

## **Direct-democratic procedures as corrective mechanisms in consociational systems or for clientelistic structures—some brief remarks**

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### **1 Problem outline**

A great number of the new democracies which emerged after the last “wave” of the early 1990s are characterized by strong ethno-linguistic, religious or similarly strong regional cleavages (see also Huntington 1991, Linz/Stepan 1996). In part, this is due to their late formation as states and the often artificial nature of the boundaries drawn by the former colonial or imperial powers (see, e.g., Dahl 1989, Berg-Schlosser 1999). One possible institutional solution for such situations, which has been mainly propagated by Arend Lijphart (1977, 1999), is the model of a “consociational democracy”. This is based on four major elements:

- a grand coalition of the major ‘plural’ forces in society and the respective parties to ensure a comprehensive and balanced representation in government;
- a mutual veto for each group on important issues to protect basic minority rights;
- proportionality in sharing important public positions and resources;
- a high degree of autonomy of each group for its internal affairs in a federal or a similar subsidiary structure.

Whereas the experience of such systems has been favourable in a number of European countries during certain periods, most significantly in Switzerland, Belgium, the Netherlands, and Austria (see also Lehmbruch 1967, Lijphart 1968), the experiences elsewhere show more mixed results. The most dramatic case was the breakdown of such a system in Lebanon in 1975, and the restoration of a similar setup in this country remains very precarious to this day. Some of the causes of such failures are country-specific and idiosyncratic; others, however, are ‘systemic’ in nature and have to be checked by additional mechanisms.

One possible drawback of a consociational regime lies in the often relatively rigid composition of the government and the “proportions” applied. If significant demographic and social structural changes affect the relative size and strength of each group, an adaptive procedure has to be found to take account of such changes (this has worked, for example, to some extent in Belgium, but failed in Lebanon). Another disadvantage is the often overblown size of the public sector to accommodate the interests of all groups and the lack of efficiency this incurs. The example of Austria during the periods of grand coalition where, it is said, a “red” (member of the socialist party), a “black” (member of the conservative party) and a third person to actually do the job were appointed to each public post, is a case in point. A third major weakness lies in the often long drawn-out decision-making proc-

esses on significant issues affecting the status of each group before another adaptation and compromise can be reached (again Belgium, but also Canada/Quebec are examples in this regard). A fourth, and compared to competitive systems of the Westminster type most serious, flaw is the lack of an effective parliamentary opposition and similar control mechanisms in terms of the “horizontal accountability” of such systems. A final possible criticism from a normative (“strong democracy”) point of view concerns the, of necessity, elite-dominated nature of consociational systems (see, e.g., also Barber 1984).

In addition, in many of the new democracies (and of the non-democracies as well), the internal structure of each major group is built on strong clientelistic rather than openly competitive power relations. These may date back to traditional hierarchical structures, as in former feudal or kinship-based societies, but can also be an expression of contemporary instrumental power structures, such as those exercised by modern business tycoons, mafia bosses, caudillos or warlords. Such relationships are characterized by hierarchical, dyadic patterns of unequal exchange, typically consisting of political support “from below” for some material (jobs or other resources) or immaterial (personal security) benefits “from above”. These structures may extend from the neighbourhood and local level in multi-tiered networks to the respective leadership of each major group, but may also be incorporated in the overall “consociational” setup reaching up to the highest levels of government (Eisenstadt/Lemarchand 1981, Berg-Schlosser 1987).

The major question now, which will be addressed in the subsequent parts of this chapter, is how and to what extent some forms of direct democracy can correct and counteract some of these actual or potential defects in order to contribute to a better working of democracy, both in a functional and a normative sense, under such usually very adverse circumstances? Can some, at least supplementary and additional, lessons of ‘consociational engineering’ be drawn from such an exercise (for similar efforts see, e.g., also di Palma 1990, Sartori 1994)? This will be first investigated at the overall system level and then looked at in terms of possible intra-communal effects. From all this, some preliminary conclusions are drawn.

## **2 Effects of direct democracy**

Under “direct” democracy here will be understood the active involvement of citizens in the actual political decision-making process. This may take the form of (‘obligatory’ or ‘facultative’) referendums initiated by the central authorities on major issues, or of popular initiatives and decisions (as, e.g., “Volksbegehren” and “Volksentscheide” in the German context). The conditions for and details of such procedures can vary to a great extent (see, e.g., Schiller/Mittendorf 2002). They should not, however, be confused with direct elections of political executives on the local, intermediate or national levels (mayors, prime ministers, presidents, etc.) which remain part of an overall system of representative (presidential or parliamentary) democracy. Let us, first, turn to the national and overall system level.

## 2.1 Overall system level

At this level, the lack of efficient control mechanisms in consociational systems can be compensated for in several ways:

- firstly, in terms of 'horizontal accountability', by a strong independent judiciary and strict adherence to the rule of law. But, in fact, in many of the new democracies, but not only there, this may be jeopardized by "political" appointments to the courts, clientelistic networks and similar "informal" structures;
- secondly, in terms of 'vertical accountability' and responsiveness, by control from below, which can be safeguarded by independent media, a critical public, and a lively civil society. Yet, in this respect too, there may be major restrictions. The media, in particular the electronic public media, may be controlled or dominated by the ruling elite, private media may be concentrated in very few "government-friendly" hands, and civil society may be weak or restricted in its possibilities to express itself. In such instances, the ruling groups may remain aloof and feel secure in their position in spite of some public or even international criticism;
- thirdly, when all this fails or remains severely restricted, direct-democratic procedures for certain aspects of legislation - large infrastructure projects, major international issues, but also, possibly, direct 'political recall' mechanisms for leading officials - can be a way of offsetting some of the drawbacks of consociational systems with their huge established and unchanging majorities. Even the mere possibility of exercising such measures can be an important impediment for the ruling elite which, in pre-empting possible criticisms and a 'direct' decision from below, may seek to make the legislation "referendum-proof" by anticipating and incorporating opposing views (see also IRI Europe 2005).

The positive effects of such possibilities even go beyond the immediate involvement in and control of public decision-making. The overall transparency and efficiency of the system can be significantly enhanced. Furthermore, the public deliberation of major issues in the course of campaigns for or against a certain vote can lead to new alliances cutting across the major 'horizontal' ethnic or religious groups, and may result in longer-term changes to the party system, for example on a 'left-right' dimension, rather than being mainly ascriptive or regional. Voting on issues can then take precedence over group identities or personal loyalties. The recent national referendum in Kenya on a draft constitution, where two large camps cutting across previous ethnic, regional and party loyalties were formed, is an example of this kind (Republic of Kenya 2005). In the longer run, this may then make the emergence of a more truly competitive democratic system possible, which would also be further enhanced by a proportional electoral system.

Finally, direct democratic procedures also have a long-term political cultural learning effect. If people become used to such forms of decision-making, public debates, and concern about their own destiny, they are likely to develop - and this will be an ongoing process over generations - a different outlook on life, their own life chances, more cooperative and trustful attitudes towards their fellow citizens outside their own ethnic or other community, and respect for basic democratic rights and institutions. In short, not only the efficiency but also the overall legitimacy of the system moving it towards a 'stronger' democracy may be enhanced.

## 2.2 *Intra-communal effects*

Similar effects can be observed at the intra-communal and/or regional level depending on the overall vertical organisation of the state. In federal systems, referendums etc. are, of course, also possible at the individual state level going down to cities and local communities. Here again, dominant “consociational” arrangements or clientelistic structures can be counteracted by such measures. But even in more centralized systems where group structures and networks may remain more informal, debates and decisions in direct-democratic ways create internal competition and new alignments may come into the open. Sometimes, depending on traditional forms of local decision-making such as the African “councils of elders”, Asian “panchayats” etc., resort can be had to such traditions of public meetings and deliberations as a way of challenging some of the established leaderships and their networks. In this way, at least a certain ‘competitive clientelism’ can be created which no longer takes traditional elites and power positions for granted and may lead to more flexible and changing alliances. Again, this may affect the overall pattern of interest articulation and aggregation and can lead to more durable changes in the party system, cutting across ascriptive ties and horizontal groups.

Similarly, the political culture at the local and regional levels may become less ‘parochial’ and ‘deferential’ (for these terms see also Almond/Verba 1963) and become instead more participatory, better informed and competitive. This can also lead to a more general acceptance of different points of view from persons outside ones own group, enhancing greater political tolerance and the general acceptance of the democratic “rules of the game”.

## 3 **Perspectives**

All present-day multi-cultural societies are subject to constant changes in terms of demographic developments, socio-economic factors and internal and external migration, but also global economic and cultural influences, so that a greater flexibility even for longer-established consociational systems is required in order for them not to fall apart, as in Lebanon, and to adapt to changing circumstances, as in Austria and the Netherlands in the last few decades or, more recently, in Mexico, where the ‘institutionalised revolution’ of the long-time dominant PRI party came to an end in 2000. In this process, as has been briefly discussed above, direct-democratic procedures at the national, regional and local levels can play an important role. They are not a panacea for every predicament in contemporary democracies, but they can be meaningfully integrated into the overall setup, counterbalancing a number of otherwise negative institutional arrangements.

Thus, in conclusion, it can be said that power-sharing in consociational systems can be an important instrument for accommodating existing strong horizontal social cleavages, at least for a while. But it is important to take a longer-term perspective as well and to identify and, possibly, anticipate some of the in-built restrictions and weaknesses. From this longer-term perspective, instruments of direct democracy - which, of course, should be tailored and ‘custom-made’ for each individual case - have a lot to offer both in a functional and a normative sense.

In this way, longer-term democratic developments can be envisaged, with all their possible ups and downs, which will be better ‘engineered’ and adapted to the changing in-

ternal and external environments. This is not to say, however, that even the most carefully crafted arrangements can and will work under all circumstances. In cases where state formation is recent and weak and where centrifugal over centripetal forces tend to prevail, states will disintegrate - as in the present “Democratic Republic of Congo”, the Sudan and, possibly, Iraq - and cannot be brought together by democratic institutions and instruments alone. So, for a long time still to come, if ever, we will not be living in “the best of all possible worlds”, or in external democratic peace. Nevertheless, given the enriched experience of the past decades, a number of steps can be taken in this direction making more countries, even under initially adverse circumstances, more democratic and stable.

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