

Anna Krämling



Tyranny of the Majority?

Implications of Direct Democracy
for Oppressed Groups in Europe

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Abbreviations

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

1 Introduction

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

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

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

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

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

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

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

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

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

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

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

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