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# Direct democracy and metropolitan fragmentation in Switzerland and in California

The diffusion of direct democracy instruments in the end of the 19<sup>th</sup> century and its effects on the governance models today in the metropolitan areas.

# **In metropolitan governance: many opinions, few facts.**

- Many metropolitan governance models: metropolitan reform, rational choice, new regionalism.
- All these models assume some procedures of democratic accountability.
- Proposed governance models are looking to optimize efficiency of service and/or improve democratic accountability by pre-defining what democracy ought to be.
- Democracy is an essentially contested concept (Connolly 1983).
- Local direct democracy offers a way to look at how democratic accountability functions in concreto.

# Data on local initiatives is scarcely available.

- Data is consolidated only on federal (CH) and statewide (CA) levels.
- Canton/county data is (usually) accessible on their respective website.
- Municipal data is scattered in CH. It is aggregated in CA by the Secretary of State but not exempt of errors.
- Great variations in type and powers of municipalities.
- Legal studies are focused on the form of the instrument, not the use of it.
- Two main studies:
  - CH: Office d'études socio-économiques et statistiques. (1981). *Modalités et pratiques de la démocratie semi-directe dans les communes suisses*. Lausanne: Ville de Lausanne.
  - CA: Gordon, T. M. (2004). *The Local Initiative in California*. San Francisco: Public Policy Institute of California.

Transfer

Pattern

Interpretation

# Direct democracy existed in New England at local level

- The Federalist Papers have explicitly considered and rejected direct democracy in favour of representative democracy at federal level.
- Town meetings exist in New England states and are similar to swiss Landsgemeinden. It is a form of assembled direct law-making. (Zimmerman 1999)
- Town meetings originate from the colonial era: first mentioned occurrence in 1620.

# Although the New England model existed, Switzerland was the inspiration for the adoption of direct democracy

- Swiss cantons started to introduce constitutional initiative in 1830, as a way to extend popular rights beyond the scale of the landsgemeinden.
- The federal constitution of 1848 required all cantons to adopt it.
- Two books popularized those new instruments in the USA:
  - Cree, N. (1892). *Direct legislation by the people*. A. C. McClurg and company.
  - Sullivan, J. W. (1893). *Direct Legislation by the Citizenship Through the Initiative and Referendum*. True Nationalist Publishing Company.

# Direct democracy was adopted to balance representative powers

- Bosses era vs Progressive Party platform
- The broad adoption of direct democracy instruments was motivated by:
  - Fight corruption that was becoming endemic at the state level, by balancing the power of elected representatives with a direct power of the people.
  - Allow the adoption of progressive reforms for which there would be no majority in state legislatures.

# In California, direct democracy started local

- The 1879 Californian constitution introduced a “home rule” provision that was implemented in 1883 by a legislative act.
- San Francisco and Vallejo were the first cities to introduce initiatives in 1898.
- Initiative, referendum and recall were introduced in 1911 at state level following the election of Gov. Hiram Johnson from the Progressive Party platform to counter the influence of the Southern Pacific.
- Today, 24 states know some form of unassembled direct democracy, only 6 of them east of the Mississippi. Western Democracy.



Direct  
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graph LR; A[Direct democracy has been imported in California from Switzerland and started local] --> B[Pattern]; B --> C[Interpretation];
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Pattern

Interpretation

# The use of local initiative has rocketed during the last decades

- Increase in direct democracy in general:
  - State, county, cities and towns
  - Federation, cantons, municipalities
- Specifically, important increase in the use of local initiatives over the last decades:
  - CH: OESE study from 1981 has shown an important increase during the last decade of the study (1970-1980)  
Partial and qualitative studies shows that it continues in CH. (Ladner 2002)
  - CA: 500 circulated initiatives in decade 1990 against 50 in decade 1960. (Gordon 2004)
- Local initiatives are more prone to pass.

# Municipal initiatives are correlated with urban gradient

- Urban gradient: proposed by Lévy (1996) to describe the combination of density and diversity.
- No correlation at county/canton scale
  - In CA, at county scale, the use of initiatives is evenly distributed.
  - In CH, at canton scale, the use of initiative is contrasted but does not correlate with urban gradient. The two most intense initiative canton are Zürich and Graubunden (Trechsel 2000).
- Strong correlation at city scale
- Not only size, but diversity is a strong predictor of initiative use (Gordon 2004).
- The pattern of use is consistent between CH and CA: bigger towns and cities, more diverse urban environment have experienced an increase in the use of initiative.

# **Local initiatives are shifting towards land-use, planning and growth management.**

- Ballot-box zoning originated in the Bay Area and migrated to SoCal in the mid 1980s. (Fulton 2002)
- Shift from governance and public buildings to zoning and growth management.
- Instruments:
  - CH: large urban projects, zoning
  - CA: zoning, growth caps

# Local initiatives are correlated with metropolitan fragmentation

- OR is the only US State with more statewide initiatives than CA, but no county or local initiatives. It has strong consolidated metropolitan institutions (e.g. Tri-met in Portland).
- In CA, the ranking of local initiative use replicates the one of metropolitan fragmentation: SF Bay Area, San Diego, Los Angeles.
- In CA, statewide initiatives have created an environment of competition between local authorities for scarce fiscal resources. Proposition 13.
- In CH, the cantons where metropolitan areas are not consolidated experience the greatest number of initiatives, both at canton and local scales, but it needs to be confirmed by more systematic local data.  
Zürich > Freiburg

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**Interpretation**

# Initiative localizes policies

- It creates a ceiling that lowers the scale of direct accountability and therefore prevents the upscaling of policies.
- Fulton 2002 shows that Ballot-box growth management fails to take into account regional implications.
- Scale problem: initiatives at a larger scale do not prevent the construction of consolidated metropolitan institutions. E.g. Tri-met in Portland, OR.

# **Hypothesis 1: Initiatives are a fix for bad politics.**

- “True democracy is small” (Bryan 2003).
- Direct democracy is a reaction against dysfunctional representative democracy: conflict, not articulation.
- Small and rural communities are more prone to implement policies compliant with voter preferences, reducing the need for direct democracy.
- Functional Overlapping Competing Jurisdictions (Frey 2004 & 2006)  
Competition created by the scarcity of fiscal resources in CA.



## **Hypothesis 2: Initiatives are the signs of public sphere.**

- Initiatives are a sign of a well-functioning deliberative democracy with a public sphere.
- Introduced by Habermas (1989).
- Democracy is about deliberation more than aggregation of preferences.
- Democratic legitimacy is plural. (Rosanvallon 2008)
- Urban people are more involved in politics, therefore cities and towns are more democratic.
- In CA, initiatives are more used in charter cities with institutions designed to increase representatives' accountability.
- Difference between CH and CA: initiatives are widely used by parties in CH where they are used against the party system in CA.

# The space of militia is not the space of politics

- Militia space assumes the homogeneity of preferences.
  - “True democracy is small” (Bryan 2003).
  - Supported by the clear divide between assembled direct democracy in small swiss towns and ballot direct democracy in larger towns. (Ladner 2002)
- Politics space is directed in implementing policies through heterogeneity of preferences.

# Local direct democracy is constraining capabilities

- Sen 1983: capabilities are what an individual is actually able to achieve in a given context considering what he values.
- Direct democracy creates a space of capabilities binded to existing institutions and preventing them to evolve.
- Local initiative binds the spatial and political capabilities portfolio of individuals to municipal institutions to the exclusion of others.
- The Swiss example shows that upscaling does not occur through direct democracy. But aggregation can, because it does not change the space of capabilities (communal fusions).
- Upscaling of policies and fuzzy policy scales are key to metropolitan transitions.

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