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Direct democracy and subjective regime legitimacy in Europe

Abstract

While much research focuses on the causes and consequences of direct democracy and regime legitimacy, little attention has been paid to the potential relationship between them. In an attempt to fill this void, this paper focuses on the legal provisions for direct democracy and its use. The key argument is that possibilities for the public's direct involvement reflect high importance given to citizens, openness of the regime towards different modes of decision-making, and ways to avoid unpopular institutions. Consequently, citizens are likely to accept and support the regime, improving or maintaining its legitimacy. The cross-national analysis includes 38 European countries ranging from transition countries to established democracies. It uses bivariate statistical analysis and country-level data collected from legislation, secondary sources, and aggregate surveys.

Keywords: direct democracy; local level; national level; regime legitimacy; Europe

Introduction

In the last two decades, an extensive body of literature discusses the increasing disaffection of citizens with representative democracy. The existence of several problems in the process of political representation was reflected in citizens' behaviour who gradually abandoned traditional proactive modes of involvement (e.g. electoral turnout, party membership) and oriented towards newer and more reactive forms of participation (e.g. protests, petitions). In light of these developments, scholars started speaking about a "democratic malaise" in which citizens become alienated from the political process. One possible solution to address this malaise has been the adoption of direct democracy procedures through which citizens receive a direct say in political decision-making.ⁱ A different strand of literature documents the decrease of regime legitimacy across the world. The recent street protests in Eastern or Southern Europe are only one indication of citizens' attitudes and behaviours towards state authorities. While earlier studies have focused on the causes and consequences of direct democracy and regime legitimacy, little attention has been paid to the relationship between them.

This paper tries to fill this empirical void and aims to identify a relationship between legislative provisions and use of direct democracy (measured as referendums, citizens' initiative, agenda initiative, and recall procedures), on the one hand, and subjective regime legitimacy, on the other hand. The cross-national analysis includes 38 European countries ranging from transition countries to established democracies. It uses bivariate statistical

analysis and country-level data collected from legislation, secondary sources, and aggregate surveys. The central argument of this exploratory study is that possibilities for direct involvement of the public reflect high importance given to citizens, openness of the regime towards different ways of decision-making and ways to avoid unpopular institutions such as parties or the legislature. As a consequence of these benefits, citizens are likely to accept and support the regime, improving or maintaining its legitimacy.

The first section reviews the existing approaches to legitimacy and outlines the conceptualization and measurement used in this study. This is followed by a discussion about direct democracy, its forms, and expectations regarding its relationship with legitimacy. The third section presents the variable operationalization, data and research method. The fourth section presents and interprets the empirical results of the analysis, while the conclusion discusses potential implications and avenues for further research.

Conceptualizing and measuring subjective regime legitimacy

Starting with Weber's distinction between authority and coercion, the concept of legitimacy pertains to how power may be used by state institutions and how citizens react to it.ⁱⁱ In defining authority, Weber refers to the legitimate use of power that citizens accept and act upon orders given to them because they consider this to be appropriate behaviour.ⁱⁱⁱ Legitimacy can be defined in a broad sense as "the capacity of a political system to engender and maintain the belief that existing institutions are the most appropriate or proper ones for the society".^{iv} Legitimacy is defined as a sum of three components: conformity to established rules, justifiability of the rules by reference to shared beliefs, and the expressed consent of the people.^v

These definitions point in the direction of two distinct approaches towards legitimacy. On the one hand, there is the system level, normative or objective legitimacy relating to the working principles and functioning of state institutions with emphasis on decision-making and exercise of power.^{vi} On the other hand, we have a grassroots descriptive or subjective legitimacy referring to the public assessment of the relevance and quality of institutional performance. A regime is legitimate as long as the population perceives it as such. State institutions' conformity to rules has no effect if citizens do not believe those rules to be legitimate. If they are not justified in the terms of shared beliefs, the population is likely to reject institutions and withdraw its support. In brief, this type of

legitimacy is evaluative in that citizens decide if political institutions are acceptable.^{vii} These value-based judgments of obeying state institutions are then translated into behaviours of compliance with laws and regulations.^{viii} The descriptive approach towards legitimacy substantively covers the subject (population), object (state institutions), and the relationship between the two (attitudes and behaviours as effects of institutional features). This paper uses the subjective perspective and defines regime legitimacy as citizen evaluations of the state institutions' ability to rightfully hold and exercise political power. Essentially, it refers to the degree of popular acceptance, consent and support of a specific system of governance.

The subjective legitimacy includes notions such as political support or trust. Easton explains that "legitimacy is a distinct form of political support that concerns evaluations of the state from a public or 'common good' perspective".^{ix} This means that citizens have the ability to identify their common interests and develop standards to assess the performance of state institutions with regard to those interests. The degree to which citizens' standards are achieved determine the degree of legitimacy. This complex process cuts across the forms of support for state institutions and elites (specific) or for political community and regime (diffuse). Institutional trust is a useful concept but too narrow to make it an equivalent of legitimacy. Earlier studies have shown that trust is usually an assessment of authorities' performance and/or competence^x or a belief that institutions are motivated to rightfully and fairly deliver what they promise.^{xi} People are likely to support those state institutions producing the goods and services expected of them. In addition, legitimacy refers to the acceptance of general norms and principles of the political system.^{xii} This is where the notion of diffuse support, conceptualized as an established set of attitudes towards politics and its functioning, comes into play.^{xiii}

The combination of these two types of political support leads to a multi-dimensional structure of legitimacy. Gilley has partly followed this path and measured legitimacy through three components referring to citizens' views and acceptance of government legality, justification of the government, and consent to the government.^{xiv} While the three indicators are useful, the main shortcoming of his approach is the absence of regime-oriented attitudes. His operationalization brings legitimacy too close to the array of specific support. While his choice is understandable given the large number of analysed countries –

where only few common indicators were available – it is less justifiable from a theoretical perspective.

Booth and Seligson have solved this problem by looking at attitudes at a second layer, that is the political system. Their measurement of legitimacy used six dimensions: support for core regime principles; recognition of a political community; evaluation of regime performance; support for political institutions; support for local government; and support for political elites.^{xv} In measuring subjective legitimacy, this paper follows Booth and Seligson's methodology after removing the latter two indicators for which survey data is scarce (support for local government) or are already reflected in the evaluation of regime performance or support for political institutions (support towards political elites). Consequently, this paper considers legitimacy as a function of four types of attitudes: 1) acceptance of core regime principles; 2) evaluation of regime performance; 3) support for political institutions and 4) support for institutions of authority.

Direct democracy and subjective regime legitimacy

The gradual weakening of representative democracy has raised demands for alternative opportunities for political involvement. The message conveyed in the previous section is that regime legitimacy depends upon the popular acceptance of institutional procedures, behaviours, and outcomes. If the public suspects the decision-making process in their country to be corrupted, legitimacy suffers. Thus, if citizens consider that the degree of their influence over policy-making is low, legitimacy is likely to be also low. In representative democracies elections are the crucial mechanism that guarantees citizens' involvement. However, elections rarely provide effective opportunities for citizens to influence policy-making.^{xvi} Elections allow citizens to choose between several intermediaries who promise to aggregate and represent their interests. Essentially, they are contests between political competitors – parties or candidates – with general promises, often fairly similar, that are seldom pursued after elections. Moreover, even when choices between competitors are meaningful electoral results do not always reflect the popular will, being artificially influenced by the rules of the game, that is the electoral system.^{xvii} As a result, it is not surprising that there is growing public dissatisfaction with the system of representative democracy^{xviii} and citizens have become impatient with intermediaries between their opinions and public policies.^{xix} In this sense, representative mechanisms are not replaced but

rather complemented by different means of citizens' political engagement.^{xx} The arguments in this section refer to how the presence of direct democracy may have an impact on perceived regime legitimacy.

The starting point is the observation that direct democracy tools may promote policy legitimacy for decisions where representative channels are insufficient.^{xxi} There are sensitive issues such as fundamental aspects of self-identity (e.g. values, rights and liberties, sovereignty) that require major changes in society. Such changes can hardly be accepted if debates only take place among political elites in parliament without the participation of civil society. Direct democracy tools used to settle the issues are not meant to avoid debates and conflict, but to add legitimacy.^{xxii} The involvement of citizens and use of direct democratic instruments can legitimize these changes. At the same time, representative institutions and politicians try to use some direct democracy tools to legitimize their policies, augment their authority, strengthen their positions, and win back citizens.^{xxiii} Elites may control some of the direct democratic practices and submit to referendum issues that they are certain they will win,^{xxiv} but the use of direct democracy tools can nevertheless enhance the popular involvement in representative mechanisms. For example, the organization of a referendum – on a sensitive or salient issue in society – at the same time with a candidate race is likely to attract more people to the polls compared to regular elections. This particular setting can diminish voter apathy because it combines two ways of policy influence. Moreover, candidates can take stances on the matter debated in the referendum and thus determine particular segments of the electorate to turn out and vote for them.

As a second possible linkage between direct democracy and subjective legitimacy, the former can link citizens' preferences to political decisions and thus compensate for some of the shortcomings that characterize representative democracy. Over the last five decades the changing social trends have fostered the development of a large category of critical citizens.^{xxv} This category rejects the guidance of representative institutions and criticizes them either for deficiencies in delivering the expected goods and services, or for their redundant tasks. While political parties simplify choices, an increasing share of the population welcomes the possibility to express non-mediated preferences, especially that many know how to vote on issues of interest to them.^{xxvi} Citizens enjoy their involvement in decision-making and thus more direct democracy leads to more satisfaction with the system.^{xxvii}

When representative institutions do not live up to the expectations of the public, direct democracy may alter the degree of discontent by favouring the emergence of a (partial) system of self-governance.^{xxviii} The latter allows the pursuit of interests and preferences that may (for various reasons) be excluded from representative politics. For example, in a representative democracy a salient issue for the population only makes it to the public agenda if the political elites decide to politicize it and take further action. Direct democracy complements these possibilities and provides citizens an opportunity to express preferences about policies. Earlier studies showed that direct democracy fosters policy outcomes closer to voters' preferences^{xxix}, and referendums sometimes stopped governments from enacting changes faster than favoured by citizens.^{xxx} In brief, the publicity of decision-making fosters the accountability of representative institutions^{xxxi}, and the openness of the regime towards direct democracy tools is likely to boost popular evaluations of legitimacy.^{xxxii}

Furthermore, unlike representative democracy that was considered too hierarchical, bureaucratic, and partisan, direct democracy may be able to deal effectively with questions of popular sovereignty or social exclusion. For example, some voters see their preferences discarded when the parties for which they voted are not large enough to participate in policy-making, that is fail to gain access to parliament. The disappointment may lead to exclusion from participation in the next elections. Direct democracy tools reduce the likelihood of such situations by allowing citizens to express their preferences although they are in minority, e.g. through initiatives.^{xxxiii} Contrary to the case of elections presented above, direct participation may lead to a cohesive society with limited exclusion.^{xxxiv}

All these arguments suggest that direct democracy tools are likely to shape the subjective regime legitimacy in a country. The theoretical linkages presented above suggest that the relationship between these two variables can be detected both at the level of normative regulations and of practical use. The normative regulations reflect the availability of direct democracy tools for the citizens of a country and may have two types of effects. The first type is a psychological effect that provides a message of system openness to citizens, willingness to listen to their voices, and provisions of alternative ways to participate in the political process. Thus, the existence of such regulations transcends the conditions to activate the mechanisms of direct democracy, e.g. top-down, bottom-up^{xxxv}, or their envisaged outcomes.^{xxxvi} In essence, they are expected to have a positive effect on subjective

regime legitimacy because they make complementary means of citizens' engagement available.

At the same time, there is also a mechanical effect of the legislative provisions about direct democracy: their practical use. Once they become available citizens can use such tools to make their voice heard and eventually improve the quality of democracy. When direct democracy tools are used people are likely to understand their functions and see how they complement existing mechanisms of representative democracy. Moreover, accumulative experience with direct democracy may create a precedent^{xxxvii} and the use of such tools can hardly be avoided when reaching important decisions in society, that is they limit the government's room for manoeuvre. Following these arguments, three hypotheses are formulated and tested in the empirical section of this paper – two refer to the normative regulations and one to the empirical use of direct democracy:

H1: The existence of many direct democracy tools at national level is associated with high regime legitimacy.

H2: The existence of many direct democracy tools at local level is associated with high regime legitimacy.

H3: The use of many referendums at national level is associated with high regime legitimacy.

The first two hypotheses differentiate between regulations at local and national level for theoretical and empirical reasons. First, local level direct democracy tools are expected to have a separate effect on legitimacy than those at national level because citizens behave differently when it comes to local politics. They are concerned about problems in their community and know that direct involvement in the decision-making process can bring change. At national level, only salient issues attract the interest of citizens who are also aware that their involvement has marginal influence due to the high number of voters. Moreover, as will be illustrated in the empirical section, some countries adopted local direct democracy in the absence of such tools at national level (e.g. Belgium, Germany), while others have national level direct democracy and are less concerned with what happens at local level.

The third hypothesis looks at the use of national level referendums as an indicator for de facto use of direct democracy for operationalization reasons. Referendums are organized

either because they are a) mandatory, as it is the case with EU accession or constitutional changes in some countries, b) initiated by state institutions (parliamentary majority, president), or c) initiated by citizens. They are always organized and both successful and unsuccessful outcomes matter. Unlike referendums, the other three types of direct democracy – citizen initiative, agenda initiative, and recall – are difficult to measure. Here, we can only take successful outcomes into consideration, e.g. when a citizens' initiative is subjected to vote. Since unsuccessful attempts can only be counted in some countries and not everywhere, this introduces bias. At the same time, local level referendums are too numerous to count and there is no reliable information on their numbers across countries and time.

Consistent with previous approaches from the literature this paper considers four types of direct democracy: referendums (including plebiscites), citizens' initiatives, agenda initiatives, and recall.^{xxxviii} In referendums the public votes on a proposal put on the ballot by the state institutions (government, legislature, president) or initiated by citizens (provided such referendums are possible). The citizens' initiative refers to proposals submitted by citizens to the legislature; if the latter does not act on the proposal the initiative may be submitted to popular vote (referendum) alone or with a competing measure proposed by state authorities. Agenda initiatives bypass the Parliament and citizens make a legislative proposal on which they vote after circulating a petition. The recall procedure means that citizens vote to remove a representative or a whole body (executive or legislative) from office, either at local or national level.^{xxxix}

Research Design

The analysis is conducted at country level for a total number of 38 European countries. The research sample results from excluding authoritarian regimes^{xi} (e.g. Azerbaijan, Belarus, or Russia), countries with different rules for segments of population (Bosnia and Herzegovina), micro states^{xii} (e.g. Andorra, Liechtenstein, San Marino) and cases for which (reliable) data were not available (e.g. Cyprus, Israel, or Turkey). There is a geographical balance between Western and Eastern Europe (each 19 cases) and countries of various sizes are included (Germany and the UK at one extreme and Iceland and Luxembourg at the other). The research sample includes countries with various degrees of democracy – that is consolidated democracies, new democracies, and democratizing countries – to compare the relationship

between direct democracy and subjective legitimacy in various contexts. The existence of inter- and intra-regional variation is the reason for which this analysis includes also comparisons between Western and Eastern Europe. Accordingly, the hypothesis testing will differentiate between the two regions and the interpretation of results will also refer to intra-regional variations. The countries included in analysis are: Albania, Armenia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom.

Variable operationalization

Subjective regime legitimacy is best captured through survey data. I use data from the 4th wave of the European Values Study (2008). This survey is not randomly chosen, being from the last year before the financial crisis: the crisis is likely to influence regime legitimacy especially that income levels (GDP/capita) are almost deterministic.^{xlii} While survey data is collected at individual level, the aggregation at country level required several steps that are briefly explained below. Subjective regime legitimacy includes four types of attitudes; for each of them two indicators are used. The acceptance of core regime principles – basic rules of democracy – is operationalized as the rejection of a strong leader who does not need the legislature to rule and the rejection of army rule. The evaluation of regime performance uses two indicators: satisfaction with democracy and an assessment of how good or bad the current government is. The support for political institutions is measured as citizens' support for parliament and government.^{xliii} The support for institutions of authority is measured as people's support for police and justice system.

Most of these eight indicators (two for every type of attitudes) were measured in the survey on a four-point scale to capture the degree of support and acceptance. To aggregate them, I recoded each dichotomously to have value 0 for no acceptance, no support, or negative assessment and 1 for acceptance, support, or positive evaluation (see Appendix 1). The next step was the creation of an index of legitimacy that included the eight indicators, equally weighed (minimum value of 0 and a maximum value of 8). Each respondent from the 38 analysed countries had a score on this nine-point index. Legitimacy at country level is measured as the average score of individuals in that country. The standard deviations of the

averages are fairly similar and therefore it is not necessary to standardize them. As a supplementary check, the correlation coefficient between these averages and the lowest quartile of the index at country level is 0.94, statistically significant at 0.01. The distribution of average legitimacy between countries ranges between 2.19 in Bulgaria and 6.20 in Denmark.

The first two hypotheses refer to the existence of regulations about direct democracy at national and local levels until 2008 (to coincide with the survey for the dependent variable): referendums (mandatory and optional), citizens' initiative, agenda initiative, and recall. Both variables, local and national level direct democracy, are count measures with 1 given for the existence of one tool. A country with legislation for all five direct democracy tools at national level gets a score of 5 on the national level variable (referendum is split in mandatory and optional). If it has legal provisions for all tools at the local level it gets a score of 10 on the local level variable (local and regional levels are counted together). Data comes primarily from the Direct Democracy Database available on the website of International Institute for Democracy and Electoral Assistance (IDEA). For the countries that are not included in this database or for which information was incomplete or missing, data comes from reports, earlier studies, or other databases such as Navigator to Direct Democracy (see sources in Table 1). Whenever possible, I triangulated the information for all countries to make sure that the information is accurate. The measurement of regulations for direct democracy at the local level raises some difficulties since in federal countries (e.g. Germany, Switzerland) there are some differences between the states. In practice these differences are quite small and most of them provide fairly similar provisions of direct democracy^{xliv}; the main differences occur in terms of conditions to use these tools. In these particular countries the number of direct democracy provisions at local level reflects the most common number at state level.

The use of referendums at national level (H3) is calculated with a formula that accounts for the number of referendums (defined as a question / issue put to a vote), what happens after the vote (binding or not), and how easy a referendum can succeed (required quorum)^{xlv}:

$$\left[\frac{R_c}{2} \times q \right] + [R_b \times q]$$

Note: R_c = the number of consultative referendums; R_b = the number of binding referendums; q = the required quorum.

Binding referendums are weighed twice as much as consultative because citizens have a much stronger voice if their decisions have to be directly implemented rather than being re-examined by an institution.^{xlvi} In light of the arguments presented in the previous section, this should have a higher impact on subjective regime legitimacy. The quorum may be different for the two types of referendums and has three values: (1) for both turnout and approval quorums, (2) turnout quorum only, and (3) no quorum required. The reason behind this ordinal ranking is that very permissive legislation (no quorums) can increase the number of referendums compared to situations where both approval and turnout quorums are required. These scores are calculated for the referendums organized between 1990 (to ensure comparability between Western and Eastern Europe) and 2008. This indicator ignores the difference between top-down and bottom-up initiated referendums because citizens cannot use bottom-up referendums if they are not included in the country's legislation.

The low number of cases does not allow sophisticated quantitative analyses. At the same time, the goal of this paper is exploratory and intends to identify the existence of relationships between direct democracy and regime legitimacy. This can be done with bivariate analyses in the form of correlations presented in the following section.

Findings

The general descriptive statistics shed light on the extent to which direct democracy tools are regulated in the 38 analysed countries. Table 1 presents six categories according to the number of legislative provisions both at national and local level. At national level, Belgium, Czech Republic, Germany, and Norway do not allow for any direct involvement of citizens. In spite of the absence of provisions, ad-hoc referendums are possible and they were organized in three out of the four countries: Belgium approved the monarchy, while the Czech Republic and Norway had referendums about EU accession. The least populated category is the other extreme with only one country (Slovakia) having provisions for each direct democratic tool at national level. Most of the countries have legislation about either two or three direct democracy tools at national level. The countries with inclusive legislation about direct democracy (four or five) come from Eastern Europe. This is not surprising since many post-communist countries have opted for participatory constitutions following the regime change

in the early 1990s. This option for inclusive and direct citizen participation was partly a reaction to the decades of authoritarianism. For some of them, the way in which the institutional change took place is illustrative for their choice. For example, in Hungary, the negotiations regarding the transfer of power between communists and opposition took the form of Round Table Talks where 50 delegates and 500 experts formed committees and sub-committees. The whole process involved approximately 1,000 documented meetings for three months.^{xlvii} Another example is Slovakia where the “velvet divorce” from the Czech Republic in 1993 has involved some consultations with the masses.

At the local level there is a similar distribution of relatively few countries in the extreme categories (“none” and “five or more”) and quite many countries clustered in the categories of two and four provisions. Although there are more categories at the local than at the national level (regulations for both regional and community level were added), more than 80% of the countries have a maximum number of four provisions in their legislation. The two countries with nine provisions (included in the column “five or more”) for direct democracy at local level are federal – Germany and Switzerland. At the other extreme, Lithuania is the only country with no tools for direct democracy at local level. Sometimes, the legislation does not explicitly mention the possibility for direct involvement of citizens, but allows room for manoeuvre. For example, in Belgium the constitution reads that state institutions at local level are responsible for decision-making and local authorities cannot be compelled by citizens in the exercise of their responsibilities. However, this did not impede local authorities to organize consultative referendums on particular matters. More recently, these regulations became explicit and citizen initiatives and optional referendums were included at regional and community levels. In Denmark the local authority can decide without the approval of a higher administrative institution to hold consultative referendums although there is no provision in the legislation.

****Table 1 about here****

The correlation between the provisions for direct democracy at national and local level is negative (-0.20, not statistically significant).^{xlviii} This value indicates a weak tendency of countries with no or few direct democracy provisions at national level to have legislation on (more) direct democracy tools at local level. The most obvious example in this case is

Germany with no direct democracy tool at national level but with nine at local level. France, Luxembourg and Poland are other examples of countries following this pattern. The reciprocal is also valid: Countries with extensive provisions at national level provide fewer opportunities to their citizens to get involved at local level. Examples are Lithuania and Macedonia, each has four provisions at national level and none at local level. The correlation has a different sign and strength when dividing the sample according to the geographical location. For Western Europe the coefficient is very small (0.05) indicating the absence of an empirical relationship. In Eastern Europe the coefficient is negative (-0.33) indicating a medium tendency of countries with more provisions for direct democracy at national level to allow less involvement of citizens in decision-making at local level, e.g. Hungary, Lithuania, Macedonia, Montenegro, or Serbia.

Similarly to the legislative provisions for direct democracy, the use of referendums has broad variations between the examined countries. The score obtained from the formula presented in the research design section ranges between 0 in countries like Bulgaria, Greece or Iceland to 360 in Switzerland.

A Complex Picture

Table 2 summarizes the correlation coefficients for the three hypothesized relationships. The bivariate statistical analyses for all European countries indicate empirical support for H2 and H3. At the same time, evidence goes against H1 (-0.45, statistically significant at the 0.01 level): Levels of regime legitimacy are lower in countries with more provisions for direct democracy at national level; this is in general driven by East European countries that have extensive provisions for direct democracy. The scatterplot in Appendix 2 shows a negative monotonic and linear relationship.

****Table 2 about here****

This is in general driven by East European countries that have extensive provisions for direct democracy. For illustrative purposes Figure 1 includes a comparison of direct democracy provisions (grey dots) and regime legitimacy (black dots) in new EU member states from Eastern Europe (these are 10 out of the 19 East European countries in the analysis). The comparison between these 10 countries is relevant because their democratic performances

were officially acknowledged in 1999 when the EU initiated the accession process; two of them – Bulgaria and Romania – were late joiners due to delayed reforms. The negative relationship can be easily observed also within this small group: countries with few provisions (Estonia, Poland, or Slovenia) have high levels of legitimacy, while some countries with many provisions (Lithuania) have relatively low levels of legitimacy.

****Figure 1 about here****

Regarding H2, there is a positive relationship between direct democracy provisions at local level and regime legitimacy (0.22). The scatterplot in Appendix 2 shows a monotonic relationship between the two variables in which there are only few countries with very little or many (more than five) provisions at local level. As the correlation between national and local level provisions for direct democracy was negative (see the previous section), it is quite intuitive to have a different relationship with regime legitimacy. At the local level, West European countries have more legislative provisions and proportionally higher levels of regime legitimacy than countries from Eastern Europe (where there appears to be no relationship between direct democracy provisions at local level and legitimacy). To illustrate this relationship in Western Europe Figure 2 includes 10 countries selected on the basis of their geographical position (three from the northern part, four from centre, and three from the southern part). The provisions for direct democracy at local level (grey dots) are minimal in Norway and Portugal and quite extensive in Germany and Switzerland. Regime legitimacy (black dots) is quite homogenous among these countries especially when compared with the legitimacy for Eastern Europe in Figure 1. The distribution of the 10 countries on these two variables indicates the existence of a positive relationship. Countries with high numbers of provisions (Spain, France, Germany, and Switzerland) have higher levels of legitimacy than countries with few provisions (Portugal, Italy). It is noteworthy that Norway and the Netherlands, both with very high levels of legitimacy, have few legal provisions for direct democracy. This observation takes us back to the theoretical expectations and provides one possible explanation for the few provisions in some West European countries. These countries in which legitimacy is high – and has been high for decades – have little incentives to promote direct democracy tools at national level.

****Figure 2 about here****

Finally, there is empirical support for H3: In countries that use more referendums (binding and easy to pass) the levels of regime legitimacy are higher than in the rest of cases. The correlation coefficient has an average value of 0.28 with consistent positive signs in both regions. In Eastern Europe the coefficient is considerably higher (0.48, statistically significant at 0.05) than in Western Europe (0.26).^{xlix} This result tells a complex story when corroborated with the findings from H1. According to the latter, many legislative provisions about direct democracy at national level correspond to low legitimacy. As the use of referendums is positively associated with legitimacy, it results that direct democracy does not contribute to legitimacy if it is only on paper. The mere existence of provisions without practical implementation may not be perceived as alternative means of involvement. This is particularly observable in Eastern Europe where the high number of provisions was not backed by practical use: The bivariate correlation between provisions at the national level and use of referendums in Eastern Europe shows no relationship between the two; the value of the coefficient is 0.01.

The implementation of direct democracy is a possible explanation for the different results provided by H1 and H2, since local level direct democracy rarely remains only on paper. Although it is difficult to quantify the exact amount of tools used at local level, there are many examples showing that it is practiced in different communities across countries. As the existence of regulations at the local level is often accompanied by implementation, it differs significantly from what encountered at national level.

Conclusions

This paper tried to identify a relationship between direct democracy and regime legitimacy in 38 European countries. The main results indicate that provisions for direct democracy at local level and use of referendums at national level are positively associated with legitimacy. The negative correlation between provisions for direct democracy at national level and legitimacy may be explained through the absence of implementation. The major conclusion of these findings is that tools of direct democracy may have an impact on regime legitimacy when they are applied. When provisions remain solely on paper, direct democracy does not trigger the expected attitudes among citizens. Equally important, this paper showed that

there are some differences between Eastern and Western Europe. Relative to the legislative regulations, the relationships with subjective regime legitimacy go in different directions, while in terms of practical use the observed mechanisms are fairly similar but much stronger among the countries with lower degrees of democratization.

This analysis is preliminary in its conclusions. Its exploratory goals were primarily meant to identify an empirical relationship and to draw attention to a possible explanation for the variation of regime legitimacy in Europe. Its major implication for the broader study of subjective regime legitimacy is theoretical. The results give sufficient reason to include direct democracy as a source of subjective legitimacy in future analytical frameworks. The availability and use of tools to circumvent representative democracy appears to improve the perceptions of citizens towards the political system. While nuances are likely to occur depending on the country context, the comparative analysis revealed general mechanisms at work. Accordingly, direct democracy does not appear only as a cure for the malaise of representative democracies but also a potential factor to boost legitimacy. On empirical grounds, this study has produced evidence to account for synchronic differences between levels of legitimacy. The indicators used to assess levels of legitimacy can be replicated in several contexts and at various analytical levels, i.e. country, institutional, or individual.

Moving beyond the relationships presented here, more empirical evidence is required to determine the causal mechanism through which direct democracy tools offer citizens incentives to increase their perception about regime legitimacy. In-depth analyses on several countries (e.g. crucial cases) complemented by qualitative interviews with citizens may explain how the latter increase their perception about legitimacy via alternatives to representative democracy. An additional further task could be a comparison between the direct democratic practices at national and local level; in that sense it is required to assemble a database on local level referendums, which is currently absent. Further research can also investigate the issue of reverse causation, i.e. low levels of legitimacy may lead to the adoption of direct democracy tools. In this sense, subjective regime legitimacy can be better understood as soon as the correspondence between formal provisions of direct democracy and practices is established.

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Figure 1: National level direct democracy and regime legitimacy in Eastern Europe (EU NMS).

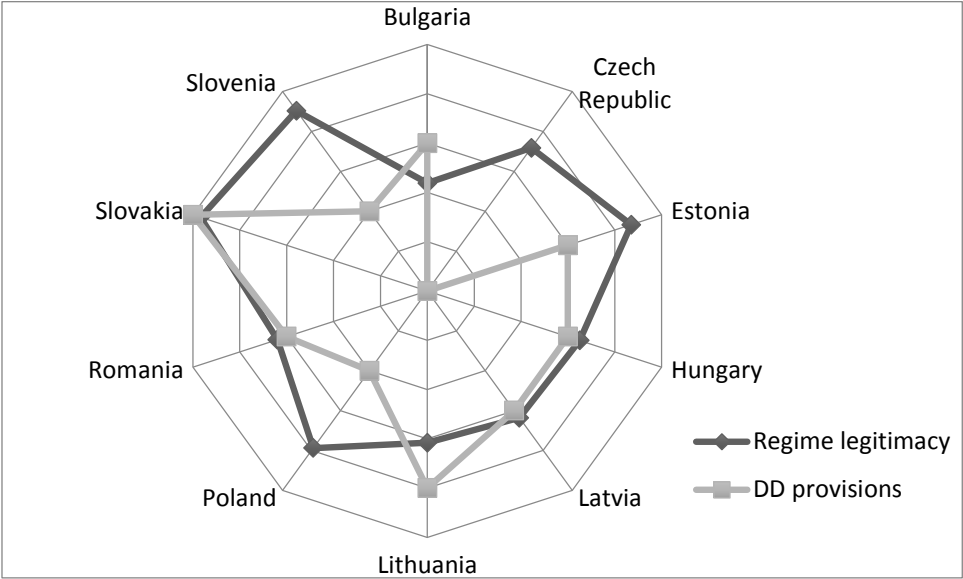


Figure 2: Local level direct democracy and regime legitimacy in Western Europe.

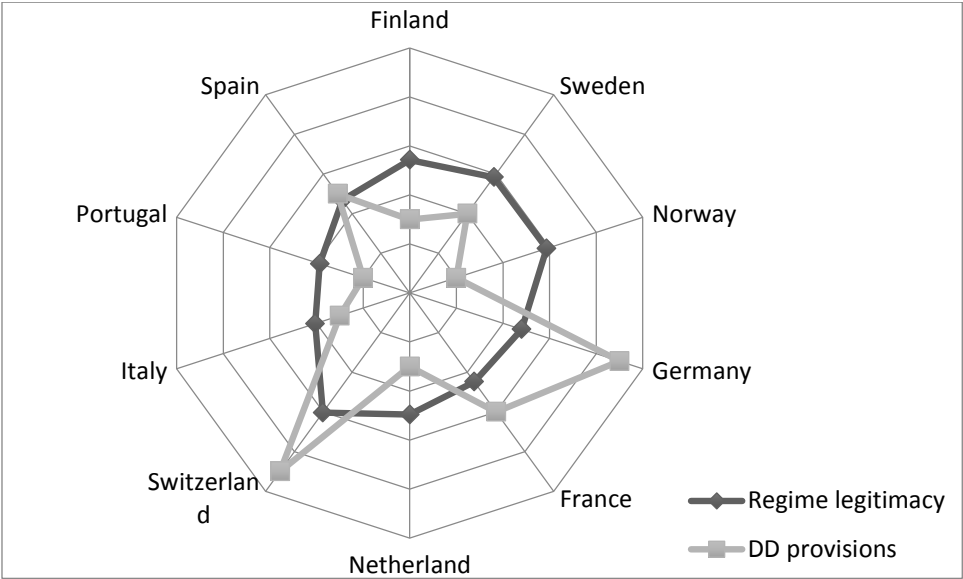


Table 1: The distribution of direct democracy tools at national and local level in Europe

		Number of direct democracy provisions						
		None	One	Two	Three	Four	Five & more	
National level	Belgium	Greece	Armenia	Albania	Lithuania	Slovakia		
	Czech Republic	Netherlands	Denmark	Austria	Macedonia			
	Germany	Sweden	Finland	Bulgaria	Montenegro			
	Norway		France	Croatia	Serbia			
			Ireland	Estonia				
			Luxembourg	Georgia				
			Poland	Hungary				
			Slovenia	Iceland				
			United Kingdom	Italy				
				Latvia				
				Malta				
				Moldova				
				Portugal				
				Romania				
				Spain				
				Switzerland				
				Ukraine				
	Local level	Lithuania	Armenia	Denmark	Albania	Austria	France	
			Hungary	Estonia	Czech Republic	Belgium	Germany	
		Ireland	Greece	Republic	Bulgaria	Poland		
		Macedonia	Malta	Finland	Croatia	Spain		
		Serbia	Moldova	Georgia	Iceland	Switzerland		
			Montenegro	Italy	Luxembourg	Ukraine		
			Norway	Latvia	Romania			
			Portugal	Netherlands	Slovakia			
			United Kingdom		Slovenia			
					Sweden			

Sources: Büchi (2012), Council of Europe (1993), Council of Europe (2008), Democracy International, (2011), Direct Democracy Navigator, Governance Committee Council of Europe (2011), IDEA Direct Democracy Database, Qvortrup (2011), Sustainable Governance Indicators, Svensson (2012).

Table 2: The correlation between direct democracy and subjective regime legitimacy

	All Countries	Western Europe	Eastern Europe
Provisions of Direct Democracy at National Level	-0.45**	-0.11	-0.16
Provisions of Direct Democracy at Local Level	0.22	0.11	0.03
Use of National Referendums	0.28	0.26	0.48*

Notes: For provisions reported coefficients are Spearman (for ordinal variables).

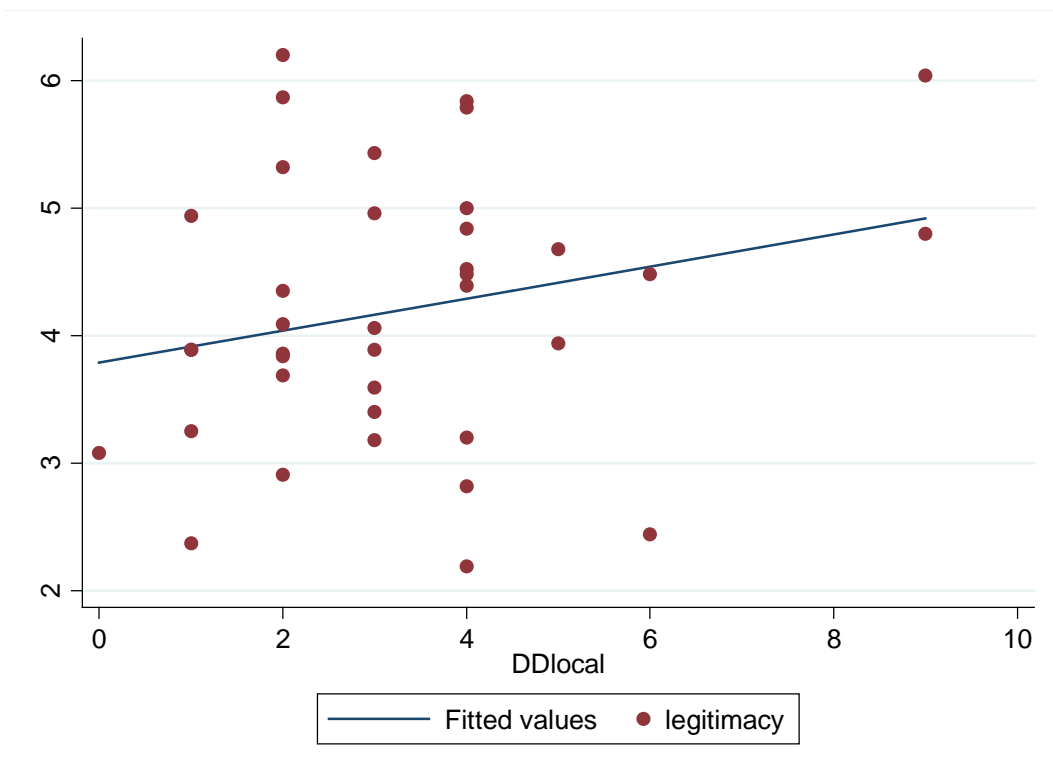
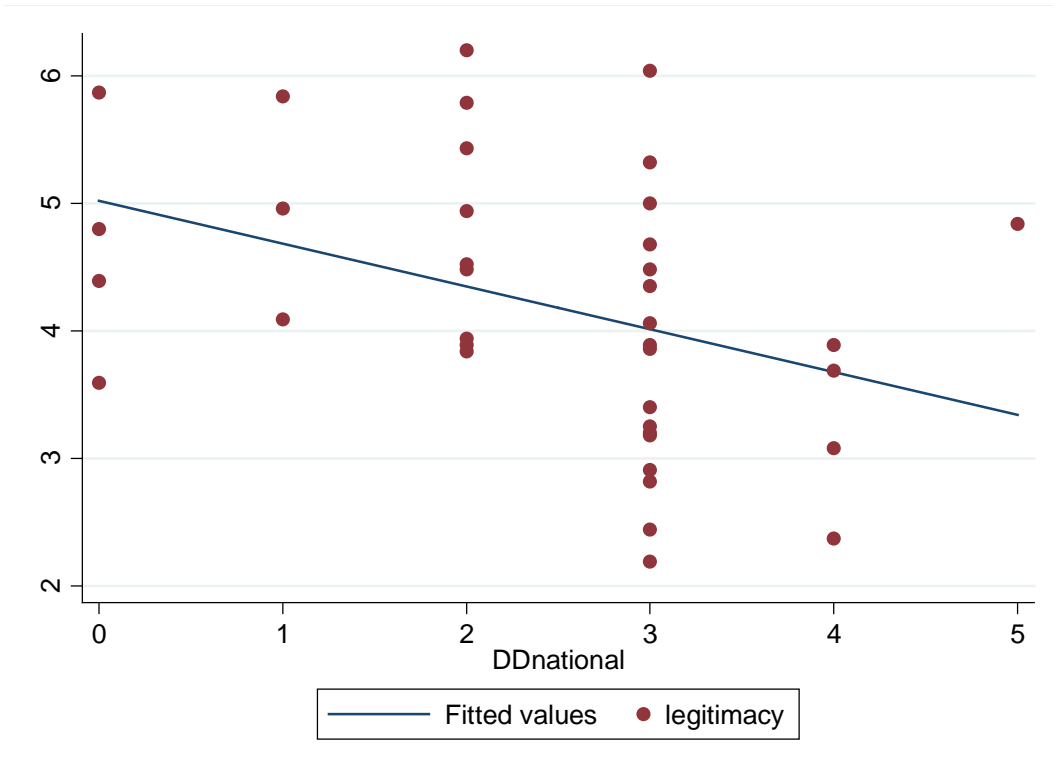
For use of referendums reported coefficients are Pearson (for interval ratio).

* $p > 0.05$; ** $p > 0.01$.

Appendix 1: The operationalization of subjective regime legitimacy

Dimension	Item	Question	Answers	Code
Acceptance of core regime principles	Attitude against strong leader	Q66.A: Having a strong leader who does not have to bother with parliament and elections	Very good Fairly good	0
	Attitude against army rule	Q66.C Having the army rule the country	Fairly bad Very bad	1
Evaluation of regime performance	Satisfaction with democracy	Q64: On the whole are you (answer options) with the way democracy is developing in our country?	Very satisfied	1
			Rather satisfied	
	Good vs. Bad Government	Q65: People have different views about the system for governing this country. Here is a scale for rating how well things are going: 1 means very bad; 10 means very good	Not very satisfied	0
			Not at all satisfied	
Support for political institutions	Support for legislature	Q63: Please look at this card and tell me how much confidence you have in Parliament.	1-5 6-10	0 1
	Support for Government	Q63.R: Please look at this card and tell me how much confidence you have in Government.	A great deal Quite a lot	1
Support for institutions of authority	Support for police	Q63.F: Please look at this card and tell me how much confidence you have in the police.	Not very much None at all	0
	Support for justice	Q63.N: Please look at this card and tell me how much confidence you have in the justice system.	A great deal Quite a lot	1
			Not very much None at all	0

Appendix 2: Scatter plots for the correlations in H1 and H2



Notes:

- ⁱ Scarrow, "Direct Democracy and Institutional Change"; Smith, *Democratic Innovations*; Geissel and Newton, *Evaluating Democratic Innovations*.
- ⁱⁱ Peter, *Democratic Legitimacy*.
- ⁱⁱⁱ Weber *Economy and Society*.
- ^{iv} Lipset, "Some Social Requisites of Democracy".
- ^v Beetham, *The Legitimation of Power*.
- ^{vi} Weatherford, "Measuring Political Legitimacy".
- ^{vii} Diamond, *Developing Democracy*; Tyler, "Psychological Perspectives"; Hurrelmann, Schneider, and Steffek, *Legitimacy in an Age of Global Politics*.
- ^{viii} Gibson and Caldeira, "Defenders of Democracy?"; Estlund, *Democratic Authority*; Levi, Sacks, and Tyler, "Conceptualizing Legitimacy".
- ^{ix} Easton, *A Systems Analysis of Political Life*.
- ^x Rothstein, *Social Traps*.
- ^{xi} Levi, Sacks, and Tyler, "Conceptualizing Legitimacy, Measuring Legitimizing Beliefs."
- ^{xii} This point is much clearer when looking at the literature on political trust. Some authors argue that citizens fundament their attitudes on the beliefs that authorities perform in accordance with their normative expectations Miller and Listhaug, "Political Parties".
- ^{xiii} Dalton, *Democratic Challenges*.
- ^{xiv} Gilley "The Meaning and Measure of State Legitimacy".
- ^{xv} Booth and Seligson *The Legitimacy Puzzle in Latin America*.
- ^{xvi} Budge, *The New Challenge*.
- ^{xvii} Knight and Johnson, "Aggregation and Deliberation".
- ^{xviii} Norris, *Critical Citizens*; Gray and Caul, "Declining Voter Turnout"; Pharr, Putnam and Dalton, "Trouble in the Advanced Democracies?"; Dalton, *Democratic Challenges*.
- ^{xix} Dick Morris, *The New Prince* (Los Angeles: Renaissance Books, 1999).
- ^{xx} Mendelsohn and Parkin, *Referendum Democracy*; Altman, *Direct Democracy Worldwide*; Altman, "Bringing Direct Democracy Back in"; Norris, *Democratic Deficit*; Setala and Schiller, *Citizens' Initiatives in Europe*.
- ^{xxi} Setala, "On the Problems"; Setala and Schiller, *Referendums and Representative Democracy*.
- ^{xxii} Rahat, "Elite Motives".
- ^{xxiii} Butler and Ranney, *Referendums around the World*; Morel, "The Rise of Government"; Qvortrup, *A Comparative Study of Referendums*; Altman, *Direct Democracy Worldwide*.
- ^{xxiv} Qvortrup, "Research Note". There is also evidence about the instrumental use of bottom-up referendums in favour of elites, see Serdült and Welp, "Direct Democracy Upside Down".
- ^{xxv} Norris, *Critical Citizens*; Newton and Norris, "Confidence in Public Institutions"; Dalton, *Democratic Challenges*; Geissel and Newton, *Evaluating Democratic Innovations*.
- ^{xxvi} Nicholson, *Voting the Agenda*.
- ^{xxvii} Budge, *The New Challenge*; Setala, "On the Problems".
- ^{xxviii} Setala, "Introduction".
- ^{xxix} Frey and Stutzer, "Happiness, Economy and Institutions".
- ^{xxx} Qvortrup, *Referendums Around the World*.
- ^{xxxi} Setala and Schiller, *Referendums and Representative Democracy*.
- ^{xxxii} This mechanism moves beyond the effects of direct democracy in divided societies where referendums may be used against minorities Lijphart, *Thinking about Democracy*. While there is possibility of disruptive effects, the argument presented refers to the relationship between people and representative institutions and not to group identity or policies.
- ^{xxxiii} Setala and Schiller, *Citizens' Initiatives in Europe*.
- ^{xxxiv} Barnes, "Researching Public Participation".
- ^{xxxv} Altman, *Direct Democracy Worldwide*; Altman, "Bringing Direct Democracy".
- ^{xxxvi} Vatter, "Consensus and Direct Democracy"; Marxer and Pallinger, "Stabilizing or Destabilizing".
- ^{xxxvii} Rahat, "Elite Motives".
- ^{xxxviii} Beramendi et al. *Direct Democracy*; Setala and Schiller, *Referendums and Representative Democracy*; Altman *Direct Democracy Worldwide*.
- ^{xxxix} Serdült, "The History of a Dormant".

^{xi} The linkage between direct democracy and regime legitimacy requires the existence of basic rights and liberties such as freedom of expression and involvement. This is the reason why only democracies or democratizing countries were included.

^{xli} The only micro state included in the analysis was Malta due to its membership in the European Union.

^{xlii} Gilley, "The Determinants of State Legitimacy".

^{xliii} In theory, the support for government and the assessment of the government (good or bad) are different evaluations. The low correlation coefficient between the two (0.39) shows that this is empirically the case in the used dataset.

^{xliv} Schiller, "Effekte und Entwicklungen".

^{xlvi} Setala, "Referendums in Western Europe"; Mendelsohn and Parkin, *Referendum Democracy*; LeDuc, *The Politics of Direct Democracy*.

^{xlvii} The basic idea of the indicator is to weigh for binding referendums and the formula uses a multiplying factor of 2. Different weights have been tried (e.g. 1.5, 2.5) and the results do not differ significantly. In this article a referendum is defined as a question to which people answered rather than referendums as events because people can take decisions according to the questions asked in an event (that is why turnout differs from question to question). Citizens' willingness to use direct democracy in some cases and not in others may be linked to the issue of legitimacy.

^{xlviii} Bruszt, "1989: The Negotiated".

^{xlix} The statistical significance does not provide substantial information because the analysis takes into account the universe of cases and not a sample from which we can generalize. At the same time, the number of cases is fairly limited and this can influence the level of significance.

^l The lower correlation coefficient for Western Europe is somewhat surprising given the fact that countries like Switzerland make extensive use of direct democracy and the subjective regime legitimacy is quite high. However, this group of countries also includes Ireland and Italy that also use many direct democracy tools but the regime legitimacy is significantly lower.