos*, they are *additional* to it. Besides, only in a very small number of cases, the last time in 1994, was the will of the majority of the Swiss people overruled by the majority of the cantons.

### Centripetal effects of the single voting district

If the common *demos* can be considered as a product of vertical integration triggered by the frequent exercise of direct democracy, the single voting district creates another important centripetal effect at the level of horizontal integration (see Tresch

2008: 278-79). By “horizontal integration” I mean the emergence of cross-linguistic dialogues as well as the flow of political views and opinions from one region to the other.

The fact that popular votes are held in a single voting district creates incentives for politicians, political parties and social movements to cross cantonal and linguistic borders in order to seek support in other parts of the country and create *ad hoc* cross-regional coalitions. It is in their interest to do so. The media play their role in that respect. The public radio and television channels, for instance, invite politicians with different linguistic backgrounds to participate in debates on the upcoming referendum.<sup>15</sup> The newspapers, too, often quote or publish interviews with politicians coming from different language regions. A recent empirical analysis of two votes on foreign (i.e. European) policy, held in 2001 and 2002, shows that in the articles published by the German-speaking *Neue Zürcher Zeitung* five out of ten most cited politicians were German speakers, four were French speakers and one was an Italian speaker. On the other side of the language border, in the French-speaking *Tribune de Genève*, top ten positions were held by five Francophones, four German speakers (two of which were in the first two positions) and one Italian speaker (Tresch 2008: 193). However, it shall be stressed that this horizontal integration concerns only the well-known federal politicians. The inter-linguistic dialogue of other actors, not to speak of “simple” citizens, is low. Only rarely do actors from different linguistic regions criticize or support each other in public (Tresch 2008: 278).

A further centripetal effect of the single voting district is that it favours the flow of information between linguistic regions. As a matter of fact, multilingual politics face the challenge of segmented public spaces. If elections are held in numerous electoral districts which borders more or less fit the language borders, and if the media cover the elections only in their own linguistic region, there is the risk that citizens discuss completely different political issues. Direct democracy mitigates this problem insofar as it requires the politicians in all regions of the country to discuss *the same issue(s), at the same moment*.

Of course, two different groups can discuss the same issue by relying on completely different sets of arguments. Indeed, in Switzerland this phenomenon has been observed by some authors (e.g., Kriesi *et al.* 1996: 7). For instance, in French and Italian-speaking regions the votes on issues of social security like maternity leave are typically characterized by debates revolving on questions of social justice and family policy, whereas the financial sustainability of the proposal is usually at the centre of debates in German-speaking Switzerland. Nonetheless, the centripetal effect mentioned above – the fact that politicians cross linguistic borders – allows for a degree of permeability. The ideas and arguments of one region are brought into the public space of the other region, and vice versa. This further centripetal effect shall not be underestimated. Indeed, the already mentioned study by Anke Tresch has shown that in referendum campaigns which preceded the two votes on foreign policy there was an increasing convergence of the arguments among the linguistic regions. The author comes to the conclusion that “there is no *fundamental* [grundsätzlich] contradiction between linguistic plurality and an integrated public space” (Tresch 2008: 277; my translation; emphasis in original).

## CONCLUSION

Let me sum up. The current, consociational, constitution of BiH was probably necessary in the transition from war to peace. Yet it is more and more perceived as an obstacle in the transition from peace to democracy (see also Jarstad 2008). The inherent logic of consociationalism freezes ethnic cleavages and does not favour the emergence of moderate parties/politicians and of a *post-ethnic* society. In the meantime, an increasing number of BiH citizens are unsatisfied with their political leaders and become more and more alienated from politics.

Are there alternatives to consociationalism? The answer to this question is all but easy. While in other works I have pointed at the necessity to explore informal and indirect forms of group representation (instead of rigid ethnic quotas), or the integrative features of majoritarian electoral systems (instead of proportional representation, as advocated by consociationalists), in this paper I have developed an argument which points at the virtues of direct democracy, and more specifically of a "Swiss type" direct democracy based on referenda and popular initiatives.

Direct democracy is an institution which is apparently inimical to "pluralist" societies because it does not contain measures for the protection of minorities. Yet it may contribute to internal cohesion of a multiethnic society and, more specifically, may foster integration of minorities. By exploring the Swiss experience I have identified four main advantages of direct-democratic instruments. First, the bottom-up approach which is proper to the Swiss type of direct democracy enables tiny minorities to raise issues, which they deem important, on the national political agenda. Second, the frequent use of direct democracy creates multiple majorities and multiple minorities which enable everyone to be, depending on the issue, every now and then on the winning side and, at the same time, it makes life difficult for ethnonationalist politicians who cannot credibly sustain an "us vs. them" rhetoric. Third, the practice of direct democracy at the national level promotes vertical integration and allows the emergence of a common *demos*. Finally, the fact that popular votes at the national level are held in a single "voting district" produces centripetal effects of horizontal integration by providing incentives for politicians, parties and social movements to cross language borders and by facilitating the flow of information and arguments across linguistically segmented public spaces.

It is important, however, to make two important disclaimers (see also Stojanović 2009). First, the article does not claim that direct democracy is *the only* factor which explains why Switzerland has been and still is a stable multilingual democracy. But it does claim that it is an important factor. Indeed, direct democracy is an institution which structures, powerfully, a set of other practices and institutions which are often cited as "the" secret of the Swiss success. For example, the Swiss "Konkordanzdemokratie" – that is, the fact that at all levels (federal, cantonal, municipal) governments are composed by representatives of major political parties, covering the whole political spectrum – is a by-product of direct democracy (Neidhart 1970). And even the fact that all major Swiss parties, as well as organizations of civil society, are multilingual has been recently explained as a consequence of direct democracy (Tesch 2008: 280).

Second, the article does not claim that this typically Swiss institution can be transposed *telle quelle* to other multicultural societies and that it can immediately

produce similarly positive results. Direct democracy is, indeed, a fundamental element of the Swiss political culture. But this culture did not emerge from one day to the other. It is, rather, the result of a long-term process which started back in 1866, when the first national referenda were held. Even though I believe that its introduction in other contexts may, in the long run, produce positive results, certain mechanisms of protection of minorities should be introduced. In fact, even in Switzerland the use of direct democracy did at some point create tensions between language groups. I shall recall the example of the 1992 referendum on the EEA. My analysis of the impact of direct democracy on inter-group relations in the four multilingual cantons (Stojanović 2006c) has also shown that a linguistic cleavage and tensions emerged on a number of votes which concerned "communitarian" issues (like the use of languages at schools, or a new electoral system with effects on linguistic proportionality in the cantonal government). Such issues are better dealt with at the level of representative democracy, where it is easier to reach consensus.

Could direct democracy be a solution for BiH? While I do not claim that it can be *the* solution for BiH, I do believe that it can become a promising way to overcome the current deadlock. However, in order to introduce at least some elements of direct democracy to BiH's institutional framework, there are a couple of obstacles which should be dealt with.

The first, and probably the most important, of them is the insufficient awareness of the variety of direct-democratic instruments. In fact, there is a risk that citizens and politicians consider direct democracy as a simple synonym of "referendum". Now at least one portion of BiH's citizens have had memories of the past referenda (see the 1992 referendum on independence), whereas others fear future referenda which might put at stake the territorial integrity and the very peace in BiH (see the menace of a referendum on the secession of RS from BiH).

The second obstacle, related albeit not overlapping with the first one, is that the very "majoritarian" logic of direct democracy awakes the fears of "minoritisation" among citizens and political leaders of minority groups.

In order to overcome these obstacles I would like to conclude this paper by advancing a couple of recommendations which, I believe, could be useful if at some point the BiH's constitutional designers should decide to introduce direct-democratic mechanisms in the constitution. These recommendations take into account the specific political, historical and demographic context of BiH.<sup>16</sup>

a. *Think of direct democracy as a slow, gradual, and long-term process.* In order to overcome the above mentioned obstacles, a possible introduction of direct democracy in BiH shall not be rapid and abrupt. It is precisely the Swiss history which informs us that direct democracy had been introduced gradually, step by step, and that it had taken decades before its centripetal effects became visible. In other words, do not expect to see its effects immediately and do not be discouraged by one or another negative experience. And, of course, do not end the "experiment" too early.

b. *Start at the local level.* Even though the thesis of this paper speaks of benefits of direct democracy for the integration of the society as such (national or state level), it is necessary that citizens get accustomed to it first and foremost at the local level. If citizens see that they can decide on a construction of a new bridge in their

local community, or vote on the local budget, or start the initiative for eliminating a traffic-attracting and pollution-producing parking place in the downtown, they might be more open towards extending direct-democratic tools on higher levels of government (cantons, entities, state-level). The federal structure of BiH (even though it is a federation *sui generis*), which grants important autonomy to the two entities and (within the Federation of BiH) to the cantons, might facilitate this approach. A further reason is that municipalities, too, have been traditionally strong in the BiH's political system (even though not as strong as in Switzerland).

c. *Exclude "communitarian" and potentially divisive issues from the reach of direct democracy.* In order to prevent that direct democracy becomes a (further) source of ethnic division instead of centripetal integration, some highly divisive issues should be put out of reach of popular votes. In BiH's context such "communitarian" issues are typically those related to religion, education system, or territory. Of course, a number of border-line cases could make it difficult to clearly distinguish communitarian from non-communitarian issues. Devices like the "alarm bell" procedure which exists in Belgian federal parliament could be useful in order to make this distinction.

d. *Provide a qualified majority for votes on constitutional amendments.* The Constitution (or an equivalent set of documents) is of central importance in every democratic country and every change of constitution, even a minor one, should be subject to a qualified majority. This should reassure minorities that such a reform will not be adopted without their consent. In direct-democratic procedures this implies the abandonment of a pure majoritarian principle (50 percent plus one always win) in favour of a more qualified majoritarian principle. In Switzerland, for instance, any change of constitution is subject to a "double majority": besides the majority of citizens any amendment of the constitution has to be accepted by the majority of the cantons. Of course, the Swiss solution is hardly transferable to the BiH context because of its bipolar structure (only two federated entities). But it is a source of inspiration and could lead to the adoption of a specific BiH rule of qualified majority. For example, constitutional amendments could require the approval of the majority of BiH's citizens (50 percent plus one) and of at least 35 percent citizens in each entity. And for popular votes at the level of the Federation of BiH, a qualified majority could require a majority of citizens and a majority in at least eight (out of ten) cantons.

## REFERENCES

- Abazović, Dino. "O konsocijaciji (I): Konsocijacija protiv konsocijalizma." *Puls Demokratije* (February 21, 2007). <http://www.pulsdemokracije.net/index.php?e=detail&t=be&id=1710> (accessed September 17, 2009).
- Andjelčić, Neven. *Bosnia-Herzegovina. The End of a Legacy*. London: Frank Cass, 2003.
- Barry, Brian. "Review Article: Political Accommodation and Consociational Democracy." *British Journal of Political Science* 5 (1975): 477-505.
- Belloni, Roberto. "Peacebuilding and Consociational Electoral Engineering in Bosnia and Herzegovina." *International Peacekeeping* 11/2 (2004): 334-53.
- Bieber, Florian. "The Challenge of Institutionalizing Ethnicity in the Western Balkans: Managing Change in Deeply Divided Societies." *European Yearbook of Minority Issues* 3 (2005): 89-107.
- Bieber, Florian. *Post-War Bosnia. Ethnicity, Inequality and Public Sector Governance*. New York: Palgrave Macmillan, 2006.
- Bogaards, Mathijs. "Democracy and Power-sharing in Multinational States: Thematic Introduction." *International Journal of Multicultural Democracies* 8/2 (2006): 119-26. <http://unesdoc.unesco.org/images/0014/001499/149924E.pdf#page=67>.
- Bose, Sumatra. *Bosnia after Dayton. Nationalist Partition and International Intervention*. London: Hurst, 2002.
- Broder, David. *S. Democracy Derailed. Initiative Campaigns and the Power of Money*. New York: Harcourt, 2000.
- Brubaker, Rogers. *Nationalism Reframed. Nationhood and the National Question in the New Europe*. Cambridge: Cambridge University Press, 1996.
- Büchi, Christoph. "Röstigraben." *Das Verhältnis zwischen deutscher und französischer Schweiz. Geschichte und Perspektiven*. Zurich: NZZ Verlag, 2000.
- Budge, Ian. *The New Challenge of Direct Democracy*. Cambridge: Polity Press, 1996.
- Gerber, Elisabeth R. *The Populist Paradox. Interest Group Influence and the Promise of Direct Legislation*. Princeton: Princeton University Press, 1999.
- Habermas, Jürgen. *Die postnationale Konstellation*. Frankfurt: Suhrkamp, 1998.
- Horowitz, Donald L. "Constitutional Design: Proposals versus Processes." In *The Architecture of Democracy*, edited by Andrew Reynolds, 15-36. Oxford: Oxford University Press, 2002.
- Horowitz, Donald L. "Electoral Systems: A Primer for Decision Makers." *Journal of Democracy* 14/4 (2003): 115-27.
- Ibrulj, Nijaz. "Nacionalni dogmatizam ili logika konsocijacije?" *Pregled* 86/1-2 (2006). International Crisis Group. "Is Dayton Failing? Bosnia Four Years After the Peace Agreement." *Europe Report* 80, October 28, 1999.
- Jarstad, Anna K. "Power Sharing: Former Enemies in Joint Government." In *From War to Democracy. Dilemmas of Peacebuilding*, edited by Anna K. Jarstad and Timothy D. Sisk, 105-133. Cambridge: Cambridge University Press, 2008.
- Kasapović, Mirjana. *Bosna i Hercegovina: Podijeljeno društvo i nestabilna država*. Zagreb: Politička kultura, 2005.
- Kasapović, Mirjana. "Metodološki problemi kritike konsocijacijske demokracije u Bosni i Hercegovini." *Status* 12 (2007): 136-44.
- Kobach, Kris W. *The Referendum. Direct Democracy in Switzerland*. Aldershot: Dartmouth, 1993.
- Kriesi, Hanspeter. *Direct Democratic Choice. The Swiss Experience*. Lanham: Lexington Books, 2005.
- Kriesi, Hanspeter, Boris Wernli, Pascal Scharini, and Matteo Gianni. *Le citage linguistique. Problèmes de compréhension entre les communautés linguistiques en Suisse*. Berne: Office fédéral de la statistique, 1996.
- Lijphart, Arend. *Democracy in Plural Societies*. New Haven and London: Yale University Press, 1977.
- Lijphart, Arend. "The Wave of Power-sharing Democracy." In *The Architecture of Democracy*, edited by Andrew Reynolds, 37-55. Oxford: Oxford University Press, 2002.



- Lijphart, Arend. "Constitution Design for Divided Societies." *Journal of Democracy* 15/2 (2004): 96-109.
- Mill, John Stuart. "Of Nationality, as Connected to Representative Government." In *Utilitarianism, On Liberty, Considerations on Representative Government*, 391-97. London: J. M. Dent, 1993. Originally published in 1861.
- Miller, David. *On Nationality*. Oxford: Oxford University Press, 1995.
- Morawiec Mansfield, Anna. "Ethnic but Equal: The Quest for a New Democratic Order in Bosnia and Herzegovina." *Columbia Law Review* 103/8 (December 2003): 2052-2093.
- Mujkić, Asim. "Bosna i Hercegovina i izazovi konsocijacije." *Odjek*, no. proljeće (2007), <http://www.odjek.ba/?broj=09&id=07>.
- Mujkić, Asim. "Ideološki problemi konsocijacijske demokratije u Bosni i Hercegovini." *Odjek*, no. proljeće (2008a), <http://www.odjek.ba/index.php?broj=13&id=01>.
- Mujkić, Asim. "Marginalizacija oaze multietničnosti u BiH. Pravni i politički status Distrikta Brčko u predstojećim ustavnim promjenama." *Puls Demokratije*, April 21, 2008b, <http://www.pulsdemokracije.net/index.php?id=824&t=bs> (accessed September 17, 2009).
- Neidhart, Leonhart. *Plebiziti und pluralitare Demokratie. Eine Analyse der Funktionen des schweizerischen Gesetzgebendens*. Berne: Francke, 1970.
- Papadopoulos, Ioannis. *Democratic directe*. Paris: Economica, 1998.
- Pupava, Vanessa. "Socialist Federal Republic of Yugoslavia's Multieethnic Rights Approach and the Politicisation of Ethnicity." *Human Right Law Review* 5/2 (2000): 3-8.
- Reilly, Benjamin. *Democracy in Divided Societies: Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press, 2001.
- Reilly, Benjamin. "Does the Choice of Electoral System Promote Democracy? The Gap between Theory and Practice." In *Sustainable Peace. Power and Democracy after Civil Wars*, edited by Philip G. Roeder and Donald Rotchild, 159-71. Ithaca and London: Cornell University Press, 2005.
- Roeder, Philip G. "Power Dividing as an Alternative to Ethnic Power Sharing." In *Sustainable Peace. Power and Democracy after Civil Wars*, edited by Philip G. Roeder and Donald Rotchild, 51-82. Ithaca and London: Cornell University Press, 2005.
- Rotchild, Donald, and Philip G. Roeder. "Dilemmas of State-building in Divided Societies." In *Sustainable Peace. Power and Democracy after Civil Wars*, edited by Philip G. Roeder and Donald Rotchild, 1-25. Ithaca and London: Cornell University Press, 2005.
- Sartori, Giovanni. *The Theory of Democracy Revisited*. Chatham: Chatham House, 1987.
- Steiner, Jürg, and Jeffrey Ohler. "Does the Consociational Theory Really Hold for Switzerland?" In *Ethnic Conflict in the Western World*, edited by Milton J. Esman, 324-42. Ithaca: Cornell University Press, 1977.
- Stojanović, Nenad. "The Dilemma of Ethnic Quotas in Power-sharing Theory: The Case of Bosnia and Herzegovina." In *The Western Balkans: A European Challenge*, edited by Milan Bufon, Anton Gosar, Safet Nurković and André-Louis Sanguin, 331-47. Koper: Publishing House Annales, 2006a.
- Stojanović, Nenad. "Do Multicultural Democracies Really Require PR? Counterevidence from Switzerland." *Swiss Political Science Review* 12/4 (2006b): 131-57.
- Stojanović, Nenad. "Direct Democracy: A Risk or an Opportunity for Multicultural Societies?" *International Journal of Multicultural Societies* 8/2 (2006c): 186-202, <http://unesdoc.unesco.org/images/0014/001499/149924E.pdf#page=67>.

Stojanović, Nenad. "How to Solve the Dilemma of Power Sharing? Formal and Informal Patterns of Representation in the Swiss Multilingual Cantons." *Representation* 44/3 (2008): 239-53.

Stojanović, Nenad. "Afraid of Direct Democracy? A Reply to Critics." In *Public Opinion in a Multilingual Society: Institutional Design and Federal Loyalty*, edited by Dave Sinaardt and Marc Hooghe, 81-88. Brussels: Rethinking Belgium, 2009.

Tresch, Anke. *Öffentlichkeit und Sprachenvielheit. Medienvermittelte Kommunikation zur Europapolitik in der Deutsch- und Westschweiz*. Baden-Baden: Nomos, 2008.

Vatter, Adrian. "Die Wechselbeziehungen zwischen Konkordanz- und Direktdemokratie. Ein Vergleich am Beispiel westlicher Industriestaaten und der Schweizer Kantone." *Politische Vierteljahresschrift* 38/4 (1997): 743-70.

Vlaisavljević, Ugo. "Demokratska konsocijacija i nepodnošljivi pluralizam." *Status* 6 (2005): 112-22, <http://www.cceol.com/asp/getdocument.aspx?logid=5&id=9D0B0707-301A-4979-A598-4C8C8F516080>.

Wisler, Dominique. *La démocratie genevoise*. Geneva: Éditions Georg, 2008.

## NOTES

- 1 I am grateful for feedback from Francis Cheneval and Sylvie Ramel. An earlier version of this article was presented at the inaugural event of the "Re-Bel Initiative" (Rethinking Belgium's institutions in the European context), Brussels, April 30, 2009. I am indebted to the participants and organizers of this event for their comments. I had started working on this topic in Autumn 2008, during my postdoctoral fellowship at the Hoover Chair of Economic and Social Ethics (UC Louvain). I acknowledge the support and a stimulating environment of the Chair and am grateful to Philippe Van Parijs for pushing me to think about centripetal impacts of the single electoral/voting district in a plurilingual country. A special thanks to Daniel Bochsler and Dave Sinaardt: even though I have not succeeded in convincing them to acknowledge the benefits of direct democracy (and other majoritarian methods) in divided societies, they have shown a genuine interest in the idea and provided many inspiring and constructive critiques. They will soon realize that they were mistaken but, in the meantime, the problems remaining are of course mine alone.
- 2 Minor derogations to this rule are possible if the leadership of one ethnicity voluntarily decides to cede "its" cabinet post to someone of another ethnicity. For instance, since 2007 the minister of foreign affairs has been a person of Jewish background occupying a seat which was reserved for the Bosniaks.
- 3 "In divided societies the choice is not between consociational democracy and other models of democracy; it is between consociational democracy and no democracy at all" (Lijphart 2002).

4 I first developed this idea in a newspaper article published in Belgium. See Nenad Stojanović, "La démocratie directe au secours de la Belgique?", *Le Soir*, December 24-25, 2008: 15.

5 All data are available at the website ([www.czd.ch](http://www.czd.ch)) of the Centre for Research on Direct Democracy, Zentrum für Demokratie Aarau, University of Zurich.

6 I thank Francis Cheneval for this point.

7 In four out of ten cases, usually for constitutional amendments and decisions about joining supra-national organizations cases, the referendum was compulsory. Indeed, until 2008

the Swiss voted on 169 popular initiatives (30 percent) and 164 optional referenda (30 percent), compared to 188 compulsory referenda (34 percent) and 36 counter-proposals (6 percent) formulated by parliament in response to popular initiatives.

According to Vatter (1997), the bottom-up type of direct democracy is closer to consociational (or "power-sharing") democracy than to the majoritarian model.

The Swiss citizens voted on this issue on May 17, 2009.

The only exceptions were the cantons of Basel-Stadt and Basel-Land where the "yes" votes prevailed with, respectively, 55 and 53 percent.

These figures refer to the four officially monolingual French-speaking cantons. The percentages of "yes" votes were lower in the two bilingual (French/German) cantons, in which Francophones constitute approximately two thirds of the population (Fribourg, 65 percent, and Valais, 56 percent).

René Schwok, interview published in *Le Temps*, February 9, 2009.

<http://www.efid.admin.ch/dokumentation/reden/archiv/02538/index.html?lang=en> (consulted on February 22, 2009).

The participation rates are rarely above 45 percent.

This is even a formal duty for the Swiss public broadcasting service (SSR SSR Idee Suisse). Among its corporate principles we can read the following statement: "When it comes to creating programmes, we orientate ourselves towards the varied needs of the majorities and minorities in multilingual and multicultural Switzerland" (<http://www.srg.ch/3360.html?&L=4>). And the federal law on radio and television of 2006 states (art. 24) that among the duties of the public broadcasting service is to "promote mutual understanding, cohesion and exchanges between the different parts of the country, the linguistic communities, the cultures and the social groups, as well as take into account specificities of the country and needs of the cantons" (<http://www.admin.ch/ch/fr/ls/7/784.40.fr.pdf>; my translation).

See also Nenad Stojanović, "Referendumi mogu ujediniti BiH [interview]", *Ostobodjenje*, April 11, 2009, 26-28.

## LET THE PEOPLE DECIDE?

### Learning from Swiss Direct Democracy in a Comparative Perspective

Daniel BOCHSLER

Nenad Stojanović sketches out the potential of referenda and popular initiatives to create a unified polis where non-ethnic issues are deliberated and decided, and he discusses the expected effect that this has on the creation of a national political identity, mainly drawing on the example of Switzerland. According to the paper, a certain arrangement of direct democracy is a great idea for institutional engineering, including ethnically divided democracies such as Bosnia and Herzegovina. The formula is tempting: direct democracy has helped Switzerland to promote political issues that cross-cut communal divides and lead the country to democratic stability, so other multicultural countries should imitate the Swiss model. However, is the – certainly provocative – way how Stojanović combines different variables the right one, or should the formula be arranged the other way round? Direct democracy might be a responsible institutional choice, preserve a country's stability, and not increase the communal divides if and only if it is applied in a country where the main political issues do not overlap with the communal ones, as is the case in Switzerland. Then, direct democracy might flourish on issues that are not related to the communal divide and help create a common polis without discriminating the same minorities. Elsewhere, however, its effect might be detrimental and result in a permanent political domination through the communal majority group. This, in turn, would limit the transferability of the "Swiss effect" on other countries, especially the clearly divided ones.

Indeed, the impact of direct democracy has vividly been discussed for minority policies and these findings offer crucial insights about the effect of direct democracies on communal divides. The discussion about majority decisions and minority protection goes back at least to the 'Federalist Papers' by Hamilton, Jay and Madison (1787). Given that the protection of civil rights and minority rights is an important element of any democratic state, they might, some argue, be better protected by a system of