



Brigitte Geißel
Marko Joas (eds.)

Participatory Democratic Innovations in Europe

Improving the Quality of Democracy?

Barbara Budrich Publishers



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Preface

Democracy as form of governance is constantly under pressure from its environment, including its 'users'. Therefore it is also constantly changing, to follow the popular attitudes, ways of behavior by the public, academic research results and technological options in the society. Some changes are introduced deliberately by the political actors in our societies; others are just appearing, without any action by the contemporary political system.

The research society has taken up to follow these changes more closely during the last ten years. The view of s' democratic systems has changed into a picture of a vivid democracy that is – at least to some extent – responsive to the changes in our societies. This volume is showing and analyzing what is going on in Europe regarding democratic innovations.

We focus on institutionalized innovations in this volume, often based on examples already used in other countries. It is clear that diffusion of innovations, projects and good practices is the way how new models to act are introduced. It is also notable that many new democratic innovations are active at the local level of the society – the government level closest to the people.

We want to present a number of European cases with this volume, mostly based on empirical work on case studies, but also some experiments in the field of research.

The starting point for this volume was a workshop on democratic innovations at the ECPR Joint Sessions in Potsdam 2009. We have added to this base some additional articles, giving the book an in-depth view on all major innovations used today.

We want to thank Barbara Budrich Verlag for giving us the opportunity to publish the book. We also want to thank our authors for very responsive mode to the work during the last hectic phase before publishing. Dr Iris Lindahl-Raittila has made excellent work with our linguistic problems as many of us are non-native English speakers. Likewise, Michele Ferrari has been of invaluable help to finalize the technical lay-out. We want also to thank the economic support for the book by Goethe University Frankfurt, Research Unit 'Democratic Innovations' and the Department of Political Science at Åbo Akademi University, with the 'Democracy: A Citizen Perspective - A Centre of Excellence on Democracy Research'.

Åbo and Frankfurt, August 31, 2013,

Brigitte Geissel and Marko Joas

The Local Recall Revisited: An Old Tool for Inclusive and Effective Participation in New Democracies¹⁰⁴

Michael L. Smith

Introduction

At first glance, the recall process – the process in which citizens can remove an elected official or body from office by popular vote – hardly seems innovative. First mentioned by Aristotle,¹⁰⁵ the recall has a history both intertwined with and as long as the citizen's initiative and legislative referendum, though used more sporadically. While the initiative and referendum give citizens the voice to decide major policy issues, the recall focuses not on the policies but the policy-maker, since it allows voters to directly assess the performance of elected politicians – or entire electoral bodies, in proportional systems – by subjecting them to the possibility of losing their mandate before their electoral term is over. The recall is institutionally diverse: it can be either full or mixed, depending on who initiates the referendum process, and take either the separate-elections or the recall-and-replacement formats.¹⁰⁶ Recalls also vary by

104 This chapter was made possible by the support of the Czech Science Foundation through grant no. 403/07/1608, "The Politics of Local Referendums in Central Europe" as well as by grant no. VG20102013029 of the Czech Ministry of Interior, "Reducing Security Threats from Corruption and Organized Crime in the Czech Republic."

105 In the Constitution of Athens, Part 43 Aristotle explains that one of the duties of the Council of Five Hundred was to evaluate the performance of the "sovereign assembly." In that assembly "the people have to ratify the continuance of the magistrates in office, if they are performing their duties properly, and.... impeachments are introduced by those who wish to do so..." This ratification/impeachment process could be an ancient version of the modern recall.

106 A full recall takes place when citizens are involved in both petitioning for and then voting in the recall referendum. In a mixed recall, citizens are involved in only one of the two processes, such as when they may vote in the recall but on the basis of a decision by Parliament (IDEA 2008). In the separate-elections format, a referendum on the recall of a politician or political body is held; if the recall is successful, a replacement election is then scheduled. In the recall-and-replacement format, the referendum and the replacement election take place at the same time, in which the results of the replacement election are valid only if the incumbent is

whether turnout quorums are imposed for the results to be valid. Overall, in the countries where the recall process is institutionalized, the device is generally seen as a mechanism for democratic accountability between elections, particularly in cases where an elected politician refuses to resign (or cannot be impeached), but is accused of incompetence, bribery, or other gross violations of moral conduct.

Relatively 'old' democratic devices as the recall can become innovative when they are applied to new and unexpected contexts, thus serving as fresh solutions to problems like civic apathy or corruption that are deep-rooted and difficult to prevent (G. Smith 2009). While it is believed that the recall at the level of local politics is practiced most extensively in the U.S. states (Cronin 1989), over the last two decades the device has become increasingly used in two new democracies of post-communist Europe – Poland and Slovakia – which have seen dozens of disgruntled communities oust mayors and local councils from power, often due to perceptions of corruption and mismanagement. In those countries, the *local recall is arguably one of the most important innovations in citizen empowerment that have been implemented in recent years*. In both countries, the recall was enshrined in national legislation at the same time as local government reforms introduced the direct election of mayors. Previously, mayors in both countries were accountable to their respective local councils, which appointed and recalled them; under the new rules, mayors are accountable to the people (who can vote and recall them) and face a checks-and-balances system with local councils. In such new democracies where citizens are overwhelmingly distrustful of politicians and where civil society is weak, it was thought that the introduction of the recall could both foster citizen empowerment in local politics while also tackling the seemingly endless problem of irresponsible (and irresponsive) government. A primary goal of this chapter is to assess the recall process as a tool for innovative democracy and whether it offers a form of decision-making suitable for dealing with major controversies at the local level.

The recall process has remained one of the least researched areas of democratic politics. One reason is that the device is so sporadically used, particularly at the national level, which has made it difficult to evaluate its impact. Altman (2005) points out that the 2004 referendum to recall Venezuelan President Chavez from office nearly led the country to civil war (in part due to alleged political interference in both the signature collection process and in the recall

successfully recalled. One of the main differences between the formats is that in the recall-and-replacement format political attention does not focus only on the politician being recalled, but also gravitates towards campaigns of other candidates seeking political office. In both formats, a recalled politician could plausibly run as a candidate in the replacement election.

vote), and cautions that the recall's impact can vary considerably by institutional context. Arguably the recall event most researched by political scientists is the successful recall of California Governor Gray Davis.¹⁰⁷ On the basis of that case, Shaw, McKenzie and Underwood (2005) argued that the recall-and-replacement format disadvantages incumbent parties, who have to both defend the incumbent while also campaigning for a party replacement. Others found that ethnic cleavages (Segura and Fraga 2008), strategic voting (Alvarez, Kiewiet and Sinclair 2006), and corporate lobbying (Cressman 2007) played a mayor role in the recall vote. Since those are also features of ordinary electoral politics, it is not surprising that Bowler and Cain (2006: 8) perceived the California recall as "just another election" in which the "constitutional, orderly, and peaceful replacement of one leader by another" took place.

In terms of local politics, most research has focused on the U.S., where 36 states have legislation enabling recalls at the municipal level. Within an average five-year period, one in ten local governments experience an attempt to recall an elected official in those states (Bowler and Cain 2006). Cain, Anderson, and Eaton (2006) found that campaigns to recall mayors organized by groups of citizens were more successful than campaigns organized by institutional interests. They also found that mayors are more likely to be recalled in the recall-and-replacement format than in the separate-elections format. Lastly, those authors also claimed that the number of signatures required for a petition does not have an impact on the success of a recall proposal to get on the ballot. Other institutional determinants do not seem to have an effect on the ability of citizens to recall state officials in different U.S. states (Mixon 2000).

Since the empirical data on the recall process at the local level is piecemeal and the literature is relatively small, there has been little systematic attempt to evaluate the local recall as a mechanism of democratic governance. This chapter takes a step in that direction by evaluating the recall process in the only two post-communist countries where national legislation enables local residents to use that device: Poland (since 1992) and Slovakia (since 2002). Building on the work of Lástič (2005, 2007, 2011) and Piasecki (2005, 2011), the chapter will first give an overview of the basic elements of Polish and Slovak legislation on

107 According to the official petition, the accusation made against Davis was that he had engaged in "gross mismanagement of California finances by overspending taxpayers' money, threatening public safety by cutting funds to local governments, failing to account for the exorbitant cost of the energy fiasco, and failing in general to deal with the state's major problems until they get to the crisis stage." 55% of Californian voters voted to recall Davis (turnout was 61%, or nearly 5 million voters); in the replacement election, 49% voted in favor of Schwarzenegger, securing a margin of over 1.5 million votes over his nearest competitor, Hispanic lieutenant governor Cruz Bustamante.

direct democracy at the local level. We then evaluate the recall process in Poland and Slovakia in terms of four main criteria: 1) whether citizen participation in the process is *effective*; 2) whether it is *inclusive*; 3) whether the recall helps restore *legitimacy* to public office when politicians are perceived to abuse their power; and 4) the *effectiveness* of the recall process, i.e. whether the recall helps identify and achieve collective goals of the communities under consideration.

The analysis in the chapter is based on two main data sources. First, comprehensive databases of recall events were created for both countries on the basis of data from statistical offices, media reports, and election results.¹⁰⁸ Those databases were used to identify overall trends in recall use in those countries. Second, 24 interviews with local politicians and activists involved in recall campaigns were conducted in six different communities (three in each country) in order to gain insight into participants' experience and evaluation of the recall process. The cases were selected on the basis of variation in recall outcome (whether successful or not), as well to achieve variation in the set of collective problems raised in those communities.

Legislation on Local Direct Democracy in Poland and Slovakia

Immediately after the collapse of communism, many countries in Central and Eastern Europe passed legislation on the local initiative and referendum, and to a lesser degree, the recall. Unified Germany is the best-known example of this. During the Cold War period Baden-Württemberg was the only German state to have local referendums (where there were roughly 300 cases since 1956), whereas all other German states passed similar legislation after German unification, most recently in Berlin. In Bavaria, there have been an eye-popping 1,457 initiatives just in the years 1995-2005 (Walter-Rogg and Gabriel 2007). According to government data, in the Czech Republic, over 150 local referendums took place between 2000 and 2008, while in Hungary 187 referendums took place between 1998-2008 (M. Smith 2007, 2009). Poland has witnessed

108 Polish data is from the National Electoral Commission of Poland. Since neither the Slovak government nor other authorities collect data on local recalls, the only way to collect data on Slovak recalls is through searching media databases for articles mentioning attempts at recalling mayors. Media analysis was conducted on newspapers SME, Pravda, Slovak Spectator, Nový čas, and the Slovak Press Agency for the period 2002-2008.

hundreds of local referendums and recalls since 1990, as its legislation has generally been the most favourable to practitioners of direct democracy among post-communist countries. While in most Western European countries (besides Germany and Switzerland) local referendums are merely consultative in nature, i.e. not binding on local government, in much of Central and Eastern Europe local referendum results are binding if a legislatively established turnout quorum is met (Council of Europe 2000).

Poland and Slovakia are the only two countries in Europe where local recalls are legally permitted nationwide. Both countries use the separate-elections format and impose turnout quorums for the recall (but not in the replacement election) to be valid. The countries vary considerably in the use of the recall device (it is much less common in Slovakia), in part due to differences in their legislative histories.

Polish regulations on local direct democracy have undergone several phases of legislative development. In the first phase of democratic reform, the Act on Local Self-government of March 1990 established that local referendums are one of two ways municipal self-administration is to be carried out (the other way is decision-making by local council), and differentiated between obligatory local referendums, such as in the introduction of local taxes, and facultative local referendums, in the case of other matters important for the community. The Law on Local Referendums of October 1991 established the specific rules for carrying out local referendums in Poland. Initially, recall referendums were to be called if local residents collected signatures of 20% of registered voters and would be valid if 50% of the electorate voted. Since there are three types of municipality (*gmina*) in Poland – rural, urban, and urban-rural – recalls can take place in all three types. Two months after the law went into force, it was amended so that signatures of only 10% of registered voters were necessary, and outcomes were valid with a reduced 30% turnout quorum (Olejniczak-Szałowska 2002; Piasecki 2005). In September 1995, the Law on Local Referendums was amended so that recalls can neither take place in the last six months of the electoral term nor in the first 12 months of an electoral term. It also clearly stated that only citizens can initiate a campaign to recall the local council. Also in 1995, the Highest Administrative Court ruled that recall referendums couldn't take place at the same time as local referendums on other municipal issues.

In the second phase of democratic reform in Poland, which focused on political reform at the meso-level of government (Swianiewicz and Herbst 2002; Wollmann and Lankina 2003), a new Law on Local Referendums was passed in September 2000 that enabled referendums at the county and regional level. Legislation on the direct election of mayors was also part of the territorial reform package. The amended referendum law thus enabled the recall of mayors as of 2003, which can be initiated by either citizens or the local council. However, if a local council calls for a recall referendum of the mayor, and if the re-

call is not successful, then the local council has to be dissolved, which has led to practically no recalls of that type (Piasecki 2005).

In the most recent phase of reform, in July 2005 another amendment of the referendum law was passed (taking effect at the time of the 2006 local elections) that abolished the 30% turnout quorum and stated that recall elections are valid, when turnout reaches 3/5 of the level of the turnout achieved in the prior election of the political entity being recalled. This means that if 5,000 voters voted in a mayoral election, the mayor can be recalled if in the recall referendum at least 3,000 voters turn out, the majority of whom vote in favour of recalling him. By tying the turnout quorum to a municipality's prior turnout record, the amendment has the potential to decouple referendum validity from demographic conditions, such as population size, that strongly shape aggregate turnout (M. Smith 2009, 2011). In other words, the amendment has the effect of generally reducing the turnout quorum for larger towns and cities (as well as possibly increasing it in smaller communities), so that the chances of achieving a successful recall election are more evenly distributed among municipalities of different size, all else being equal.

In summary, Polish legislation on the local recall has become increasingly expansive (from recalls of local councils, to recalls of councils, mayors, and elected officials of county and regional governments) as well as more favourable to those initiating a recall campaign (reductions in signature collection requirements as well as in turnout quorums). As we will discuss in the following section, these legislative changes have had a positive impact on the effectiveness of citizen-initiated recall campaigns.

Slovakia, by contrast, has had a very weak legislative framework for all forms of local direct democracy. As discussed by Lástič (2005, 2007, 2011), the clauses relating to local referendums and recalls in the main Law 369/1990 on Local Government were amended a spectacular 27 times between 1990 and 2005. As was the case with the frequent changes to the Slovak constitution in the 1990s, the amendments to the Local Government Act seem to have little or no justification in referendum practice (as the state administration does not collect data on local referendums and recalls, it can hardly evaluate them), but was rather the result of the calculus of political parties to steer legislative rules to their advantage. The reasons behind some legislative changes are more clear-cut than others; for example, in 1998, in reaction to the Štúrovo referendum where the local government organized a referendum against Slovak NATO membership, the Slovak parliament passed legislation stating that local referendums can only be held on issues in the competency of local government, rather than on issues a local government finds important. In 2001, parliament also passed legislation instituting not only the direct election of mayors (Law No. 6/2001 on Local Government), but also their possible recall by local citizens. The law also established a separation of powers between the mayor and

the local council, and provided the mayor with extensive executive powers over local administration and in chairing meetings of the local council.

The same law also detailed regulations for the recall process. Paragraph 13a of the amendment states that the local council shall call a referendum on the recall of the mayor if 1) at least 30% of registered voters in the municipality demand it via a petition; or 2) the mayor engages in gross and repeated acts of negligence, if he breaks constitutional law, or if he is either absent or not duly performing the office of mayor for a period of 6 months. As in Poland, once the signatures are collected, the local council has to approve by majority vote that the legal conditions for a recall have been met.¹⁰⁹ Lastly, as with the case of local referendums, the results of a recall of a mayor are valid *if at least 50% of registered voters vote in the recall*. The frequent changes in legislation, coupled with relatively restrictive rules and the 50% turnout quorum, have meant that there have been less than 50 recall campaigns in the country since 2002.

Citizen Participation in the Local Recall: is it Effective?

If participatory innovations are to help bring about political change, citizen involvement in them has to be effective. Effective participation means that citizens' contributions in a participatory process are not simply dismissed or ignored, but are actually taken into account in deliberations and decision-making (Fung and Wright 2001; Warren 2006; Smith 2009). In most of Central and Eastern Europe, as well as in Germany and Switzerland, the institutions of direct democracy are not simply consultative, but are *legally binding* on government. This means that if direct democracy campaigns are relatively accessible, i.e. easy to carry out, those campaigns would also represent an effective means for ordinary citizens to shape or change local government policy.

In fact, the effectiveness of binding direct democracy devices – e.g. the relative ease with which citizens can organize initiatives when governments are

109 In the local referendums and recalls in the U.S., the local clerk, who is typically non-partisan, has the responsibility for verifying the eligibility of a petition for a recall. The fact that in Central Europe this decision-making is done directly by local councils has led to many cases of politicizing the petition process – particularly if local residents propose initiatives directly against the policies of the local council – in which local councils would find rather spurious or quite formalistic reasons to justify not calling referendums. Many of such cases have went to administrative or civil court, illustrating the importance of the judicial system in interpreting and upholding referendum law (Smith 2007).

irresponsive, or the ease with which legislatures can defer decision-making to citizens on fundamentally important topics and treaties – contributes to their immense popularity around the world. Asked whether referendum use was a good or bad thing, respondents in the Anglo-Saxon countries of Australia, New Zealand, Canada and the U.S. states of California and Washington have given resounding popular approval of the device by margins of around 65% (good thing) to around 5% (bad thing) (Bowler, Donovan, Carp 2007). In a 1997 Eurobarometer survey, respondents across the 15-EU states agreed, by a 71.5% to 28.5% margin, that the Swiss system of direct democracy works well and should be considered in their home countries. In the USA, no state that has adopted institutions of direct democracy at the state level has ever gotten rid of them, and in fact more and more states are adopting those institutions for the first time.

Turning to the recall process, effective participation depends on trade-offs in two key institutional features: 1) the rules according to which citizens can petition to remove a politician or political body from office, and 2) the turnout quorum in the recall vote. In terms of the petition, if the number of signatures needed for the petition were “too high,” then there would be less frequent recall campaigns, though the campaigns that can meet high signature requirements likely have wide popular support among the electorate. If the signature requirement is “too low,” then there would be more frequent recall campaigns, though it would be conceivable that very small groups of residents would be able to use the device to challenge and discredit popularly elected officials. Similarly, high turnout quorums would mean that few recall votes would be successful, but it also implies that the recalls that do succeed have overwhelming support of the local population. By contrast, low turnout quorums (or non-existent quorums, as in the USA) imply that many recalls could be successful, but with the prospect that elected officials could be ousted from office by only a small fraction of the total electorate. Taking these trade-offs into account, one could hypothesize that the recall process is most effective when legislation strikes a balance between the benefits and costs of high and low signature requirements and quorums. Such a balance helps ensure that direct democracy institutions are not manipulated by very small groups, but at the same time ensures that civic groups that initiate campaigns with wide popular support have a good chance to succeed.

Another important consideration is that demographic conditions do influence the degree of effective participation. If a signature requirement is set at 10% of the electorate for all municipalities, then it would be much easier for campaigners to collect those signatures in small villages compared to large cities. Similarly, if the turnout quorum were to be for example 50%, recalls would be possible in the villages, but nearly impossible to organize in cities, since urban voters are often less likely to vote than rural ones, particularly in a one-off recall event that is not tied to any other election. In fact, in Poland prior to 2005 (when the recall quorum was set to 3/5 of the turnout level achieved in the prior election of the political entity being recalled), there were practically no recalls in larger cities due to the 30% turnout quorum. In 1992 in Krakow, local residents seeking to recall the city council found it impossible to collect the more than 54,000 signatures that would have been necessary to call the referendum (Piasecki 2005). In 2000, at the time when Andrzej Lepper’s Self-Defence Party organized a national campaign to block major roads to protest against the economic situation of Polish farmers, Self-Defence collaborated with merchants from a local market in Jelenia Gora to organize a referendum on the recall of the city council. Despite the wide publicity of the campaign, only 14% of registered voters voted in the referendum, which once again underscores the difficulty of organizing referendum campaigns in urban contexts.

Beyond individual cases, we can use comprehensive data on the local recall in Poland and Slovakia to better understand citizens’ chances of successfully recalling local councils and mayors. In Poland, between 1992-2000, when it was possible to recall only local councils (so-called rural, urban, and rural-urban *gmina*), there were 275 such recalls (Figure 10.1), but only a small percentage resulted in the successful recall of the local council (Figure 10.2). While institutional learning, combined with improved legislative conditions, likely contributed to the increasing effectiveness of the recall between electoral periods, successful recalls of local councils have never exceeded 16% of the total for any given electoral period.

However, once it was possible for Polish citizens to directly elect and recall their mayors, the number of council recalls declined significantly, with citizens turning their attention instead to the mayors. In recent electoral periods, attempts at recalling mayors have been more frequent than council recalls as well as roughly twice as likely to lead to successful outcomes. While there have been fewer recalls in the 2007-2010 electoral term (during which time the 3/5 turnout rule is in effect), 17.6% of those cases have resulted in valid recalls. The new turnout threshold does increase the chances of reaching valid results: recall referendums in Piwniczna-Zdrój (turnout of 29.4%), Dorohusk (28.5%), Zgierz (26.0%), Zduńska Wola (29.1%), all of which took place in 2008, had binding outcomes under the current legislation, but would have been invalid under the prior 30% quorum. The new quorum rules also made it possible for

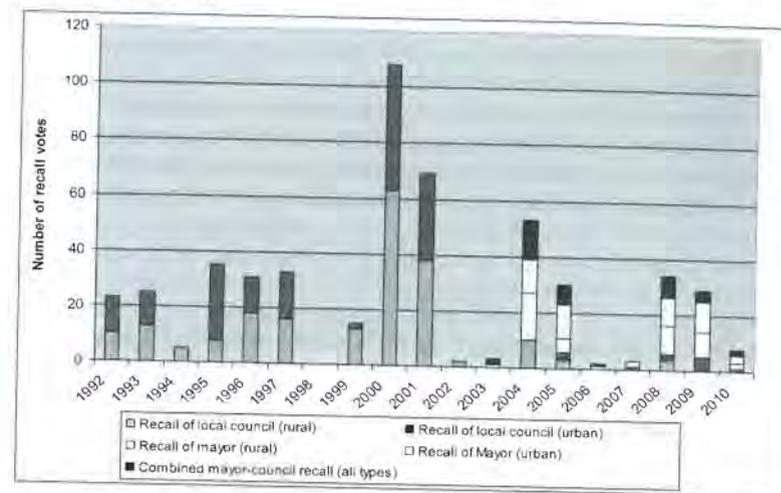
the mayor of the city of Lodz, the third-largest city in Poland, to be recalled in early 2010 even with a recall turnout of only 22%.

In summary, Figures 10.1 and 10.2 lead to the inference that more is not necessarily better: over successive electoral periods, the number of local recalls in Poland has declined, but the degree of effective participation – in the sense of successful recall campaigns – has increased. While we have pointed to the role of legislative conditions in facilitating this development, a number of other factors could play a role as well: the ability of campaigners to learn from the successes and failures of campaigns in other towns, the expansion of web blogs and other forums for residents to discuss local issues more effectively, or the professionalization of Polish civil society (Rose-Ackerman 2007; Domański 2009). More research is needed, particularly by local scholars, to better understand the above trends.

In Slovakia, by contrast, neither the Slovak government nor other public institutions monitor or collect data on recall campaigns. Thus, the only way to count the number of cases is by conducting content analyses of Slovakia media sources over the given period, searching for any article using the word “recall” (*odvolanie* in Slovak). The present author did this using the national dailies *SME*, *Pravda*, *Nový čas*, *Slovak Spectator*, and the *Slovak Press Agency* for the period 2002-2008. During that time, it was possible to identify at least 36 campaigns aimed at recalling Slovak mayors, 25 of which led to actual recall votes. Of those 25, at least 13 led to the successful recall of mayors.¹¹⁰ This suggests that even though the overall frequency of recall campaigns in Slovakia is much lower than in Poland, the effectiveness of the device is in fact higher.

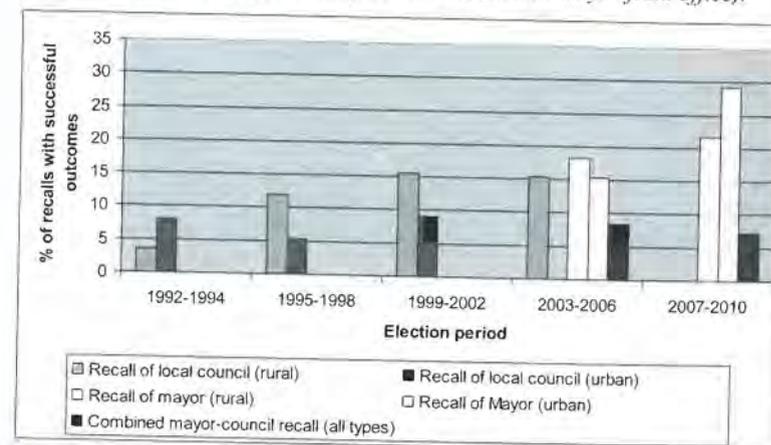
110 All recalls above the turnout quorum were in favor of recalling the mayor. It should be noted that I have not been able to determine the results of 5 of the 25 recalls above; if some of those were also successful, the number of successful cases would be even higher.

Figure 10.1: The Recall of Local Councils and Mayors in Poland, 1992-2010 (Municipalities are differentiated between rural and urban ones. Combined mayor-council recalls include simultaneous recalls of both institutions regardless of their urban/rural character.)



Source: Central Statistical Office of Poland

Figure 10.2 The Effectiveness of the Local Recall in Poland. Figure depicts the share of recalls in the given electoral period leading to successful outcomes (i.e. the actual removal of the local council or mayor from office).



Source: Central Statistical Office of Poland, own calculations.

The lower number of Slovak recall campaigns could be due to a number of factors. As discussed above, the recall device is newer (since 2003) and comes with a 50% turnout threshold, which likely deters many would-be activists. Further, while Slovakia has a seventh of the population of Poland, it has a larger number of local governments (there are 2,929 municipalities in Slovakia, compared to 2,479 in Poland). In other words, Slovak municipalities are smaller in both population and territorial size than Polish ones, leading their budgets to be considerably smaller as well, which could imply fewer big-money controversies or fewer cases of major financial mismanagement. As suggested above, the high entry costs (turnout thresholds) for Slovak recalls leads to fewer cases but also a higher rate of success when campaigns are credible.

Citizen Participation in the Local Recall: is it Inclusive?

As an aggregative voting procedure, the recall process is inherently inclusive in the sense that any citizen with the right to vote can participate in the recall process, including the organization of recall petitions. However, critics of direct democracy, including the recall, claim that direct democracy devices are exclusionary, particularly to minority groups, and thus harmful to democratic politics as such. Since a referendum vote is based on majority rule, it is believed that social groups in the numerical majority, such as whites in Western societies, will be able to dominate referendum outcomes in ways that harm the rights and interests of minorities. In the context of local recalls in Poland and Slovakia, does the empirical evidence suggest that the recall process is exclusionary, or on the contrary, is a source of citizen empowerment for minorities, the poor, and others who challenge the 'establishment' in local government?

The claim that direct democracy is harmful to minority rights is often based on examples like the well-known Proposition 13 in California, which reduced tax revenues of the state and disproportionately shifted the costs of public services on the poor, minorities, women and others who were forced to pay higher user fees (Schrag 1998). Historically, initiatives have also been used to prohibit same-sex marriages, to prevent Japanese from owning land, and to deny affirmative action to women and ethnic minorities (Cronin 1989).

However, more systematic studies of the topic of minority rights have challenged whether, as a whole, whites or other majority groups dominate referendum outcomes. Focusing on California, Hajnal and Louch (2001) identified 45 initiatives from 1978-2000 that were of crucial importance to Latino and other minority communities. Proposition 13 on limiting property taxes (passed), Proposition 10 on limiting rent control (failed), and Proposition 165 on limiting welfare benefits (failed) are all examples of initiatives for which

minority groups have affected interests. The authors found that the probability that a member of a racial group would be on the "winning side" of an initiative concerning issues that "minorities deem important" was 59% for whites, 59% for African-Americans, 52% for Latinos and 59% for Asian-Americans. That is, whites and minorities as a whole have a similar opportunity to support or challenge initiatives that concern them, and to do so with comparable success.

The scholarly literature has thus found mixed results concerning the effects of direct democracy on minority rights. Another point of consideration is that direct democracy has its own 'checks-and-balances' in the form of judicial review by the courts. We should take note that Parliaments and other representative institutions have also banned same-sex marriage, passed discriminatory legislation, and imposed large tax burdens on the poor. Both representative and direct democracy are subject to the same constitutions and constitutional courts, and both are equally subject to judicial review. Both forms of democratic decision-making can lead to unjust outcomes, and courts are responsible for protecting minority rights regardless of the form of decision-making originally used (Center for Responsive Government 1992).

Focusing on the local recalls in Central Europe, the key question to pose is what kind of impact the recall process has for national minorities, particularly the Roma, and other socially excluded communities. Since Slovakia has relatively large Roma and Hungarian minority populations, we will use Slovak cases to begin to answer the question above. Further examples, particularly of ethnically mixed communities are discussed in the following two sections of the chapter.

First, we should reiterate that between 2002-2008, at least 25 referendums on the recall of mayors took place in Slovakia (that compares to 126 recall cases taking place in Poland over the same time period). Recall attempts are most frequent in the rural areas of the Banskobystrický region, particularly in the district Rimavská Sobota, which has a large Hungarian population, and in the Košický region, which has a relatively dense network of Roma communities. Recalls are least common in larger cities and localities close to Bratislava. Many of the municipalities where recalls have taken place are located in areas of the country with higher degrees of social exclusion (Gajdoš 2005), thus suffering from high unemployment, poor public infrastructure and transport accessibility, and low levels of education, human capital, and population density (municipalities with less than 500 residents). One would expect that as mayors fail to sufficiently address (or are somewhat powerless to address) the economic situation of their community, they may face recall attempts from disappointed citizens demanding greater change.

In Slovakia, recall attempts are particularly common in ethnically divided communities i.e. those with large Roma or Hungarian populations, which also tend to be in areas with high levels of social exclusion. One of the most well-known cases concerning Roma took place in 2003 in the village of Richnava, where the population is estimated to be 60% Roma, where Roma unemployment is nearly 100% and where there is not even reliable water or electricity connections. The non-profit Roma Council of Slovakia (*Rada Romù Slovenska*) initiated a petition to recall the mayor for his lack of ability to address the plight of Roma residents. In the January 2004 recall vote, 600 of the 1,090 registered voters turned out, 510 (85%) of whom voted to successfully recall the mayor. While the mayor initially refused to accept the results of the referendum, he had little choice but to do so, after a criminal investigation on him was initiated for his refusal to leave office.⁹ That case emphasizes the role that the legal system plays in enforcing referendum results when they are valid and rejecting them if they are unconstitutional or infringe upon civil rights.

By contrast, in the village of Žehra, which like Richnava has a large Roma community and a history of poverty and ethnic tensions,¹¹¹ the 2004 recall was not initiated by an NGO or local residents, but by the local council, which criticized the mayor for not disclosing enough information about the financial condition of the municipality.¹¹² Despite the problems the council voiced, only 262 of 756 registered voters turned out to vote in the recall.¹¹³ Since recalls initiated by local councils do not involve civic campaigns, it is difficult for local residents to gain sufficient information about them. In similar referendums on the recall of the mayor initiated by local councils, such as in the municipalities of Pohorelá in 2004 or Marianka in 2005, not a single one has been successful in reaching the 50% turnout threshold for binding outcomes.

While these cases are only reflective of the Slovak experience with the recall, they do suggest that it would be incorrect to automatically assume that the recall process is detrimental to minorities. In the cases above, Roma communities used the recall process as a tool to empower them *vis-a-vis* local governments that were not responsive to their needs. There is no evidence that the recall has been used to further exclude already marginalized minority groups from local politics. While the recall device is not always effective in bringing about a change in municipal leadership, it can be an important mechanism for minority groups themselves to demand that local government reflects the needs of all of its constituents.

111 SME, "V Žehre po hromadnej bitke vládne napätie a obavy," 26. 8.2003; SME, "Zástupcu starostu obvinili z úžerníctva," 30. 8.2003.

112 Korzár, "Referendum rozhodne, či budú v Žehre nové voľby starostu," 5.6.2004.

113 SME, "Referendum v Žehre je neplatné, starostu neodvolali," 8.6.2004.

Democratic Legitimacy: Using the Recall to Restore the Sanctity of Public Office

Recall campaigns often occur in contexts where residents believe that local government has suffered a major decline in its perceived legitimacy, such as through various scandals and perceived abuses of public office. Since it is often the case that there is insufficient evidence to convict a politician for malfeasance or corrupt behavior, the recall process provides a legally recognized and legitimate way for residents to decide themselves, whether the mandates of elected officials continue to hold the public trust. To illustrate the role of the recall in restoring public legitimacy, we will use two in-depth cases that gained nationwide attention in their respective countries: Piwniczna-Zdrój in Poland, and Vel'ký Meder in Slovakia.

Piwniczna-Zdrój (pop. 10,500) is a Polish mountain spa town near the Slovak border, famous for its mineral water and skiing. While the town was a major ski center in the past, the lack of modern tourist infrastructure and outdated lifts has made it less competitive to more modern ski resorts in southern Poland. The development of a new, modern ski resort on Kiczarz mountain close to the town center was one of the main themes of the November 2006 municipal elections. By promising to develop the Kiczarz ski area and on the basis of her former status as Vice-President for Social Security (ZUS), Joanna Leśniak won the mayoral election by defeating the incumbent mayor, Edward Bogaczyk, in the second round by a 59% to 41% margin.

Half a year after the elections, however, news broke out that Leśniak was being indicted for criminal charges relating to real estate purchases approved by her in 1998 as Vice-President of Social Security. The prices for those purchases were allegedly overestimated by several million of Polish zlotys.¹¹⁴ Two years later, the state attorney investigated Leśniak for lack of public supervision. While the case had been in a district court in Łódź, she did not disclose the issue to Piwniczna-Zdrój residents prior to the 2006 mayoral elections, later insisting that she was innocent of any wrongdoing. Once the news of the criminal investigation broke out, local residents initiated a campaign to recall her from office. The main initiator of the campaign proclaimed that "we have been deceived. Never in our lives would we have supported Leśniak if we had known that she is charged with a crime."¹¹⁵

In addition to the political scandal, the development of the Kiczarz ski area was also in doubt. The previous mayor of the city signed a contract with a de-

114 Gazeta Wyborcza Kraków, "Referendum z Kiczarzem w tle," 22.5.2008.

115 Gazeta Wyborcza Kraków, "Referendum z Kiczarzem w tle," 22.5.2008.

veloper to provide land for the future Kiczar ski area, which also gained the relevant building permits. After the elections, however, that contract was annulled by the local council at the initiative of the new mayor, citing, for example, the need for additional expert assessments about the possibility of landslides and the risks posed to the mineral water under the mountain. According to an interview with one of the campaigners in the recall, the mayor wanted to support another ski resort instead, which would have been further away from the city, and thus less beneficial to it. The mayor was thus in a battle between two competing ski area developments, with many local residents supportive of the Kiczar area that the mayor originally promised.

The campaigners for the recall of the mayor succeeded to collect 1,734 signatures, more than twice the 790 signatures, or 10% of registered voters, that was required by law. One of the people involved in the campaign explained the situation this way:

"Kiczar is a wonderful place, at the centre of Piwniczna, a magnificent mountain and has all necessary conditions for great skiing, such as a terrain sloped to the North. The snow hasn't been melting much and we see a great chance for development for our small town. Second, such investment would boost the local economy, for the private sector as well. More people would come here and we could be better off. That's why we cared. The current mayor promised to accomplish the investment of the ski station, however, after she was elected and appointed, her actions went in the opposite direction – against finishing the ski station project. Further, there was a possibility of getting a grant or subsidy from the European Union but unfortunately she also failed to do it. Thirdly, she lied to us about hiding the criminal action in Łódź against her. She could have told us beforehand, but if she had, I presume she wouldn't have been elected. Therefore, we called for a referendum to recall her from office."

Taking place on May 18, 2008, the recall referendum was successful, with 29.4% of registered voters turning out, the great majority of whom voted in favor of the recall. Regardless of whether the mayor was found guilty or not in the court case against her (she was later acquitted), voters in the recall felt that she deceived them both in the lack of disclosure as well as in going against an electoral promise (the ski resort issue). In the Polish context, the recall device was arguably the only effective mechanism available for residents to restore order to city hall.

Similarly, the case of Veľký Meder in Slovakia can be used to illustrate some of the benefits and limits of the recall process as a tool for dealing with public officials accused of corruption. Veľký Meder lies between Dunajská Streda and Komárno, approximately eight miles from the Hungarian border in western Slovakia. Ethnic Hungarians constitute 85% of the population of 9,113, Slovaks 14%. The city is well known as a tourist destination for its large Thermalpark, which the city developed for about 77 million crowns (about 1.8

million euros) between 2001 and 2003.¹¹⁶ Tourism is in fact the core of the city's economy, employing nearly 1,000 people in a city with an unemployment rate close to 30%.

Given the success of the Thermalpark, the city council wanted to expand its accommodation capacity and agreed to rent a large property next to the thermal bath to a businessperson for a symbolic 1 crown for 50 years, in exchange that the businessperson would develop year-round accommodations for visitors. According to one media report, the developer did not keep the agreement, as he built only a small complex ill-suited for winter use, and never submitted his investment plans to the local council.¹¹⁷ As a result, the city council declared that it intended to cancel the rental agreement with the developer.

According to numerous media accounts of the events, the developer then visited the mayor, Samuel Lojkovič, who "allegedly promised to the renter that everything can be resolved and promised him that he will try to convince the city council to not cancel the contract. In exchange, the mayor requested from the developer the transfer of some properties to his name. In the end, the mayor demanded cash."¹¹⁸ The developer then reported the bribe to the Office of the Fight against Corruption, which then organized a police raid. Acting as an *agent provocateur*, which is possible under Slovak law, the developer met the mayor at a restaurant, where the mayor allegedly accepted a bribe of 300,000 crowns (about 7800 euros). The police arrested the mayor on the spot.

Since the mayor was soon indicted on charges of accepting a bribe, it was fitting that he should no longer function as mayor of the city. The city council therefore voted to call a referendum on the recall of the mayor, which was held in November 2005. Well before the recall took place, in January 2005, the Special Court dealing with corruption-related cases reached the verdict that the mayor was guilty of accepting the bribe and sentenced him to 32 months in prison. The mayor appealed the verdict, insisting that the money was not a bribe but rather the payment of a loan that the developer owed him. The recall thus took place in the context of an appealed criminal offence.

In November, 86% of voters voted in favor of recalling the mayor. However, only 13% of the 7,316 registered voters turned out, which meant that the result was non-binding. It may have been the case that residents thought the recall was pointless, since local elections were set to take place a month later. Turnout could have been low also because the recall was based on the initiative of the local council, which usually has less publicity than initiatives based on a citizens' petition. However, in the Slovak local council and mayoral elections

116 TASR, „Vo Veľkom Mederi vsadili na kúpeľníctvo,“ 10.10.2004.

117 TASR, „Primátora Veľkého Medera obvinili z korupcie,“ 1.4.2005.

118 Pravda, „Svedok oddialil proces s primátorom,“ 26.11.2005.

of December 2006, Lojkovič was surprisingly re-elected as mayor, receiving a plurality 37% of the vote. He did not serve much of that term, since in February 2007, the High Court confirmed the guilty verdict, thus sending him to 32 months in jail and annulling his mayoral mandate.

The cases of Piwniczna-Zdrój and Veľký Meder raise several important issues regarding the potential of the recall process as a tool for restoring legitimacy to public office. First, legitimacy is very much *perceived*: what matter is whether local residents perceive an abuse of power, not how it is decided in courts. Ironically, in Piwniczna-Zdrój, the recalled mayor was later found to be acquitted of any wrongdoing concerning the property sales, whereas the mayor of Veľký Meder survived the recall vote (even securing re-election) despite being convicted of bribery.

Both cases involved controversies relating to major developments that were of vital interest to the local tourist economy, and both cases involved relatively blatant violations of public trust. Both towns are of similar size, and both are located in marginalized border areas. Despite these similarities, the opposite outcomes of the two recalls could have been due to different institutional features. The recall campaign in Piwniczna-Zdrój was organized by a local entrepreneur and seemed to have received substantial publicity; the recall in Veľký Meder was decided by the local council without prior initiative of local residents. In terms of the turnout quorum, while the recall in Piwniczna-Zdrój was valid under Polish law, it would have been invalid under the 50% quorum rule required for Veľký Meder and other Slovak municipalities. The recall in Piwniczna-Zdrój took place in the middle of the electoral term, whereas in Veľký Meder it took place just before the mayoral election, which could have influenced turnout. The mayor of Veľký Meder also could have lost the subsequent mayoral election had Slovak law required an absolute majority via a second run-off election, as is the case in Polish mayoral contests.

The two contrasting cases illustrate the importance of the recall process when local government faces a crisis of legitimacy. But since legitimacy is itself perceived, residents may not always vote in ways consistent with court rulings, established facts, or other judgments from the outside. Differing institutional contexts can also shape residents' behavior in the recall process. This does not mean that the recall is not a useful tool for restoring public legitimacy, but it does suggest that recall outcomes and whether public legitimacy is indeed in crisis depend very much on local conditions and context.

Effectiveness: Using the Recall to Achieve Policies in the Public Good

Another important tool for evaluating participatory institutions is their effectiveness in achieving policies that are seen as reflecting the common good. Though the recall process involves decision-making about an elected official rather than a public policy, controversies about public policies are often in the background (and motivate) recall campaigns. The recall process can be an effective tool for decision-making by helping resolve policy debates in a sharply divided community by holding a 'referendum' on the official most responsible for the policy; it can also be used to oust officials from power who seem to pursue special interests as opposed to collective goals. To illustrate the role of the recall in helping achieve effective policies (or reversing ill-suited ones), we will focus on two case studies, one from the small Slovak village of Čakany, the other from the Polish city of Lopuszno.

Čakany is a small village with only 555 residents in the Trnava region of south-central Slovakia. As with many other Slovak recall cases, the village has a majority ethnic Hungarian population. Ethnic cleavages, however, seemed to have played a minor role in the case, since the main actors involved were all ethnic Hungarian. In the 2006 municipal elections, the incumbent mayor of Čakany, Dezider Kiss (independent), won the election over his closest rival, Lívia Bugárová (also independent), by a slim 127 to 125 margin. The village was under-developed in ways typical for its area, i.e. lacked natural gas, sewage, and a self-sustaining economic base.

The recall campaign in Čakany has its roots in a controversy surrounding the opening of a gravel quarry in the municipality. In March 2005, the local council voted in favor of a 5 hectare quarry, intended to spur local jobs. The investor stated that "water gravel mining will take place for a period of about 17 years and will lead to the creation of two new 5 hectare bodies of water."¹¹⁹ However, later in 2006 the company submitted a second investment plan to enlarge the quarry's operation to 39 years and to create an additional 23 hectare body of water.¹²⁰ The two investments would thus lead to water pools 33 hectares large, whereas the local council only approved of the roughly 10 acre quarry. According to one politician interviewed, during a public hearing in late

[119] EIA documentation of the development project "Čakany: Water gravel mining in a mineral quarry" by the GRAVEL Land Company. The documentation is available online at <http://eia.enviroportal.sk/detail/cakany:-vodna-tazba-strkopieskov-na-lozisku-nevyradeného-nerastu> (accessed 1.9.2008).

[120] Ibid.

2006 in which about 100 local citizens attended, the mayor was not able to explain the change in the size of the quarry. The project was also criticized by local residents because the quarry would probably employ only 7 people and would not provide other benefits to the local government (such as the possibility of profit-sharing). Of course, the quarry would also have significant environmental impacts, such as in terms of transport by large trucks, and risks associated with water contamination. Because the controversy was still not widely known by the December 2006 local elections, the mayor was re-elected, though narrowly, to his fourth consecutive term in office.

In March 2007, only three months after the elections, local residents submitted a petition signed by 360 people (i.e. the majority of the village) and asked the mayor to resign. When he refused to do so, a second petition, with 260 signatures, was then submitted for the purpose of recalling the mayor. According to one local councilor, the mayor refused to call a meeting of the local council (which would vote on the recall) for two months. Council members upset that the mayor "without the knowledge of the local council agreed to the enlargement of the gravel quarry in the municipality"¹²¹ voted in favor of calling the recall referendum, which was held in May 2007. Of the 461 registered voters in the municipality, 369 voted in the recall, with 242 voting in favor. In October 2007, new elections were held, in which Livia Bugárová, who was a critic of the mayor, won with 266 votes, over twice her closest competitor. The new leadership of the village then sought to reverse the decision of the Mining Office (which had previously approved the expanded quarry), which it succeeded to do. The village submitted a complaint at the office of attorney general, which declared the enlargement of the quarry as invalid.

While the issue of concern in Čakany was sustainable local development, in Łopuszno it was the future of local schools. In rural Polish communities the cost of managing preschools, primary and lower secondary schools often reach half of the budget of a municipality, which is responsible for running them. While preschool education is financed through a municipality's own revenues, primary and lower secondary education are financed from a general-purpose grant, called an education subvention, from the central government.¹²² The amount of the subvention is based on the weighted number of students in the municipality. However, Swianiewicz and Herbst (2002) found that municipalities' expenditure on education exceeded the received subvention by 20%,

meaning that local governments were subsidizing schools. Per-student costs in rural communities are 30% higher than in cities because of the small size of schools and classes, which increase the share of fixed costs in total expenditures (an average primary school in a rural community has only 148 students, compared to 540 in cities). When coupled with rural communities' much lower own per capita revenues, these costs create an unsustainable situation for municipal finances and can lead to lower quality of educational instruction (ibid). For many municipalities, the only way out of the problem is to close down schools with too few students and to consolidate schools so that the number of pupils per school and classroom are higher.

The problem of the efficiency of public schools was particularly ominous in Łopuszno, which has seen its enrollment in basic schools decline from 1,344 in 1998 to 717 in 2007.¹²³ The municipality of Łopuszno also encompasses 30 different rural settlements, some of which had their own basic schools. After the November 2006 municipal elections, the mayor and local council of Łopuszno agreed to close down four small rural schools, including a grammar school (Gimnazjum). The 126 pupils of that school were to join the 593 pupils attending another grammar school just several hundred meters away.¹²⁴ According to one local politician interviewed, school closures were necessary because of population decline and projected declines in enrolment, dropping from 1,200 pupils in 2007 in both the basic schools and gymnasia to about 860 pupils in 2012. In his view, "the closed-down schools have been defended but, in most cases, their students are now going to well-equipped and nice schools – who are brought there by school buses with drivers and assistants – and do not want to go back to those old, neglected, and under-equipped schools. For sure, children from Snochovice [a settlement in Łopuszno where a school was closed] would not like that."

However, in addition to those school closings, in February 2008 the local council also agreed to close down 5 additional basic schools in rural settlements, affecting over 200 pupils.¹²⁵ Those school closures, in addition to the four previously announced, would leave only one grammar school and two large basic schools left in the municipality. According to one interviewee, the smaller number of schools would also enable the municipality to cope in spite of the lower subvention levels that it expects to receive in future years.

121 Pravda, "Takmer tridsať starostov už dovládlo," 1.12.2007.

122 Local governments are responsible for managing lower secondary schools (gimnazjum), but not upper secondary schools offering a general instruction (liceum) or vocational schools (technikum, zasadnicza szkoła zawodowa), which are the responsibility of counties [powiaty].

123 According to the educational statistics of the Regional Data bank of the Central Statistical Office of Poland.

124 Data on individual schools in Łopuszno are from the municipality's website at http://www.łopuszno.pl/index.php?option=18&action=articles_show&art_id=341&menu_id (accessed 5.11.08).

125 Gazeta Wyborcza Kielce, "Wójt Łopuszna też likwiduje szkoły," 18.2.2008.

That decision led to public outrage. At the local council meeting in February 2008 where the school closures were announced, a police officer had to maintain order due to the angry comments by roughly 100 parents and teachers present at the meeting.¹²⁶ While the mayor claimed that the municipality wasted 12 million PLZ in additional funding to those schools over the years, parents complained that the mayor thinks only about economics and not the quality of education or about how early children need to get up to go to school. To one participant, "how can we be so heartless? A school is the heart of the village, the most important place. We are making a kilometre of road instead of this?" referring to the mayor's priority of investing more funds in road infrastructure rather than education. Another resident joined that assessment, asking "The well-being of children does not count? A hole in the road is more important than children?" (ibid).

To prevent the school closures, local residents organized a recall campaign, with the recall vote set for May 2008. Despite the controversy, only 19.3% of registered voters in Łopuszno showed up at the polls, making the recall referendum for both the mayor and the local council invalid. A similar recall referendum in the nearby rural gmina of Nowy Korczyn,¹²⁷ which was also provoked by school closures, also had a low turnout (26.9%), making that result invalid as well. School-related referendums in Hungary and the Czech Republic – which have also been provoked by the same types of school closures – have characteristically low turnout, possibly because only a minority of residents (i.e. parents of small children) have an affected interest in the issue (M. Smith 2007).

In Łopuszno, it could have been the case that many local residents supported consolidating the schools, even if they were not active in expressing their views. The educational statistics for the municipality do indicate that the costs of running the schools were getting out of control. Annual primary school expenditures per enrolled pupil quadrupled in the decade up to 2006, reaching over half the municipal budget. By 2006, total basic school enrollment averaged only 14 pupils per classroom. Since the school closures began, educational costs have been reduced to 42% of the municipal budget in 2008, with pupils per classroom increasing to 19.4.¹²⁸

126 Gazeta Wyborcza Kielce, "Protesty na sesji. Radni zlikwidowali pięć szkół." 20.2.2008.

127 Gazeta Wyborcza Kielce, "Podwójne referenda w Łopusznie i Nowym Korczynie," 8.4.2008.

128 Data is from the Regional Statistics Database, available online at the Central Statistical Office of Poland.

The cases of Čakany and Łopuszno, while different in many respects, suggest that the recall process can be a useful tool for reversing local policies that blatantly go against public interests. In Čakany, the politician who supported the expansion of the quarry, but without apparently first consulting the local council or residents, was recalled by an overwhelming majority. The new political leadership, which was critical of the quarry plans, was thus able to act quickly to have the relevant contracts and decisions annulled. In the absence of the recall process, the local community would not have had any other way to effectively bring about policy change.

While the majority of Čakany residents believed that the quarry expansion was not in the public interest, the same can not be said of the school closures in Łopuszno. In that case, the community was likely divided, with reasonable arguments on both side of the debate. While many residents clearly opposed the school closures, it cannot be said that the mayor and local council engaged in gross negligence or mismanagement. They rather based decisions on declining enrollment trends, rising education costs, and too few students per class. The mayor and local council has a different, perhaps equally merited, vision of the public good as did the teachers and parents. Given the complexity of the issue and that the 'public good' was less clear cut, it is not surprising that the recall vote did not achieve sufficient turnout. In that sense, reasonable turnout quorums can play a major role in annulling recall votes that garner less public interest, while also enabling the recall to remain an effective tool for reversing policies going against quite blatant cases of the public good.

Conclusion

This chapter examined the recall process as a democratic innovation that has been enshrined in legislation in two new post-communist democracies, Poland and Slovakia. The chapter sought to overview and evaluate the use of the recall at the local level by examining four key criteria that democratic innovations typically try to achieve: effective participation, inclusive participation, democratic legitimacy, and effective decision-making.

Compared to other participatory devices that are consultative in nature, the recall process can be a powerful tool for effective participation precisely due to its binding outcomes. In the context of the recall, effectiveness can also refer to the likelihood with which citizens can successfully initiate and carry out a recall campaign. That likelihood is very much conditioned by the signature gathering conditions as well as the turnout quorum. While high quorums lead to less effective participation, this should not imply that it would be ideal to have no quorums at all, since quorums can also prevent recalls from being successful if backed by only a small segment of the local population. Quorum design

is also an important consideration, since fixed quorum levels (as in Slovakia) can disadvantage cities, while relative quorum levels (as in Poland) seem to provide a more level playing field for all types of local government.

It is often believed that direct democracy can lead to exclusionary politics, due to perceived lack of safeguards ensuring minority rights. This chapter has argued that such perceptions are out of place, because citizens enjoy the same constitutional protections regardless of the form of political decision-making used. Further, in the countries considered, there is little evidence that the recall process has been used to infringe upon minority rights or interests. Quite on the contrary, the chapter has found that recall use is quite common in Slovak communities that are poor, marginalized and have large minority populations, who often make use of the recall themselves. In such communities, politics can be very personal and problems difficult to solve. While the recall process is hardly the solution to all of a community's ills, it can be an important tool for inclusive participation by providing an additional mechanism for different segments of society to articulate their interests.

The recall process furthers democratic legitimacy in two ways. First, because the recall is legislatively enshrined, it is itself a legitimate mechanism in bringing about political change. In any of the interviews conducted, no respondent questioned the legitimacy of the recall process as a fair and appropriate mechanism of decision-making. Second, the recall process can also help to restore legitimacy to public office in the face of gross violations of moral conduct, such as those evidenced in the Piwniczna-Zdrój and Veľký Meder cases. The outcome of those recalls reminds us that legitimacy is always perceived, and recall outcomes can be substantially conditioned by institutional conditions. Even if the recall can have a positive impact on the public legitimacy of elected officials, it cannot be considered an objective anti-corruption device in its own right.

Lastly, the recall can serve to further effective decision-making by bringing elected officials to account who pursue policies strongly against public interests, as was indicated in the Čakany case. However, in less extreme situations, as was the case in Lopuszno, visions of the public good often depend on one's social position and perceptions of local interests. While there were many other differences between the cases, and it is thus difficult to infer much about them, it seems to be the case that the recall is most effective in helping resolve extreme and highly divisive situations in a transparent, inclusive and legitimate manner.

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Qualities of E-Democracy: Examples from Sweden

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Introduction

One of the themes of this book, the flaws of modern liberal democracy, is a topic that has been approached from very different angles. On a theoretical level, scholars representing different disciplines show great interest in discussing these problems and how they could be minimized. Technological innovations (e.g. Barber 2003; Rheingold 1993; Noveck 2009) are often brought up as one possible solution for strengthening liberal democracy. There is a long history of launching technological remedies for imperfections in prevailing societies. The influence of innovations such as radio and television on political systems is hard to exaggerate. They have created additional ways of linking politicians to their voters, and could increase both the amount of politically relevant information available and the extent of accountability.

It is common to argue that in many ways the most recent technological change is the most paradigmatic one, especially because of its potential to be inclusive and far-reaching. As Castells (2001, p.2) puts it: 'The Internet is a communication medium that allows, for the first time, the communication of many to many, in chosen time, on a global scale.' In just a few decades, information and communication technologies (ICTs) have dramatically changed the conditions for society in general and its political aspects, too. New concepts have been created using the prefix *e*, meaning electronic, and by combining this with political keywords such as democracy, participation and government additional applications of political processes as well as new fields of research have been created.

From a political perspective, the introduction of ICTs has resulted in many new questions and concepts. What will the future effects be of a liberal democracy that is embedded in a new technological landscape? How does this technology affect political processes or the administration of the political systems? Can e-democracy be regarded as a democratic innovation? This chapter specifically focuses on what the qualities of e-democracy could consist of and how these qualities could affect the political dimension of society. To examine this issue, e-democracy will be studied from a broad theoretical perspective, although the empirical context will be Swedish throughout. It is possible to understand the character of e-democracy by studying how Swedish municipalities work with it. In addition, analyzing material from a Swedish survey about the population's internet habits makes it possible to study variation in individuals'