



Preface

This book is about democracy. Like many other valued skills—reading, arithmetic, swimming, riding a bicycle—democracy must be practiced lest we forget how to be democratic citizens. Citizens in a democracy are expected not only to vote in elections and participate in civic affairs but also to be knowledgeable about public issues, to be interested in the making of public policy by elected officials, and to be confident that democratic governance works. In his best-selling book *Bowling Alone*, Robert Putnam warns that civic engagement in the United States is at an all-time low. Among the many measures of civic engagement he compiles, Putnam points to declining meeting attendance, political awareness and engagement, voter turnout, and trust in government, with the young having the lowest levels of political participation.¹ For those concerned about the apparent decline of social capital and what Putnam calls the “strange disappearance of civic America,” these trends are disturbing. Yet they are not new. One hundred years ago, Progressive Era reformers were equally concerned about the failing health of American democracy. Progressives contended that democracy must be regularly practiced to be sustainable.

Toward achieving this goal, Progressive Era educators and reformers pressed for the American states to adopt the tripartite mechanisms of direct democracy: the initiative, the referendum, and the recall. All three of these plebiscitary devices authorize citizens to participate directly in the making of public policy by encouraging them to gather a prescribed number of valid signatures to force a popular vote on a policy question on Election Day. With the initiative (which we refer to alternatively as “citizen lawmaking,” “direct

legislation,” and, more generically, “ballot measures”), petitioners collect a specified number of signatures to place either a statutory measure or a constitutional amendment on the ballot for fellow voters to adopt or reject. The initiative may be either immediately binding (a direct initiative) or first considered by the state legislature (an indirect initiative) before going into effect.² With the referendum (more accurately called the “popular referendum” to distinguish it from a measure the state legislature places on the ballot for a popular vote), citizens gather signatures to place a disputed law (or a section of a law) on the ballot for voters to consider. Unfortunately, the popular press often refers to initiatives as referendums, muddling the two distinct mechanisms. Finally, while rarely used (notwithstanding conservatives’ successful 2003 effort to recall California’s Democratic governor, Gray Davis), the recall permits citizens to collect signatures to force a vote on the retention of an elected official. Citizens in numerous states voted to add one or more of these populist mechanisms to state constitutions during the early 1900s. Progressive educators and reformers contended that initiatives in particular would directly involve citizens in the policymaking process and would help members of the public become better-informed democratic citizens.

Drawing on the recent experiences in the American states that permit citizen lawmaking, we examine empirically whether the Progressive reformers who celebrated the use of direct democracy were correct about the beneficial value of the initiative process in educating the citizenry. Direct democracy and the initiative process in particular are red-hot-button topics among those who follow state politics as well as American politics more generally. The initiative process as practiced in roughly half the American states has lately received prominent scholarly and journalistic attention. Contemporary proponents of the initiative laud it as an unadulterated form of “government of, by and for the people.” The initiative, as oft-cited David Schmidt notes in his historical overview of the process, enables “the public itself to decide what constitutes the public interest.” Prior to the 2000 elections, the *Wall Street Journal* opined that “the initiative process is overwhelmingly popular” because “voters want a final trump card over entrenched incumbents, who often feel free to

ignore voters.” *Boston Globe* columnist Jeff Jacoby concurred: “Initiatives are the last resort of desperate citizens, a way to check the power of remote or arrogant lawmakers.”³

Conversely, critics of the process lambaste the initiative as a “grassroots charade,” with ballot measures increasingly the handiwork of special interests. In his scathing study of initiative politics in California, Peter Schrag, the former editor of the *Sacramento Bee*, decries how the initiative has been ironically co-opted by “‘the interests’—the insurance industry, the tobacco companies, the trial lawyers, public employee unions.” Journalist Lydia Chavez contends that rather than giving power to the people, the process encourages “anyone with a million dollars to pay for the signatures necessary to put an initiative on the ballot.” In *Democracy Derailed*, Washington, DC, pundit David Broder argues that the initiative “threatens to challenge or even subvert the American system of government.” “Identifying the democratic delusions that shroud the initiative process in a sacrosanct veil,” political scientist Richard Ellis insists, “is one small but necessary step in the larger project of restoring our collective faith in deliberative and representative government.”⁴

It is an overstatement to claim that the initiative has replaced representative governance in the 24 states that permit citizens to author and adopt new state laws and amend the state constitutions. Nevertheless, direct legislation has left an indelible mark on the more than 135 million Americans living in the states where the process exists. During the twentieth century, voters approved more than 800 of the more than 2,000 initiatives that citizens placed on statewide ballots.⁵ Controversial propositions—ranging from tax reform to gay rights to educational reform to affirmative action to abortion restrictions to environmental and animal protection to legalization of marijuana—have shaped the policy contours of these states, providing “innovative” solutions that reflect “the diversity of groups that use the process.”⁶ This is especially the case concerning many governance issues that are politically intractable in state legislatures, such as legislative term limits, tax and expenditure limitations, tax increases, party primaries, campaign finance restrictions, and public financing of campaigns. Of the 19 states with term limitations for

state legislators, for example, 18 of the laws were enacted by voters via initiative elections. Because of the initiative's apparent effectiveness, governors and other public officials increasingly call for the extension of the initiative to municipal, county, state, and even national jurisdictions.⁷

The Dual Purpose of the Initiative

While other scholars have studied the substantive impact that ballot measures have on public policy, the role of interest groups and money, the passage or defeat of initiatives, and voter response to the initiative process, our book diverges from these lines of inquiry, taking an alternative tack. We systematically assess how ballot initiatives shape the broader democratic landscape in the American states by examining how the process itself affects citizens and political organizations. As social scientists, we are interested in how institutions structure politics—specifically, how the mechanism of the initiative affects the attitudes and behaviors of individuals as well as the interests and tactics of political organizations. In contrast to our inquiry, most of the research conducted on direct democracy in the American states examines policy outcomes of ballot measures. While the policies adopted by voters unquestionably have had a major impact on the public policies of the two dozen states that permit citizen law-making, we argue that individuals and organizations are also influenced by the plebiscitary process itself. Our orientation, then, is on the educative by-products of the initiative process.

Since the initiative, popular referendum, and recall were first adopted in the American states during the early twentieth century, practitioners and scholars have noted both the instrumental and educative purposes of direct democracy. Today, the instrumental goal of the initiative is often highlighted in scholarly and journalistic studies. The instrumental purpose of the initiative is clearly stipulated in the constitutions of the states permitting the process. The plebiscitary mechanism is first and foremost intended to provide cit-

izens with an institutional check on the system of representative governance. From this perspective, the initiative can empower citizens to initiate and approve substantive laws and constitutional amendments, circumventing the state legislature in the process. For example, article V of the Colorado state constitution reads,

The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly.⁸

As such, citizens of Colorado as well as those residing in 23 other states have the authority to make or alter public policy independent of their elected legislative bodies.

The underlying premise of the instrumental function of the initiative, which devolves to citizens the authority to make public policy, is that it can help prevent state legislatures from becoming unrepresentative. In an unusually evenhanded assessment of the mechanism during the Progressive Era, Harvard political scientist William Munro observed, “The first argument in favor of direct legislation rests, accordingly, upon the allegation that existing legislative methods and results are unsatisfactory to the majority of the electorate; that representatives do not properly represent.”⁹ Interested citizens or groups functioning outside the traditional legislative process may introduce substantive issues either ignored or thwarted by elected representatives. Although scholars continue to debate whether the primary function of the initiative—that it directly or indirectly allows the popular will to check the power of state governments by enabling citizens to enact public policy—is effective, the instrumental purpose of the initiative tells only half the story.¹⁰

A second rationale for the adoption and use of the initiative is a

procedural by-product of its instrumental function. In addition to any substantive changes in public policy it may exact, the initiative process is itself educational. Writing in 1912, Munro noted,

Emphasis is laid, for example, upon the educative value of direct legislation. By means of the initiative, a spirit of legislative enterprise is promoted among the voters; men are encouraged to formulate political ideas of their own and to press these upon public attention with the assurance that they shall have a fair hearing. If the welfare often suffers from public apathy; if the mass of the voters manifest little interest in the contents of the statute-book, this is due in large measure, it is claimed, to the feeling of electoral helplessness which in some states amounts to a popular conviction.¹¹

Thus Progressive reformers during the most formative period of initiative adoption and usage saw citizen lawmaking as a pedagogical process. Progressives thought that having plebiscites on policy issues would encourage citizens to become more politically engaged, thereby mitigating the declining state of civic affairs and public discourse.

At the apex of the Progressive Era, advocates of the process routinely touted the educative values of the initiative. In 1912, for example, University of Wisconsin–Madison professor Paul Reinsch stated with confident equanimity that direct legislation “will assist the people, the body of the electorate, in the development of its political consciousness,” because “it will make the body of the electorate more familiar with legislative programs and more interested.”¹² Irrespective of any substantive policy changes that might result from the mechanism, numerous Progressives thought that the initiative would stimulate an array of positive educative externalities. Questions placed on the ballot would increase political participation by bolstering turnout on Election Day. Progressives argued that ballot measures would also encourage civic engagement, help edify the electorate, and even increase citizens’ trust in government. Furthermore, reformers believed that the process’s educative effects would mitigate the power of interest groups and party machines.

Leaving to others any evaluation of the substantive outcomes that result from successful ballot initiatives, this book takes a critical look at the pedagogy that accompanies citizen lawmaking. Despite the Progressive Era recognition of the secondary, procedural effects of the process, scholars have not thoroughly examined the initiative's educative effects and their repercussions for democracy in the American states. Our objective, then, is to critically examine the educative externalities of the initiative process.

Educating Citizens and Political Organizations

We investigate the possible educative effects of ballot initiatives on both citizens and political organizations. With respect to citizens' attitudes and behaviors, we are interested in whether individuals living in initiative states are more civically involved than those living in noninitiative states. Are citizens more knowledgeable about politics and civically engaged when they are presented with the opportunity to place measures on the ballot and vote on them? Are citizens living in states with initiatives on the ballot more likely to turn out to vote when they may participate as Election Day lawmakers? Does the act of citizen lawmaking provide citizens with a greater sense of political efficacy—namely, confidence in government—because they directly participate in the policymaking process? With respect to political organizations, we are interested in whether the initiative process significantly affects interest groups' and political parties' activities and strategies. Do states allowing the initiative have more robust and diverse interest group systems, or are special interests (and their members) merely afforded another venue in which to influence public policy? Does having an active initiative process encourage people to give money to interest groups, thereby strengthening citizen groups? Conversely, has the ostensibly nonpartisan initiative weakened political parties, as Progressives had hoped, or have parties devised creative ways to use the process to further partisan goals? Throughout the book, we examine these secondary effects of the initiative process, at each turn endeavoring to provide a balanced

appraisal of citizen lawmaking's impact on the broader democratic process.

Of course, individuals and political organizations that become directly involved with promoting or opposing ballot propositions generally do not do so to realize some indirect educative effects that might be derived from the process. Rather, they desire to change public policies. Nevertheless, inspired by theories of new institutionalism, which examines how political processes help to shape individual and organizational preferences and motivations, as well as the spate of recent historical and quantitative inquiries into the workings of direct democracy, we argue that the pedagogic externalities of the initiative process may be just as—if not more—important than any substantive changes brought about by successful initiatives.¹³ After all, more than half of all initiatives placed on statewide ballots fail, and many of the measures that voters approve are subsequently overturned by the courts, fail to be implemented, or are reversed in whole or in part by state legislatures.¹⁴

Notwithstanding the ultimate fate of ballot measures, we argue that the institutional rules permitting citizen lawmaking affect individuals' behavior and attitudes and political organizations' tactics, which, in turn, shape the broader political context. While public policies resulting from direct democracy come and go, the secondary effects of the initiative may have a more enduring impact on a democratic body politic as well as on the institutions of representative government. By highlighting the procedural process, we reassess whether the initiative threatens to undermine republican government, as Beltway journalist Broder and other skeptics contend, or, conversely, whether the educative aspects of citizen lawmaking paradoxically strengthen and complement our system of representative democracy.

Chapter Outline and Audience

To evaluate the educative facets of the initiative process, we begin by recasting the normative debate in the United States concerning the

merits and pitfalls of citizen lawmaking. In chapter 1, we assess the normative arguments and empirical claims made by Progressive Era proponents and opponents of the process. An appreciation of the historical context surrounding the adoption of the initiative is essential to demonstrating how citizen lawmaking's current educative effects may be both compatible and incompatible with the visions of direct democracy's early proponents. In all too many ways, the current dialogue about the initiative mirrors the palaver heard a century ago, yet recent studies have all but neglected the historical context in which this dialogue has transpired. Our historical rendering offers the reader a ledger sheet of sorts on which the current discussion of the initiative process can be held to account.

Using the Progressive Era as a benchmark, we assess the educative impact of the initiative by drawing from the experiences of the two dozen American states that currently permit citizen lawmaking. We employ a variety of different research designs and draw on an array of data sets to analyze how initiatives affect citizens' attitudes and behavior and condition political organizations. The results of the data analysis form the basis of this book, but we hope that what we present is much more than an aggregation of data. We seek to push the boundaries of the policy debate regarding direct democracy and to make the information accessible to a wide audience. With respect to citizens' behavior and attitudes, we examine the education of citizens in terms of voter participation (chapter 2), civic engagement (chapter 3), and confidence in government (chapter 4). Regarding political organizations, we examine how both interest groups (chapter 5) and political parties (chapter 6) have educated themselves in response to the institutionalization of citizen lawmaking.

We conclude the book by critically appraising the significance of how citizens and political organizations have become "educated by initiative." We consider the larger implications of how these pedagogical effects of citizen lawmaking might impact the democratic process and representative government. In light of the empirical evidence, we reflect on whether the initiative process today operates in accordance with Progressive reformers' intentions. Does the process—which critics argue can tyrannize minorities by dividing

citizens along racial, ethnic, religious, and geographic lines as well as activate the interest group and party systems that purportedly dilute citizen power—undermine the central tenets of republican government? Or, conversely, does the process, which may increase and enliven political and civic participation, political knowledge, and trust in government, strengthen and complement representative democracy? As proponents gather momentum in the drive to extend the initiative to other states and possibly to establish a national initiative and referendum, we contend that previous studies portraying initiatives as pillaging representative government or as providing a panacea for political apathy are not only too extreme but also too limited in their scope. We argue instead that the initiative process has a range of educative effects.

Our research is presented in a way that requires no knowledge of statistical methods, even though the study is conducted according to academic standards and at times uses sophisticated quantitative analyses. In addition to students of direct democracy, we hope to reach policymakers, practitioners, both advocates and critics of citizen lawmaking, and thoughtful individuals who are touched by this issue. We have written the text in such a manner that a formal training in statistics and research methods is not a necessary requirement to digest our findings. Throughout the text, we use “What Matters” boxes to highlight statistically significant results and to keep track of what might be an otherwise dizzying array of data. We often provide details of “what matters” without relying on numerical indicators or with probabilities presented as simple percentages. Behind these comparisons, however, are multivariate regression analyses that statistically control for the effect of multiple influences. We offer the full regression tables in the appendix for those who are interested in examining our statistical findings in more detail. We discuss our methods to some extent within the text, but we carefully explain our approach in clear language and leave more detailed and technical discussions in the endnotes.

In short, we hope this book will inject new life into the debate regarding the possibilities and limitations of direct democracy by moving beyond the current scholarly and general preoccupation

with the policy outcomes of ballot measures. In the two dozen states that permit citizen lawmaking, the educative effects—and not just the substantive outcomes of ballot measures—will continue to shape the contours of representative governance and democratic participation for years to come.

Both of us began conducting research on ballot initiatives and direct democracy in the early 1990s. This book evolved from our individual as well as collaborative research on the topic over more than a decade. The book testifies to the compatibility of our different strengths as social scientists. At the University of Michigan Press, Jim Reische and Jeremy Shine encouraged us to develop the manuscript. Their suggestions, along with those of the rest of the staff, especially Ellen Goldlust-Gingrich, have made this a better book.

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