

Referendums and Representative Democracy

Responsiveness, accountability and
deliberation

Edited by

Maija Setälä and Theo Schiller



Routledge/ECPR Studies in European Political Science

Referendums and Representative Democracy

This volume analyses how the use of referendums affects the central functions and characteristics of representative democracy. It provides a balanced account of the interaction between referendums and representative institutions and actors, seeking to evaluate whether referendums supplement or undermine representative democracy. Considering both normative and empirical questions, the volume also examines the particular circumstances under which referendums strengthen or weaken representative democracy.

Providing a variety of theoretical and methodological approaches used in the study of referendums, this book is divided into three parts: 'Referendums and the models of democracy', 'The demand for referendums: party ideologies and strategies', and 'Referendum campaigns and voter behaviour'. It features case studies on Ireland, Israel, Canada, California, Italy, Liechtenstein, Switzerland, the Nordic countries, the Netherlands, Spain and the EU Constitutional Treaty. In addition to system-level evaluations of referendums, and studies on the ideological attitudes of political actors and the strategic use of referendums, the volume provides analyses of referendum campaigns and voters' choices in referendums. Covering referendums on European integration, the book also demonstrates how supranational governance gives rise to the demand of referendums.

This volume will be of interest to students and scholars of political science, political theory, comparative politics, and European studies.

Maija Setälä is an Academy Research Fellow at the University of Turku, Finland. She has studied democratic theory, referendums and deliberative democracy, and has published books and journal articles on these topics. **Theo Schiller** is Emeritus Professor of Political Science at Philipps University Marburg, Germany, and Head of the Centre of Citizen Participation and Direct Democracy. He has published books and articles on direct democracy and German and European politics.

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Contents

| | |
|---|-----------|
| <i>List of illustrations</i> | xi |
| <i>List of contributors</i> | xiv |
| <i>Series editor's preface</i> | xv |
| <i>Acknowledgements</i> | xvii |
| | |
| 1 Introduction | 1 |
| MAIJA SETÄLÄ | |
| | |
| PART I | |
| Referendums and models of democracy | 15 |
| | |
| 2 From people's veto to instrument of elite consensus: the referendum experience in Ireland | 17 |
| BILL KISSANE | |
| | |
| 3 Stabilizing or destabilizing? Direct-democratic instruments in different political systems | 34 |
| WILFRIED MARXER AND ZOLTÁN TIBOR PÁLLINGER | |
| | |
| 4 Ideological positions and the referendum in the Netherlands | 56 |
| ANK MICHELS | |
| | |
| PART II | |
| The demand for referendums: strategies and ideologies | 75 |
| | |
| 5 To structure political conflict: the institutionalization of referendums on European integration in the Nordic countries | 77 |
| NICK SITTER | |

| | | |
|-----------------|--|-----|
| x | <i>Contents</i> | |
| 6 | Elite motives for initiating referendums: avoidance, addition and contradiction | 98 |
| | GIDEON RAHAT | |
| 7 | The surge of referendums and the New Politics approach | 117 |
| | TOR BJØRKLUND | |
| PART III | | |
| | Referendum campaigns and voter behaviour | 137 |
| 8 | Campaign tactics and outcomes in referendums: a comparative analysis | 139 |
| | LAWRENCE LEDUC | |
| 9 | Intense but useless? Public debate and voting factors in two referendums in Spain | 162 |
| | JOAN FONT AND ELISA RODRÍGUEZ | |
| 10 | Checks and balances in Swiss direct democracy | 186 |
| | FRITZ SAGER AND MARC BÜHLMANN | |
| 11 | Conclusions | 207 |
| | THEO SCHILLER | |
| | <i>Index</i> | 220 |

Illustrations

Figures

| | | |
|------|---|-----|
| 5.1 | Pro-EU opinion: share of Danish, Swedish and Finnish voters who regard EU membership as a ‘good thing’, and Norwegian voters who favour EU membership | 82 |
| 6.1 | Motivations for initiating referendums | 102 |
| 8.1 | Public opinion in the Canadian constitutional referendum, August–October 1992 | 146 |
| 8.2 | Public opinion in the French referendum on the EU Constitutional Treaty, December 2004–May 2005 | 148 |
| 8.3 | Public opinion in the Quebec sovereignty referendum, March–October 1995 | 152 |
| 8.4 | Public opinion in the Danish referendum on the euro, March–September 2000 | 153 |
| 8.5 | Net opinion change in twenty referendum campaigns | 155 |
| 9.1 | Levels of information: the European Constitution versus the Catalan Estatut | 166 |
| 9.2 | Evaluations of the Constitutional Treaty: differences between ‘yes’ and ‘no’ voters | 171 |
| 9.3 | Evaluations of the Catalan Estatut: differences between ‘yes’ and ‘no’ voters | 172 |
| 9.4 | Satisfaction with the government and vote in the EU constitution referendum | 172 |
| 9.5 | Satisfaction with the government and vote in the Estatut referendum | 173 |
| 9.6 | Difference between ‘yes’ and ‘no’ vote in the EU referendum by electorates | 173 |
| 9.7 | Difference between the ‘yes’ and the ‘no’ vote in the Estatut referendum by electorates | 174 |
| 10.1 | Gaps between the electoral strength of supporting parties and democratic support at the ballot box for all bills, 1971–2005 | 197 |
| 10.2 | Parties’ electoral success and ballot success, 1971–2005 | 198 |
| 10.3 | Parties’ electoral success and ballot success, 1971–2005, without outliers | 198 |

Tables

| | | |
|------|---|-------|
| 1.1 | Positive and negative scenarios of the impact of referendums on the key elements of representative democracy | 8 |
| 3.1 | Direct-democratic instruments in California, Italy, Liechtenstein and Switzerland | 37 |
| 3.2 | Compatibilities of direct-democratic instruments | 39 |
| 3.3 | Success rates of direct-democratic instruments in California, 1980–2007 | 42 |
| 3.4 | Success rates of direct-democratic instruments in Italy, 1980–2007 | 45 |
| 3.5 | Success rates of direct-democratic instruments in Liechtenstein, 1980–2007 | 47 |
| 3.6 | Success rates of direct-democratic instruments in Switzerland, 1980–2007 | 49 |
| 4.1 | Timeline: the referendum in the Netherlands | 59 |
| 4.2 | Models of democracy: views on participation | 66 |
| 4.3 | Images of democracy | 70 |
| 5.1 | Nordic referendums | 79 |
| 5.2 | Major decisions on European integration: ‘yes’/‘no’ ratio in referendums | 80 |
| 5.3 | Nordic parliamentary (and some ex-parliamentary) parties | 85 |
| 6.1 | Classifications of motives for initiating and supporting referendums | 101 |
| 7.1 | Proportion of Norwegians who had signed a petition during the past four years, 1985–2003 | 123 |
| 7.2 | Support in Norway for local referendums according to party vote | 126 |
| 7.3 | Dalton’s mobilisation typology | 127 |
| 7.4 | Support for local referendums according to Dalton’s typology for mobilisation and some attributes related to the typology | 128 |
| 7.5 | Support for local referendums dependent on various factors | 130 |
| 8.1 | National and significant sub-national referendums in twelve countries, 1986–2006 | 141 |
| 9.1 | Evolution of knowledge about the Constitutional Treaty | 166 |
| 9.2 | Comparative results: referendum versus post-referendum surveys | 167 |
| 9.3 | Contextual characteristics in two referendums | 167 |
| 9.4 | Voting factors in two referendums | 176–7 |
| 9.5 | Voting factors in two groups of voters according to level of information | 178–9 |
| 10.1 | Number of bills by year and by instrument: mean gap and mean absolute gap | 194–5 |
| 10.2 | Most relevant parties and election results | 196 |
| 10.3 | Ballot success of the parties considered | 196 |

| | | |
|------|--|-----|
| 10.4 | Mean gap by direct democratic instrument | 199 |
| 10.5 | Comparison of mean differences between vertical (initiative, rejective referendum, counter-proposal) and horizontal control (mandatory referendum) | 199 |
| 10.6 | Comparison of mean differences between motor bills and non-motor bills | 200 |
| 10.7 | Hypothesis test | 201 |

Contributors

Tor Bjørklund, University of Oslo, Norway

Marc Bühlmann, University of Zurich, Switzerland

Joan Font, CCHS (CSIC), Spain

Bill Kissane, London School of Economics and Political Science, UK

Lawrence LeDuc, University of Toronto, Canada

Wilfried Marxer, Liechtenstein-Institut, Liechtenstein

Ank Michels, Utrecht University, the Netherlands

Zoltán Tibor Pállinger, Liechtenstein-Institut, Liechtenstein

Gideon Rahat, Hebrew University of Jerusalem, Israel

Elisa Rodríguez, , UK

Fritz Sager, University of Bern, Switzerland

Theo Schiller, Philipps University Marburg, Germany

Maija Setälä, University of Turku, Finland

Nick Sitter, Norwegian School of Management, Norway

Series editor's preface

Arguably, one of the first things that come to the mind of many political analysts when thinking about referendums is the repeated blockages of the process of European integration imposed by national publics over the past decade. The rejection of the constitutional treaty through the referendums in the Netherlands and France had probably the most far-reaching consequences. Yet the more recent rejection of the Lisbon Treaty by the Irish referendum and other popular votes on EU membership, and referendums on the introduction of the euro or previous treaty revisions, have all figured prominently in European public debates as well as in academic analyses.

However, these referendums represent only two types of the large and variegated family of referendums in that they were either mandatory or initiated by governments. Both variants are top-down and seek additional legitimacy for policies that have been moulded by political elites in representative institutions. Popular initiatives, on the other hand, are typically the result of some kind of disagreement or even disaffection with the outcome of policy making by such elites and institutions. This does not mean that referendums that result from popular initiatives are necessarily a manifestation of elite-challenging mass behaviour, even though the somewhat growing frequency of the provision for and use of referendums has been associated with the surge of New Politics from the 1970s onwards. On the contrary, referendum campaigns are often heavily influenced by established political actors, including political parties and the large, traditional interest organizations such as trade unions or churches. In many cases, even popular initiatives are largely the result of established parties seeking to mobilize for political goals that they could not achieve through representative channels.

This draws our attention to the central theme of this volume, namely the interrelation between referendums and representative democracy. After all, referendums introduce an additional linkage mechanism into the political process of representative democracy. This is true for all variants of representative democracy regardless of their parliamentary, semi-presidential or presidential nature. To be sure, the use of referendums is most 'alien' to the concept of parliamentary democracy, which in its pure form relies on one single chain of accountability. Nevertheless, referendums are used in such systems, and there are a number of possible effects that can flow from this. Inevitably, the effect on the role of

political parties is of crucial interest here as they are the central actors in parliamentary democracy. Referendums provide parties (or groups of parties) with an additional instrument through which to seek support for some of their causes even though they may never be able to win a majority in a parliamentary election; they can move controversial issues out of the party system, where they would be highly divisive (as some of the referendums on EU membership exemplify); or they can provide additional legitimacy for a decision where it is widely felt that the regular channels provide insufficient legitimacy for fundamental decisions (again, EU membership or treaty revisions are an obvious example). However, political parties are also central players in presidential or semi-presidential systems even though they do not occupy such a central role in generating legitimacy. Still, the effects are not fundamentally different.

In an age where political parties are getting weaker because they are increasingly less representative of coherent social groups, referendums may become an ever more important instrument for making sure that at least the really important decisions reflect the popular will. On the other hand, research also in this volume shows that the often somewhat optimistic expectations concerning the effects of referendum campaigns on the level of public awareness are not always borne out in reality. LeDuc shows, for example, that there is a tendency for the 'no' side to gain strength in the course of a campaign even though it seems that this bias can be avoided by a longer campaign and the provision of more information. It is also interesting to note that, contrary to intuitive expectations, referendums can increase pressures towards consensus-building among established political actors. As Wilfried Marxer and Zoltán Pállinger show in a comparative study of Italy, Liechtenstein, California and Switzerland, direct-democratic procedures create a pressure towards consensus because there is a need to take the positions of potential veto players into account. Hence, as the example of Switzerland shows, the expansion of consensus-oriented mechanisms can lead to a reduction of political transparency – which in turn may lead to a growing number of popular initiatives.

These examples show that there are no easy answers when we want to assess the intricate interplay between representative institutions and referendums. Whether referendums supplement or undermine representative democracy, as Maija Setälä asks in her introductory chapter, depends on a range of institutional factors and also on a nation's traditions and political culture. Clearly, what works well in Switzerland may lead to much less benign outcomes when suddenly introduced elsewhere. It is true that referendums can be a powerful instrument to increase the responsiveness of a political system. However, one should not forget that too much responsiveness may not always be a good thing, and that on certain issues it may be worthwhile to protect elite consensus against too much popular pressure. After all, popular will and populism are not necessarily only semantic sisters.

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Maija Setälä and Theo Schiller

1 Introduction

Maija Setälä

Popular self-government in a modern society?

The core of the idea of democracy is popular self-government exercised among equal and autonomous citizens. This image of democracy originates from the classical Athenian concept. The view of democracy as popular self-government, described for example by Rousseau (1976), is more of a normative ideal than an empirical definition of democracy that could be applied as such in modern political systems. In contrast to Rousseauian democracy, which was exercised in small and homogeneous political units, modern democracy is expected to work in large-scale and complex political systems, which, among other things, makes representation a necessity.

There have been many attempts to translate the normative ideals of democracy to make them fit into modern political systems. One of the most important is Dahl's (1989) definition of democracy. Dahl argues that modern democracy (polyarchy), like classical Athenian democracy, is based on the principle of political equality. Further, he argues that political equality, understood in terms of the idea of the equal intrinsic worth of individuals, requires inclusively defined citizenship and equal opportunities to influence political decision making. It is notable that Dahl required not only that citizens have equal opportunities to express their preferences on political issues, but also that citizens have equal opportunities to influence the political agenda. Moreover, Dahl emphasized the importance of autonomous opinion formation among citizens, and of institutional prerequisites for this, such as freedom of expression and associational autonomy.

Although Dahl (1989: 163–75) discusses extensively the conception of democracy as a rule by a majority, he is not very specific about the processes of preference formation and the translation of popular preferences to public policies (responsiveness). In essence, Dahl claims that the democratic process requires a number of political rights and the use of the majority rule in decision making. The idea of democracy as rule by a majority has, however, been criticized from a variety of points of view. First of all, it has been pointed out that a political system in which policies are based on the will of a majority may not be particularly desirable. Most importantly, liberal theorists have criticized majoritarian

views of democracy on normative grounds, based on the possibility of the tyranny of a majority.

Second, the feasibility of the idea of democracy as popular self-government has been questioned. Schumpeter (1943) famously argued that democracy cannot be interpreted as the rule by a majority because citizens are unable to comprehend the relevant facts, understand the complexities and, consequently, formulate their own opinions on political issues that are not directly linked to their private lives. There are, of course, several theoretical and empirical counter-arguments to Schumpeter's assertion (see Barber 1984; Fishkin 1997; see also the following). The feasibility of majoritarian democracy may, however, be questioned also on other grounds. Social choice theorists (e.g. Riker 1982) have shown that in certain situations the will of a majority may be impossible to define. Social choice theory has highlighted a number of problems related to preference aggregation, and some of these problems appear to be devastating to the very idea of democracy as popular self-government. Indeed, Riker's conclusion was that the idea of popular self-government should be abandoned, and democracy should be interpreted in minimalist terms as a peaceful method of changing political leaders.

There are, however, also alternative interpretations of democracy. Since the 1990s, theories of deliberative democracy have dominated democratic theoretical debate (see, for example, Goodin and Dryzek 2006). According to the theories of deliberative democracy, public discussion based on the mutual justification of political arguments should be regarded as an essential element of democracy. The requirement of deliberative processes seems to help to overcome the central problems of majoritarian democracy. First, democratic deliberation has been regarded as a cure for social choice problems. It has been suggested that deliberative processes which structure individual preferences may provide solutions to the problems of preference aggregation, and thus help to make the idea of popular self-government feasible (Dryzek and List 2003; Bird 2000). Second, democratic deliberation where reasonableness of policy alternatives is weighed could also help to overcome the problem of majority tyranny, and thus provide an answer to the liberal critique of democracy (Cohen 1998). Finally, theories of deliberative democracy provide a more consistent philosophical interpretation of political equality understood as equal intrinsic worth of individuals than theories focusing on political equality in preference aggregation (Beitz 1989). For these reasons, it may be argued that deliberative processes, among either voters or their representatives, are a necessary element of democracy.

The basic elements of democracy, most notably responsiveness and deliberation, may be difficult to achieve simultaneously in complex political systems, and sometimes there appear to be trade-offs between these elements. Increased responsiveness to majority preferences through participatory institutions, such as referendums, may undermine the quality of deliberation, which may be best achieved among the representatives of the whole range of political views and interests prevailing in the society. Indeed, some deliberative democrats have

taken a critical position towards direct democratic participation since it is difficult to reconcile mass participation and deliberation. Richardson (2002), for example, argues that representative institutions are the most important forums for the ‘reasoning about the ends of policies’ that Richardson considers essential for democratic self-government. Gutmann and Thompson (2004: 30–1) argue that representative institutions provide the best conditions for deliberation understood as a reason-giving process guided by such norms as reciprocity and mutual respect.

In representative systems, the accountability of the representatives is necessary in order to maintain a link between public opinion and collective decisions (responsiveness) (see Strøm 2000). In addition to electoral competition, the publicity of decision making is an institutional prerequisite for accountability. Accountability may also be understood in a deliberative sense as a requirement for the representatives to provide public justifications for their policy choices, either at the parliamentary arena or, for example, during electoral campaigns.

Although delegation of decision-making authority is considered a necessity in modern democracies, some scholars have also been concerned about the consequences of representation. Traditionally, participatory democrats have argued that delegation of decision-making power eventually leads to citizens’ alienation from politics and decreased responsibility for collective decisions (Barber 1984). There are concerns that the emphasis on the rationality and consistency of public decisions achieved through deliberation among representatives may undermine the prospect of autonomous opinion formation and deliberation in civil society and, consequently, the link between the public opinion and political decision making.

Indeed, participatory and some deliberative democrats make the same diagnosis of the problems of citizenship in the modern representative systems as Schumpeter made (see, for example, Fishkin 1997): citizens lack competence and a sense of political responsibility. However, views on whether it is necessary or possible to correct this problem differ. The Schumpeterian view simply concludes that we should lower our expectations of democracy and accept the fact that democracy is just a method of changing political leaders. Participatory and deliberative democrats, on the other hand, believe that people may become more competent and responsible if they are allowed to participate in public deliberation and actual decision making.

It is not just participatory and deliberative democrats who have been concerned about citizens’ opportunities to influence public decision making and to hold their representatives accountable. The demands for more participatory forms of democracy have often been motivated by the view that party-based representative democracy is inadequate to channel citizens’ preferences on political issues. In many established Western democracies, people seem to be more and more detached from the institutions and practices of representative democracy. The increasing complexity of modern societies and the need for supranational decision making call for expertise and elite deliberation in policy making. These tendencies have strengthened the influence of experts and bureaucrats in policy

making, and created new structures of governance that have blurred traditional mechanisms of democratic accountability. As a consequence, it appears that these new forms of public decision making undermine democratic legitimacy, and referendums are expected to provide a solution to this problem.

In sum, the weakening of traditional representative democracy has raised demands for new forms of citizen participation, such as referendums and popular initiatives, and various forms of citizens' consultation, including the use of deliberative mini-publics (Fung 2003), where a representative sample of citizens is gathered together to deliberate on policy issues. There are hopes that these kinds of instruments could compensate the loss of democratic accountability – and, consequently, democratic self-government in modern political systems. It is not a surprise that this has been the case also in EU policy making, which is a prime example of a form of governance where the traditional model of representative democracy no longer applies. In particular, as the European experience shows, issues of national sovereignty and transfer of national powers to supranational institutions have frequently given rise to a demand for referendums. Referendums have been used on such issues as membership in the European Union and, recently, on the ratification of treaties in order to legitimize these decisions. Furthermore, deliberative mini-publics have been organized on EU issues in different member states, and recently also at the EU level.

The interaction between referendums and representative democracy

Although widely used, the term 'direct democracy' may be considered misleading because all current democracies require a system of representation, and direct democracy is not a feasible system of government in modern societies. However, 'direct democracy' can be used to refer to procedures that allow citizens to raise issues on the decision-making agenda without the mediation of parliamentary actors (an initiative), or to vote on a particular political issue to be decided (a referendum). Therefore, it is possible to make a distinction between the mediation of people's opinions in decision making through the institutions and organizations of representative democracy on the one hand and through the institutions of direct democracy on the other.¹

Although all referendums have the common feature that citizens have the right to vote on a specific political issue, the concept of referendum refers to a wide range of institutions that give rise to a variety of political interactions. The most important factors in the design of referendum institutions are who initiates the referendum and who defines the issue to be voted upon. Referendums may be based on a constitutional (or other legal) requirement or they may be initiated by certain actors of the representative government, or by a number of citizens. When it comes to the role of the referendum in the political system, the distinction introduced by Gallagher and Uleri (1996) between *decision-controlling* and *decision-promoting* referendums is useful. In decision-promoting referendums, the initiative to hold a referendum is made by the political actor who has put

forward the policy proposal to be voted upon. For this reason, such referendums are typically initiated in order to effect changes in legislation. In decision-controlling referendums, on the other hand, a referendum is not initiated by the proposer of a certain policy, and for this reason these referendums can be understood as a check on a legislative change.

The most clear-cut type of referendum seems to be the mandatory referendum that is pre-regulated by a law, most often the constitution defining the situation in which a referendum is to be called. A mandatory referendum is normally triggered when an adequate actor, typically the government, puts forward a type of policy proposal on which a referendum is required. Mandatory referendums are typically based on a constitutional requirement that a referendum be held on a particular type of issue, often in relation to constitutional amendments or certain international treaties. This kind of procedure seems to represent a relatively neutral 'automatism' well integrated into the institutional structure of representative democracy. Mandatory referendums can be regarded as decision-controlling according to Gallagher's and Uleri's terminology because such referendums create an extra check on the constitutional (or legislative) change. Mandatory referendums on constitutional changes are required, for example, in Ireland and Denmark.

Referendums initiated by governmental authorities, sometimes called *ad hoc* or optional referendums, or government-initiated referendums (Morel 2001), can be initiated by a parliamentary majority, the government or the president. If there are no legally pre-regulated procedures for initiating such referendums, the term 'ad hoc referendum' is used. Referendums initiated by governmental authorities form a heterogeneous category of institutions and practices. When referendums are initiated by a parliamentary majority, governmental parties are usually the key political actors. These types of referendums are typically decision-promoting since they are called by a government which has also put forward the policy proposal to be voted upon. There are, however, cases where the parliamentary majority promoting a referendum has also included opposition parties. In some presidential systems, such as that of France, it is the president who can call a referendum. A referendum of this kind can be used to circumvent parliamentary procedures. Referendums initiated by governmental authorities have been used occasionally in a large number of countries, as will become apparent.²

Referendums based on popular initiatives are a variant of citizen-initiated referendum procedures. In popular initiatives, a pre-defined number of citizens make a proposal which is submitted to a referendum vote. In Switzerland, the initiative leads first to parliamentary negotiations which may end in the withdrawal of an initiative. Popular initiatives are, in Gallagher's and Uleri's terminology, decision-promoting since the organization or popular movement that promotes a referendum also formulates the policy proposal submitted to a referendum.

So-called abrogative and rejective referendums are decision-controlling because they are used as a check on a policy proposal that has already been passed by a parliament. Abrogative referendums are held on laws that have been

enacted, whereas rejective referendums are held on laws passed but not yet in force. Both types of referendums function as *ex post* checks on legislative changes. Abrogative and rejective referendums may be demanded by a number of citizens who sign a popular petition (e.g. in Italy and Switzerland), or they may be initiated by a parliamentary minority (e.g. in Denmark) or some other representative actors, such as regional governments. In all these cases, the demand to hold a referendum comes not from the governing majority, but from opposition parties or organizations outside the parliament that wish to challenge a governmental policy.

In some political systems, several types of referendums are practised, whereas in others only one or two types may be relevant. In the most famous host of direct democracy, Switzerland, the mandatory referendum (on constitutional amendments and major treaties), the popular initiative (on constitutional amendments) and the rejective referendum ('facultative referendum') are all practised at the national level, and there are more forms of direct democracy at the cantonal and municipal level. Nowhere else there is such a variety of instruments of direct democracy, although Uruguay, Liechtenstein and a number of US states come closest. Some political systems combine more than one referendum type, for example those of Denmark, Lithuania, Latvia and Venezuela. Some jurisdictions, such as Ireland and Australia, feature only the mandatory referendum. A citizen-initiated (non-binding) referendum is the only form of referendum in New Zealand, as is the citizen-demanded rejective referendum in Slovenia; and in Italy, activities focus almost completely on the *referendum abrogativo*. Several countries have experienced only occasional referendums initiated by governmental authorities, for example Austria, Canada, Finland, France, Norway, Sweden and the United Kingdom (see IDEA 2008).

There is plenty of empirical research on certain aspects of referendums, most notably on the role of political elites in the use of various types of referendums (see, for example, Smith 1976; Morel 2001) and referendum campaigns and voter behaviour (see, for example, Garry *et al.* 2005; Hobolt 2007; de Vreese 2007). Furthermore, the interaction between direct and representative democracy has been analysed in the contexts of different political systems (see, for example, Gallagher and Uleri 1996) and also from different normative perspectives (Setälä 1999; Mendelsohn and Parkin 2001). The main questions addressed in this book are the following: in what ways can referendums supplement or undermine representative democracy? And could the use of referendums counterbalance the weaknesses of traditional representative democracy?

There are both normative and empirical aspects to the questions addressed in this book, and for this reason it is important first to distinguish the qualities of representative democracy that make it a feasible and, from a normative point of view, a desirable political system. After this, it is possible to point out the institutional procedures and behavioural patterns that are necessary for achieving these qualities, and to study the ways in which the use of referendums influences these procedures and patterns. It is worth pointing out that when one is analysing the interaction between referendums and representative democracy, the context

of a representative system also needs to be understood. There is variation not only in the referendum institutions, but also in the types of representative democracy, for example depending on whether a representative system can be characterized as majoritarian or consensual.

Table 1.1 summarizes the central characteristics of representative democracy, and the impact of referendums on them. The qualities of democracy put forward in the table are based on an ideal of democracy as popular self-government discussed in the previous section. The requirements of responsiveness and public deliberation define the core of the idea of popular self-government. Responsiveness may be achieved through the mechanisms that translate citizens' preferences into political decisions, such as elections and referendums, but the institutions of political agenda setting are also important in this respect. The requirement of public deliberation is based on the view that public decisions should be based on autonomous opinion formation and public deliberation among citizens or their representatives. Accountability and civic virtues are characteristics that are necessary to make the democratic ideals work in the context of a representative system.

As shown in Table 1.1, it is possible to outline 'positive' and 'negative' scenarios of the impacts of referendums on representative democracies. At first sight, referendums seem to be helpful in achieving the ideal of responsiveness of public decision making. For example, the so-called Ostrogorski paradox shows that the risk of misrepresentation of majority preferences is inherent in representative democracy just because each party or candidate represents positions on a number of issues (Nurmi 1997). Referendums could help to achieve the ideal of popular self-government because they can be used to correct misrepresentations of the majority will on individual issues. However, the capacity of referendums to bring about reliable amalgamations of people's preferences can also be questioned. Lacy and Niou (2000) have formally shown that simultaneous referendums on multiple issues may lead to outcomes least preferred by the majority of voters if voters' preferences over issues are non-separable – that is, voters' preferences on one issue depend on a decision made on another issue.

Moreover, another risk with representative decision making is that the representatives do not address the issues that citizens find important. Popular initiatives provide an opportunity to raise such issues on the political agenda. From the perspective of popular self-government, it seems important that the initiative to hold a referendum comes from citizens, because this ensures that referendums are held when the representatives' opinions differ from the public opinion.

When it comes to the ideal of public deliberation, the optimistic scenario is based on the view that referendum campaigns are forums for public deliberation on political issues. Indeed, referendum campaigns may encourage public deliberation on policy alternatives more than electoral campaigns because they are, by their nature, more focused on political issues than on political actors (parties and candidates) and their images. As I have already pointed out, however, the requirement of deliberative policy making may call for the delegation of decision-making powers to the elected representatives, because deliberation

Table 1.1 Positive and negative scenarios of the impact of referendums on the key elements of representative democracy

| <i>Property of democracy</i> | <i>What does it mean?</i> | <i>Positive scenario</i> | <i>Negative scenario</i> | <i>Key empirical questions</i> |
|---|--|---|--|--|
| <i>Effective participation/responsiveness</i> | Democratic decisions should reflect public opinion expressed by citizens or their representatives. Citizens should have opportunities to raise issues on the political agenda. | Referendums register public opinion on issues and thus correct misrepresentations of popular preferences. Popular initiatives help to raise issues on the political agenda. | Referendums lead to arbitrary and inconsistent decisions. Referendums are not held on issues that are salient among the public. | Do referendums decrease the gap between public opinion and decision making? Do referendums increase the inconsistency of decision making? |
| <i>Deliberation</i> | Political preferences should be based on autonomous reflection and deliberation among citizens or their representatives. | Referendums provide opportunities for public deliberation on individual issues. | Referendums are plebiscitary forms of participation that do not enhance deliberation; public debate is biased. Referendums weaken deliberations among the representatives. | To what extent are referendum campaigns deliberative processes? How do referendums affect parliamentary deliberations? |
| <i>Accountability of the representatives</i> | Representatives should be held accountable for their decisions at elections. | Referendums help to hold the representatives accountable on an issue-by-issue basis. | Referendums weaken accountability as they distort parliamentary and electoral procedures. | How do referendums interact with elections and parliamentary procedures? |
| <i>Civic virtues</i> | Democratic participation enhances citizens' competence and the sense of political responsibility. | Referendums encourage citizens to take positions on issues and thus increase their competence and political responsibility. | Referendum voting is based on ignorance, prejudice etc. Referendums lead to polarization of social and political conflicts. | To what extent do citizens form autonomous opinions on the issue? To what extent are opinions based on reflection and public deliberation? |

requires a lot of time and attention. Mark E. Warren (1996; 2002: 688) has argued that political institutions and organizations should be designed in such a way that people have opportunities to challenge the representatives on disputed issues. From this perspective, referendums could be used as supplementary representative systems by activating public debate on contested issues. In particular, referendums initiated by citizens (popular initiatives and citizen-initiated abrogative and rejective referendums) have the potentiality to instigate deliberation on those issues that are contested among the citizens. It is also worth pointing out that the visions of combining public deliberation and direct democracy (see, for example, Barber 1984) may be approximated, for example, by organizing televised deliberative polls during referendum campaigns on the referendum topic.³

The pessimistic scenario highlights a variety of concerns about the capacity of referendums to enhance public deliberation on public decisions. Downs (1957) famously pointed out that in large-scale electorates there is a problem of 'rational ignorance'. As in national elections, so too in referendums an individual voter's likelihood of being decisive with respect to the outcome is typically very close to zero, and for this reason citizens may not have much motivation to invest their time and attention to reflect on and discuss political issues. The deliberative quality of referendum campaigns may also suffer from biases in the access to the forums of public deliberation, most notably the media. Finally, referendums may lead to polarization of political conflicts if people follow only one particular side of the public debate and discuss the issue only with like-minded people (see, for example, Sunstein 2002).

Certain aspects of the design of referendum institutions are also relevant when considering the effects of referendums on public deliberation in representative democracies. First, unlike in parliamentary votes, which are cast in the public eye, secret ballots are used in referendums. Consequently, unlike parliamentarians, voters in referendums do not need to publicly justify their opinions. Second, parliamentary institutions, for example committee systems, are often designed to enhance public deliberation between the representatives of different views and interests. Referendums may distort deliberations among the representatives at these parliamentary forums, especially whenever referendums are used to bypass parliamentary procedures (Setälä 2006.)

The impact of referendums with respect to the accountability of the representatives seems to be ambivalent. According to the optimistic scenario, referendums supplement parliamentary accountability because they allow people to challenge representative decision making on an issue-by-issue basis. In particular, referendums held as *ex post* checks on parliamentary decision making (abrogative and rejective referendums) as well as popular initiatives may provide extra opportunities for citizens to challenge the decisions made and the justifications given by the representatives. However, according to the pessimistic scenario, referendums undermine the accountability of representatives. Referendums initiated by governmental authorities are, in particular, sometimes used to avoid electoral accountability by removing an inconvenient issue from the electoral agenda. Furthermore, these kinds of referendums may weaken accountability understood

in the deliberative sense because the representatives may evade the responsibility of giving public justifications for decisions by going along with the result of a referendum. In sum, when one is analysing the impact of referendums on the accountability of the representatives, the key empirical question seems to be the institutional design of a referendum – most importantly, who initiates it and who sets the agenda.

The fourth democratic ideal, the improvement of civic virtues, refers to the expected ‘side effects’ of democratic participation. Following the arguments by participatory democrats, the positive scenario is based on the view that participation in referendums and referendum campaigns increases voters’ capacity to comprehend political issues and different viewpoints related to them, as well as their sense of political responsibility (Barber 1984). This may be expected to be beneficial also with respect to the working of representative democracy, because competent and responsible citizens are more able to hold their representatives accountable. As was pointed out by J. S. Mill, representative democracy is a political system that requires a certain level of competence on the part of citizens. The development of civic virtues depends, however, on the quality of referendum campaigns and the reasons that voters’ choices are based upon. Contrary to the optimistic scenario, there are also fears that referendum voting can be based on ignorance and prejudice. It has also been suspected that referendums may give rise to adversarial conflicts between political factions rather than deliberative styles of policy making (see Mansbridge 1980; Chambers 2001).

To sum up, the potentiality of referendums to increase democratic virtues hinges largely on the extent to which referendum campaigns enhance inclusive and informed public deliberation on the issue at hand, and, further, on the extent to which voters’ choices are based on this kind of deliberation. It may be argued that referendums instigate public discussion on policy issues, which is a necessary but not a sufficient condition for public deliberation. The question remains whether public discussion gives rise to argument-based votes (Kriesi 2005) and whether it makes citizens more understanding of views and rationales different from their own (Mutz 2006). Institutional design of referendums is also important because it largely determines, first, whether the initiative to hold a referendum on a particular issue comes from the citizens or the representatives, and second, how a referendum interacts with parliamentary procedures.

Outline of this book

The various chapters of this book analyse the interaction between referendums and representative democracy at two levels: at the level of formal democratic institutions and institutionalized actors (parties and politicians), and at the level of ‘civil society’ – that is, voters. The book is divided into three parts, each of which consists of three chapters. Each chapter analyses the interaction between referendums and representative democracy applying different theoretical and empirical approaches. The various chapters provide different perspectives on the key empirical questions put forward in Table 1.1 and highlight the different

characteristics of referendums in the context of different types of representative systems.

Part I analyses direct-democratic institutions in relation to different models of democracy and political systems constituted according to these models. In Chapter 2, Bill Kissane analyses the development of the role of referendums in the Republic of Ireland throughout its history. The focus is on mandatory constitutional referendums, which were originally designed as a safeguard for the republican constitution. More recently, these referendums have been used to manage political conflicts and to legitimize changes necessitated by the European integration.

Wilfried Marxer and Zoltán Tibor Pállinger in Chapter 3 compare direct democracy in consensual systems such as those of Switzerland and Liechtenstein and in majoritarian systems such as those of Italy and California. They analyse how the normative expectations of the functions of direct democratic institutions are matched by actual experience concerning these institutions. Marxer and Pállinger show that changes of elite behaviour and the modes of conflict management explain why instruments that are seemingly incompatible with the 'system logic' do not necessarily undermine the stability of the political system.

Ank Michels then analyses the public debate on referendums in the Netherlands between 2002 and 2005. Michels' chapter (Chapter 4) shows the predominance of the traditional model of representative democracy in the Dutch public debate. Furthermore, the argument that referendums weaken representative democracy comes up time and again in the public debates on referendums. Notably, left and New Left parties – often associated with the new politics approach – tend to be more supportive towards new forms of citizens' direct participation.

Part II deals with the demand for referendums. The chapters in this part of the book show the variety of strategic, institutional and ideological reasons for which referendums are promoted. In Chapter 5, Nick Sitter analyses the use of referendums on the European integration in four Nordic countries. Sitter explains the use of referendums by the fact that issues related to European integration do not follow the main ideological divisions that dominate party competition. He argues further that previous referendums on integration issues have 'locked in' expectations on the use of referendums on EU issues.

Gideon Rahat in Chapter 6 analyses the reasons and motivations for parties' support of the use of ad hoc referendums in the Israeli context. Rahat creates a new taxonomy of these motivations that is more generally applicable to referendums initiated by governmental authorities. Rahat's analysis of the Israeli case shows that the possibility of an ad hoc referendum can be used as a political tactic even though referendums have never materialized.

Tor Bjørklund then analyses the link between New Politics and the support for direct democracy. It has been argued that citizens in advanced democracies have become more skilled politically and increasingly post-materialist in their outlook, and therefore they do not identify with political parties following the traditional left–right dimension. The adherents of New Politics are typically

inclined to single-issue participation, for example in referendums and initiatives. Bjørklund's empirical analysis, based on Norwegian data, shows, however, that potential adherents of New Politics are more sceptical towards referendums than are voters on average.

As is pointed out in Table 1.1, the potentiality of referendums to increase public deliberation and civic virtues depends on the quality of public deliberations preceding the vote. Therefore, the analysis of referendum campaigns and voter behaviour is highly relevant from the normative perspective introduced in this book. Part III of the book deals with voter behaviour and referendum campaigns. Lawrence LeDuc in Chapter 8 analyses the processes by which individual voters deal with information and convert it to an opinion. LeDuc analyses the dynamics of referendum campaigns in different cases and points out reasons why the 'no' side has a tendency to gain more support during the course of a campaign. His analysis also shows how 'wrong' issues become debated in referendum campaigns. This has been the case, for example, in several referendums on European integration.

In Chapter 9, Joan Font and Elisa Rodríguez analyse the campaigns of two referendums held in Spain: the referendum on the EU Constitutional Treaty held in 2004 and the Catalan referendum on the regional constitution held in 2005. Font and Rodríguez show that the length and the intensity of referendum campaigns do not necessarily mean better deliberative quality. Also, long and intense referendum campaigns, such as the Catalan one, may revolve around political actors and other issues rather than follow the deliberative ideal and focus on the arguments related to the subject of the vote.

In Chapter 10, Marc Bühlmann and Fritz Sager analyse voters' behaviour in the Swiss federal elections and referendums from 1971 to 2005. Bühlmann and Sager's analysis shows that there is a gap between parties' electoral success and success in popular votes supports. These authors argue that this result supports the view that direct democratic institutions balance the powers of representative institutions. Their analysis suggests that, at least in Switzerland, where referendums are highly institutionalized and frequently used, voters have learned to use referendums as a check on representative institutions.

Notes

- 1 In addition, the institution of a recall has been regarded as a direct democratic institution. On the use of the recall, see, for example, IDEA (2008).
- 2 Some of the referendums initiated by governmental authorities are advisory. When referendums are advisory, they are not formally a part of the decision-making procedure. Yet even advisory referendums have had a strong impact on decision making since there are no occasions in the established democracies in which a parliament has made a decision against the majority opinion immediately following this type of referendum.
- 3 This has already been experienced in some countries (e.g. Uhr 2000; Hansen and Andersen 2003).

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Part I

**Referendums and models of
democracy**

2 From people's veto to instrument of elite consensus

The referendum experience in Ireland

Bill Kissane

The relationship between referendums and democracy has been the subject of many studies, but these have generated few robust generalisations. An obvious problem is the existence of a range of constitutional provisions which reflect different conceptions of the role of referendums in the democratic process. Indeed, within any state the use to which the referendums are put may vary over time and it may be difficult to specify why that procedure was introduced in the first place. Here, focused studies of individual cases may shed some light on the relationship between referendums and representative democracy. In the case of Ireland, despite the existence of a stable democratic order since independence there has been variation both in the understandings of the value of the referendum and in the use to which referendums have been put. This chapter outlines three distinct conceptions of the referendum's role since 1922: as a people's veto on legislation, as a constitutional safeguard and as an instrument of elite consensus. Although the Irish case is usually cited as a classic case of the mandatory constitutional referendum, its role has been multifaceted, at times drifting from the original intent of Ireland's constitution makers.

The referendum as the people's veto

The 1922 constitution was drafted by an expert committee. All three drafts contained provisions for the extensive use of the referendum and the initiative. The constitution made referendums on constitutional amendments mandatory, gave the Parliament the right to initiate referendums on controversial bills, and also allowed a petition of 75,000 voters the right to initiate referendums on legislative proposals and constitutional amendments. A majority of the voters on the register, or two-thirds of votes cast, was necessary for a valid verdict on constitutional amendments, with a bare majority sufficing for ordinary legislation. These provisions reflected a rejection of party government professed by many nationalists of that era. One government minister, Patrick Hogan, wrote to the constitutional committee that the problem for the Swiss was to prevent party government growing up, whereas the Irish problem was to kill something that had already grown out of all proportion (quoted in Kissane 2010). However, the Provisional Government adopted a draft largely uninfluenced by

the Swiss model. The referendum provisions were probably taken from the 1909 constitution of the State of Washington. Its constitution gave the people the power to propose constitutional amendments, to reject laws and to initiate legislation independently of the assembly through both the referendum and the initiative.

Before 1914, the prestige of the Westminster model of representative democracy was waning. The control of parliamentary business by the cabinet, the use of party discipline to stifle independent thinking among MPs and the ability of sectional interests to influence election campaigns meant that ‘party government’ had supplanted ‘parliamentary government’. This concern climaxed in the Lords veto crisis in 1911, when conservatives such as Albert Dicey took a strong interest in reform. The referendum could replace the Lords as a check on the Commons, reduce excessive partisanship and prevent unpopular laws being passed (Qvortrup 2005: 44–62). For radical liberals such as J. A. Hobson, however, the referendum would help educate the voter in the art of self-government (Hobson 1909: 5). Irish nationalists also differed as to how much direct democracy was desirable. James Connolly, a leader of the 1916 Easter Rising, which led to the proclamation of an Irish republic, lamented the fact that the electorate had little control over how their representatives made laws, except through elections, ‘to return other gentlemen under similar conditions and with similar opportunities for evil-doing’ (Connolly 1997: 48). Since the assumption of elections was that the public should influence legislation, others maintained that they should be consulted on ‘every vital measure’, rather than being forced to vote on the totally unconnected items of party manifestos (Kelleher 1908: 136). To Alfred O’Rahilly, the author of draft C of the 1922 constitution, popular sovereignty meant that the people should have *ultimate* control, exercised through the referendum and the initiative (O’Rahilly 1921: 39–56). *Sinn Féin*, the journal of the independence movement, argued that no law made without popular consent could be binding on the people, and that the people should have the right to make proposals on policy, including deciding the forms of government and constitutional procedure best suited to Ireland (*Sinn Féin*, 24 August 1909; 22 June 1907). The 1917 policy of the party Sinn Féin was to secure Ireland’s independence first and then allow the people to choose their own form of government in a referendum.

Dicey had valued the referendum as a ‘people’s veto’ on unpopular legislation. The 1922 constitution gave them a veto on unjust legislation and allowed the public to initiate a referendum on issues being ignored by the parliamentary elite (Tweedy 1923: 19–20). Indeed, the idea that a dispute between the two parliamentary chambers could be resolved by a referendum, which originated in the Lords veto crisis, found its way into both the 1922 and the 1937 Irish constitutions. The veto concept was also linked to the interests of the Anglo-Irish minority, who would be overrepresented in the second parliamentary chamber, the Senate. Creating a power of initiative independent of the government in 1922 clearly made the Irish referendum non-majoritarian in conception. However, Dicey’s belief that the referendum would be used rarely, without the popular

initiative, was rejected by some nationalists, for whom a combination of proportional representation (PR) and frequent referendums could kill off the party system. To Darrell Figgis, chairman of the constitutional committee, the purpose of the referendum was to destroy the power of parties (Figgis 1922). Kevin O'Higgins, Minister of Home Affairs, thought that in a society with a long-standing tradition of alienation from government, frequent referendums would bring people closer to their state (Dáil Debates, 5 October 1922).

The 1922 provisions proved more important in conception than in practice. The Irish Free State had been established by the Anglo-Irish Treaty, signed on 6 December 1921. A civil war was fought over this treaty, and two rival parties, Cumann na nGaedheal and Fianna Fáil, soon emerged from within Sinn Féin. The veto concept might have worked if a united Sinn Féin had been opposed by a series of minorities – the Anglo-Irish, former 'Home Rulers', business groups, and Labour – but after the civil war these groups aligned themselves on one side or other of the divide. The pro-treaty elite's attitude to democracy also changed. In 1911, J. J. Horgan, a pro-treaty intellectual, had published a pamphlet proposing radically new institutions as a means of safeguarding minority rights. In 1933, he derided the 1922 provisions as 'the radically anti-authoritarian postulates of Cromwell's levellers as translated into practice in France and America' (Horgan 1933: 539). On the other side, since the constitution was tied to the treaty, and those against the treaty played no role in the constituent assembly, they rejected its authority. Neither was the constitution ratified by a referendum, as Sinn Féin proposed in 1917. The Fianna Fáil leader, Éamon de Valera, advocated a new constitution.

The logical corollary of the reassertion of party politics was the return of party government. A cabinet constitutional committee established in 1925 had recommended removing the requirements for referendums on constitutional amendments, depriving the Oireachtas (Parliament) of the power to initiate referendums on bills, and leaving the Seanad (the upper house) with the same powers as the British House of Lords. Its May 1926 report noted that referendums were costly; the parties contesting them would be the same as those in a general election; it was difficult to find a clear issue for a referendum; and a defeat of the government might necessitate a general election (Kissane 2010). All presupposed a strongly representative conception of democracy. The report did support the idea of giving Parliament the right to call a referendum on constitutional amendments, but referendums on ordinary legislation were rejected. On the popular initiative, it remarked:

It has been found by experience that if a substantial number of voters require any matter brought before the Dáil [the lower house], this can always be done. The right of petition given in article 40 is consequently unnecessary. Notwithstanding the deletion of the Article it would still be open to the legislature to provide for the initiation of the proposals for laws, or amendments to the constitution, by the people.

(quoted in Kissane 2010)

The pretext for acting on these proposals was Fianna Fáil's attempt to initiate a referendum on the oath to the constitution and the British Crown that was made mandatory on parliamentarians by the 1921 treaty. To this end, Fianna Fáil collected the required 75,000 signatures. Fianna Fáil thought the oath was designed to keep republicans outside the Parliament and there was very little chance that the public would support it in a poll, but the president of the Executive Council, William Cosgrave, objected to the constitution's provisions being used by people 'who did not have the interests of the country at heart' (Kissane 2002: 211). Fianna Fáil had not taken their seats in the Dáil when they presented the petition. Officials warned:

It would be absurd to suggest that after a measure had been carefully considered in this House and in the Senate it should be open to persons who take such a light view of their responsibilities as public representatives as to absent themselves from the discussions of the House, to enjoy the privilege of obstructing the business of the nation by lightheartedly signing their names to a petition, and thus initiating machinery which would hold up important measures for nine months and put the country to the expense of a referendum.

(quoted in Kissane 2010)

The decision to remove the referendum was taken in July 1927, while in May 1928 a further decision was taken to stop Parliament from initiating referendums on constitutional amendments. The second step followed logically from the first: once the initiative had been removed, Fianna Fáil could have used the surviving constitutional provisions to contest its removal in a referendum.

The first amendment was accompanied by legislation forcing Fianna Fáil candidates to promise to take their seats when standing for election. The phrase 'for the immediate preservation of the public peace and safety' accompanied the cabinet decision in 1927 (Kissane 2010). The outcome – Fianna Fáil forced to become the parliamentary opposition – reflected effective leadership on the part of Cosgrave, but the pro-treaty elite also 'subverted the democratic framework adopted in 1922' in order to avoid an embarrassing defeat (Clifford 1987: 53). Indeed, the move to abolish the provisions had begun even before Fianna Fáil was founded in 1926. By 1927, the referendum was no longer seen as a supplement to representative democracy. The constitutional committee remarked:

It would be obviously to the interest of the new Government and of all parties not concerned with purely obstructive tactics to avoid the unnecessary expense and disturbance of a referendum, if it could be reasonably shown that the issues to be decided were substantially those decided by a general election. The passing of a resolution by the Dáil, with the additional safeguard of confirmation by the Seanad, would secure a decision against which there could be no reasonable complaint.

(quoted in Kissane 2010)

Bogdanor suggests that the Irish experience shows that the referendum can only work in societies where there is a consensus on fundamentals (1994: 79). Article 2 of the 1922 constitution had made the treaty, not the constitution, the fundamental law, since it ruled out amendments to the former. On the other hand, the constitution also located sovereignty in the people of Ireland. If the constitution was derived from the people, it could be amended by the people. Thus, in 1928 both sides were defending a higher constitutional principle. Divided polities can often deal with identity issues in their constitutions only by adopting vague language or deliberate ambiguities, or by passing on the responsibility for decisions to later generations (Lerner 2010). Referendums in contrast require a 'yes' or 'no' answer, and reinforce existing decisions as a result. Notably, de Valera refused to resolve the oath issue by referendum in 1933, and used his parliamentary majority to justify removing it. In 1928, his opponents had maintained that the September 1927 election had given them a mandate to remove the referendum (Clifford 1987: 53). The first Irish referendum took place on his new constitution in 1937. It was polarising: 56.5 per cent voted in favour with 43.5 per cent against.

This constitution repealed that of 1922, but retained much of its content. The smaller parties had never accepted that the 1928 amendments were constitutional. In 1934, a committee of civil servants also recommended that any new constitution should be amended only by referendum (Hogan 1997). In 1936, a committee on the Seanad argued that only the second house's power to call a referendum on controversial bills could prevent a party dictatorship and guarantee the rights of minorities. De Valera's task was to retain the minority veto in a constitution expressing the values of the majority. His first draft stuck to the view that referendums on constitutional amendments were desirable. However, his proposals were modified by the secretary of the Department of Justice, John Hearne. De Valera's initial proposal for article 33 was that any bill submitted to referendum would become law if it gained the votes of a majority of the voters on the register; or two-thirds of the voters recorded (as in 1922). This proposal was changed to a majority of the votes and 35 per cent of those on the register for ordinary legislation, and a simple majority for constitutional amendments (Kissane 2010). The small majority that voted in favour of de Valera's constitution in 1937 would not have satisfied de Valera's initial conditions.

The new constitution thus gave the people a veto on all constitutional amendments. Yet the power to word any amendment rested with the government, and the opposition could not initiate referendums on its own constitutional proposals. Neither was the popular initiative restored. The constitution made the use of the initiative on ordinary bills in parliament highly unlikely. Although de Valera initially proposed that a majority of the Seanad should be given the right, with the President's approval, to initiate referendums on bills, these proposals were also watered down, and the Seanad was denied an independent power of initiative (Kissane 2010). That power was jointly given to a majority of the Seanad and four-ninths of the first chamber, but would also need the approval of the President, after a consultation with the Council of State. Article 27.1 gives members of

both houses the right to jointly request the president to decline to sign government bills and call a referendum, on the grounds that the bill contains proposals of such national importance that the will of the people ought to be ascertained. This power is a significant check on the executive, but has never been exercised, mainly because the Taoiseach (prime minister) nominates eleven of the sixty senators. However, the constitution did follow a provision in draft C of the 1922 constitutional committee, since the rejection of any bill by the Supreme Court could allow the President to call a referendum on it.

To de Valera, the constitution fused the concept of popular sovereignty with that of self-determination. Self-determination meant the Irish people's right to 'choose their form of state and the institutions under which they desire to live' and 'the extent of their cooperation with other states or groups of states', and to decide, 'as a court of final appeal', all disputed issues of national or public policy. Every voter who voted in favour of the text would be subscribing his or her name to the proposition that in Ireland the people alone are the 'masters' (Kissane 2007: 225). They were masters at the time of an election, and between elections their mastery was maintained through the President, who could see that 'nothing contrary to the public interest could be passed by a small majority' (Dáil Debates, 11 May 1937). The principle underlying the President's right to refer bills to the people was that the authority of the people's representatives was to be maintained unless the people vetoed the proposal in question in a referendum (Kissane 2007: 225). Thus, the referendum fundamentally modified the representative model of democracy.

During the Home Rule crisis (1885–1914), Irish nationalists had become committed to the view that minority rights were integral to democracy (Biagini 2007). The popular veto concept was consistent with this belief. By 1937, however, party control of the legislative process was so entrenched that any return to pre-war idealism was impossible. The link between the referendum and minority rights was also weakened. The Anglo-Irish minority had declined from 12 per cent of the population in 1911 to 7 per cent in 1926. In the meantime, the state had seen civil war, depression and repeated polarisation, and representative democracy had proved able to overcome these conflicts. Yet a new constitution was still necessary to place the state on a stable footing. The referendum would help strengthen it, but its role would be to check and balance, rather than to promote direct democracy. Therefore, the inter-war period is significant for the failure to convert the concept of the people's veto into a meaningful exercise in direct democracy.

The referendum as a constitutional safeguard

Since the fall of communism, the number of European states that have adopted their constitutions by referendum, and stipulated extraordinary mechanisms for amending them, has increased: 'the mode of the *pouvoir constituant* as exercised at one instance has the capacity to lock the constituent functions of the future to this same level, in the same way as provisions concerning amendments in estab-

lished constitutions' (Suksi 1993: 149). There are two reasons: first, the future amendments, in order to gain the same degree of constitutional legitimacy, have to be enacted through procedures enjoying the same or higher degrees of legitimacy as previous ones (*ibid.*). Second, the stability of any constitution relates to the special constraints that apply to its amendment, and these lend stability to the basic norms of the constitution (Kelsen 1961: 259). In February 1942, the Local Government Department, responsible for holding referendums, outlined a similar logic:

The Constitution is the fundamental law of the State and it is therefore essential that there should be no element of uncertainty with regard to amendments, passed or deemed to have been passed by both Houses of the Oireachtas. If such an amendment was passed and did not proceed to a referendum, the position of the bill proposal would be unstable, and it is considered that some provision should be made by law, within and subject to the Constitution, to deal with that position.

(quoted in Kissane 2010)

The concept of a constitutional safeguard is distinct from that of the people's veto. The 1937 provisions stipulated that the referendum was not to be initiated by the people, and that it was limited to certain bills considered by Parliament to be of fundamental national importance, and only after their assent would the people's views be ascertained. This would happen if the President, after consulting with the Council of State, also gave his or her consent. Yet the houses of Parliament can initiate a referendum only on a bill that has already been passed by both of them, making the process unlikely. If the bill involves a constitutional amendment, it must be expressed as 'an act to amend the constitution'. Voters do not vote on the bill as a whole, but on the proposal to amend the constitution. Each voter receives a ballot paper stating the title of the bill and asking whether or not they approve the proposal. An X is marked in either the 'yes' or the 'no' space on the ballot paper. If at the end of twenty-one days after publication of the result no petition questioning the result has been received by the High Court, the referendum returning officer sends a certificate to the Taoiseach and the President. If the bill has been approved by the people, the President then signs it, and the constitution is amended accordingly.

Since 1937, all twenty-eight Irish referendums have been on constitutional amendments, but before 1970 only four took place. Three failed, but failure may indicate success. After all, the concept of a constitutional safeguard presupposes consensus about the content of the constitution. A republican constitution should provide for 'non-domination', whereby the power of the state is limited both by law and by institutional devices. The rule of law, the dispersal of legal powers, and provisions limiting the legislative power of the majority are essential to this end. Two further requirements are, first, that it should not be easy to change laws that are important from a non-domination point of view; and second, that the more important an amendment, 'the more it should have to pass along a different

route' from ordinary legislation (Pettit 1997: 181). De Valera wanted the powers of the presidency, the judicial protection of rights, and the amendment process to be regulated by 'organic laws', as in North American and French constitutional theory. Such laws could be referred to the people at the initiative of the President, and such laws were 'to regulate any matter as they relate to the exercise of powers of government'. In other words, the referendum was intended to protect the system of government (Kissane 2008).

Not many secularists would regard the 1937 constitution as republican, but Pettit's perspective is still relevant. On 25 March 1966, the Taoiseach, Sean Lemass, declared that since the government was now entrusted with more responsibility for socio-economic progress, some constitutional provisions might be anachronistic. Lemass did not wish to sacrifice, 'for the sake of democratic freedom', anything more 'in the way of efficiency than we have to'. Lemass proposed a less 'costly' and 'cumbersome' method of amendment, when no serious divisions existed, such as requiring extra-ordinary parliamentary majorities (Kissane 2010). An informal constitutional committee met twelve times between 1966 and 1967, and debated changes to the presidency, the electoral system and the Seanad. It noted that the situation created by the Treaty of Rome meant that a more flexible method of constitutional amendment was required. Others objected that this would undermine the sanctity of the constitution, which was the citizens' bulwark between them and the Parliament. The Irish people were 'particularly attached to the idea that the Constitution is a charter which only they can adopt, enact, and give to themselves' (Committee on the Constitution 1967). The referendum could only be removed by a referendum, and the committee's proposals were not put to the people.

Its efficacy as a constitutional safeguard was raised when in 1959 a referendum was held on a proposal to replace the single transferable vote system of proportional representation (PR-STV) with the British electoral system. STV had been prescribed for all elections in the 1937 constitution, but Fianna Fáil became dissatisfied with it. STV, it argued, prevented strong government, empowered vested interests and blurred the popular mandate governments needed for policy change. Supporters pointed out that there had been government stability since 1922, that STV gave minorities fair representation and that change would help to keep Fianna Fáil in power (*Irish Independent*, 22 September 1958). Since 1927, electoral politics had followed a consistent pattern, with the smaller parties lining up with the main opposition party against a dominant government party on crucial issues. The British electoral system would weaken their ability to do so. Change could also give the government an opportunity to gerrymander the constituencies, and the opposition suggested that boundary revision should be entrusted to a commission with public confidence. De Valera quickly conceded one to ensure impartiality, and this was included in the amendment proposal. All the opposition parties nonetheless opposed the amendment, and the government lost by a small majority.

The question as to whether the referendum is a constitutional safeguard or not revolves not so much on when and why referendums are held, but on whether

the government's actions are restricted by them (Qvortrup 2005: 91). Here the coexistence of the mandatory referendum with judicial review is fundamental. Since 1937, there have been over ninety cases of constitutional invalidity in the courts, pertaining to all types of law (Hogan 1998). In 1966, a journalist wrote:

A great thing about the constitution is that our politicians are constantly frustrated and irritated by it – that they must all the time look over their shoulder before imposing new measures to ensure that they are not violating our basic charter in a way liable to be upset in the courts.

(A. Noonan, *Irish Independent*, 13 August 1966)

The PR issue returned when the Supreme Court ruled that the Electoral Amendment Act of 1959 and the existing ratio of population to electoral constituencies were unconstitutional. This made another referendum inevitable. Since the two issues – the electoral system and the population ratio – would be voted on with one ballot paper, the opposition argued that the referendum would be unconstitutional. The Taoiseach, Jack Lynch, stated that the people were the ultimate authority and that their will 'can be expressed in no better way than in a properly constituted referendum' (Kissane 2010). The two sides differed on what provisions could be amended. Fine Gael's John A. Costello objected that the electoral system was 'part of the structure and fabric of the state' and should not be changed (Dáil Debates, 20 March 1968). Lynch made a distinction between those aspects of the electoral law that are essential to the democratic process, such as universal suffrage, and those that admit of variation according to circumstance, such as the electoral system (Kissane 2010). The resulting debate hinged on the virtues of concept of responsible government, with the complication that the opposition claimed that the amendments would lead to gerrymandering. This time the government promised a boundary commission more evenly divided between government and opposition. The whole opposition was ranged against the government, and both amendments failed by a large majority.

The way in which judicial review and the referendum combined to make a constitutional safeguard was also illustrated by the accession to the European Economic Community (EEC) in 1972. In 1962, the government established a legal committee to consider the legal implications of membership. In 1967, it unanimously agreed that the EEC treaties were in conflict with the Irish constitution. Ratification before a referendum would be *ultra vires*, even with the approval of the Oireachtas, since agreement to them involved the exercise of power in a manner incompatible with the constitution. This view was accepted by Lynch. The Irish constitution was drafted just before the war, and international agreements did not *ipso facto* prevail over the constitution, as in some later European constitutions. Second, the constitution conferred governmental power only on designated organs of the state, and an amendment would have to confer upon Community institutions such power so as to prevent legal challenge. Third, the amendment could either be a 'narrow' one relating to the EEC in its present form, or a 'broad' one giving constitutional authority to any future

development in its form. At a meeting with officials on 5 November 1971, it was decided to present a narrow amendment (Kissane 2010). The elite probably did not believe that future treaties would necessitate separate referendums as a result of this decision, as they have done.

The third amendment stated that ‘no provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State which are necessitated by the obligations of membership of the European Union or of the Communities’. The amendment was carried in 1972 by an 80 per cent plus majority. It had been put to the people only after membership terms had already been negotiated. Fine Gael joined Fianna Fáil in supporting it. Both the prospect of judicial review and the prospect of failure in the referendum shaped the elite’s approach to this issue. Labour and Fine Gael had been worried that the inclusion of the term ‘consequent on membership’ in the amendment would be open to abuse and subject to contestation in the courts. Officials warned the Taoiseach that the choice of ‘necessitated by membership’ instead would leave the government even more open to legal challenge. After opting for the latter phrase, Lynch reminded people that after the amendment it would still be up to the Supreme Court to decide what actions were ‘necessitated by membership’. Most areas of domestic law were unaffected by it, and an article-by-article approach in the referendum would be hard to explain to the electorate (Kissane forthcoming). In contrast, parliamentary debate was not an important stage of the process. The accession bill was rushed through both houses in two days and immediately sent to the President for signature. This made a farce ‘of the deliberation which should be given to a change in our fundamental law in a democracy’ (O’Caoimh, quoted in Kissane 2010).

A consequence of the referendum’s role as a constitutional safeguard has been that no major structural changes have been made to the domestic system of government since 1937. The mandatory constitutional referendum has also reinforced the constitution’s status as a higher law, since no amendment has been passed by any other means since 1941. The referendum worked as a safeguard when the parliamentary opposition combined with civil society over an issue, such as PR, to do with minority rights. Indeed, the smaller parties mobilised a much higher share of the vote in 1967 than they had obtained during the preceding general election. Since 1970, with less consensus on the constitution, and more frequent referendums, the referendum’s role as a constitutional safeguard has been weakened. Yet because the political establishment needs to adopt a cooperative approach to amendments to do with EU treaties, since it is crucial that they pass, the concept of a safeguard still matters. As such, the referendum’s role is rooted in an earlier chapter of the state’s history, when a strong constitution emerged from a period of sustained political crisis.

The referendum as an instrument of elite consensus

The rarity of amendments before 1970 suggests that the referendum can work as a constitutional safeguard, and hence supplement representative democracy.

Most issues were decided by parties, but those touching on the people's rights were adjudicated directly. In the campaigns, no clear advantage accrued to incumbents, and civil society proved an arena in which alternative ideas were championed effectively. For the four amendments voted on before 1972, the government's highest vote share was 56.5 per cent. Since accession to the European Community, there have been increasingly frequent referendums: in the 1990s alone, ten took place. The fact that the vast majority – twenty-one out of twenty-nine since 1941 – have passed suggests that the constitution has become easier to change. This reflects a population more willing to embrace a change, but elite consensus has also facilitated this. Indeed, the last four significant amendments have been accompanied by consensus between the largest parties. Referendums produced much conflict in the 1980s, but a preference for a consensual approach, so evident between 1970 and 1972, has resurfaced. Initially they provided an arena in which party competition replicated itself, but in the context of European integration they expose an elite to the vagaries of a procedure with an in-built 'no' bias. Their vulnerability makes them increasingly treat the referendum as an instrument of elite consensus.

Why have so many referendums taken place in recent decades? Initially, Irish society was considerably buffeted by the winds of social change emanating from post-war Europe. The need to evaluate constitutional arrangements in the light of the Northern Ireland conflict (1969–98), the process of European integration, and general secularisation have increased the number and range of amendment proposals. Constitutions are 'external' to the political system in that the things which give them authority – the constitution's place in an independence struggle, their connection with the founding fathers, and the values they express – are outside the political system. Yet constitutions are also 'internal' in that they shape the distribution of power across government institutions (Dearlove 1989: 534). As the Catholic, nationalist and patriarchal values that helped to give the Irish constitution 'external authority' in 1937 have been increasingly challenged, the way the constitution distributes power across institutions has been fundamental to how these value conflicts worked themselves out. This explains the increased importance of the courts, the referendum and the presidency – three interconnected institutions (Bulsara and Kissane forthcoming). Indeed, the history of referendums since 1970 is essentially the story of how the self-definition of nationalist Ireland has changed.

The value of a constitutional safeguard is diminished when consensus about the content of the document is low. Fine Gael, Labour and the Progressive Democrats have all advocated a new constitution at some stage since the 1960s. After 1970, referendums still provided an arena in which party competition played out, but there was a crucial difference. Fianna Fáil, as the party of the constitution, was often not promoting change, and its alliance with the Catholic Church on moral issues proved sufficient to block liberal amendments. While the referendums on PR had allowed minorities fearful of domination protect their rights, religious issues were determined by the views of the moral majority. In 1937, de Valera had enshrined a range of 'God-given rights' that the civil war

could not ‘invade’ (quoted in Kissane 2007: 219), but liberals argued that ‘de Valera’s constitution’ was incompatible with women’s and minorities’ rights. One person’s constitutional safeguard quickly became another’s ‘conservative device’ (Gallagher 1996). Since 1970, however, the liberal argument has prevailed four times in referendums on moral issues, and been clearly defeated twice.

The eruption of violence in Northern Ireland in 1969 concentrated minds on the constitutional changes needed to facilitate Irish unity. The immediate consequence was all-party support for an amendment to article 44, which gave the Catholic Church a special position as the religion of the majority of the population. It was passed in 1970 by an 84 per cent majority, with all-party support and the blessing of the Catholic hierarchy. Other issues were less productive of consensus. In 1967, the informal committee on the constitution had proposed a realistic approach to articles 2 and 3 of the constitution, which constituted a territorial claim to Northern Ireland. No action was taken, and the articles were only changed in 1998 as part of the Belfast peace agreement. In 1974, an all-party committee on the implications of Irish unity received a deputation from Northern Ireland that advocated changes to articles 2 and 3. The all-party committee was told that there needed to be a consensus on the North before a referendum could be held, and a defeat in such a referendum would be worse than the present situation (Kissane 2010). Earlier, the committee had also discussed changes to the religious elements of the preamble to the constitution, giving the English language equal status with Irish, denominational education, and minority representation in the Oireachtas. The committee was unable to reach agreement, however. In a meeting held in August 1974, it was stated that the constitution stood in the way of change, and no suggestion had yet been made on the committee that would command widespread support among the people. Reports of divisions in the press, and opposition from the Fianna Fáil members, forced the committee to drop constitutional issues and focus on areas, such as education, where there might be agreement (Kissane 2010).

In 1983, a Catholic pro-life group, PLAC, managed to persuade the Fianna Fáil government to propose an amendment effectively making abortion unconstitutional. The amendment was opposed by Labour and Fine Gael, but it passed by a large majority. In 1986, a government headed by Fine Gael proposed a removal of the constitutional ban on divorce, but the defeat of the amendment showed that a referendum where the parties were divided was vulnerable to the activities of well-organised pressure groups. Party divisions reappeared when, as a result of the infamous X case, the Supreme Court ruled that abortion could be permissible in Ireland if there was a substantial threat to the life, as opposed to the health, of the mother. This led to another referendum in 1992, when voters accepted amendments guaranteeing freedom of movement and freedom of information, but rejected the government’s attempt to clarify the abortion law (Kissane 2003: 83). An aspect of this referendum was the political parties’ determination to wrest control of the referendum process from the pressure groups, and all-party consensus was secured before a liberalisation of the divorce law

passed, despite the opposition of the Catholic Church, by a tiny majority in 1995. Since then, there have been no referendums on moral issues, with numerous recent examples of the government being reluctant to go down the referendum route on such issues. For example, in 2006 an all-party committee on the family suggested a change to the definition of the family in the constitution. The Taoiseach of the time, Bertie Ahern, believed such a move would be divisive, though he supported a referendum on the rights of children. The experience of polarisation in the 1980s contrasts strongly with the depoliticised climate today. With more voters becoming liberal, there is no longer any advantage in Fianna Fáil remaining identified with conservative social values.

In the period between 1972 and 2008, seven referendums concerned European integration measures. Ratification of treaties requires a referendum if they go beyond measures necessitated by the obligations of EU membership. The need arose out of a challenge to the constitutionality of the government's attempt to pass the Single European Act without a referendum in 1987. The Supreme Court ruled that ratification without one was unconstitutional because it interfered with the government's power to conduct foreign policy and had the effect of altering the essential scope or objectives of the Communities to which the Irish had acceded in 1972 (Hogan and Whyte 2006: 517). In the subsequent referendum, an amendment was approved, as were the Amsterdam, Maastricht and Nice Treaties, and the 1998 Belfast peace agreement. All had strong cross-party support. Smith (1976: 6) distinguishes between controlled versus uncontrolled, and pro-hegemonic versus anti-hegemonic, referendums. Since Irish governments can decide whether to hold referendums or not, when referendums (should) take place and how the amendment will be worded, mandatory referendums are 'semi-controlled', to the extent that judicial constraints do not prevent governments manipulating the process. The decision to hold the referendum on the Amsterdam Treaty on the same day as one on the popular Belfast peace agreement in 1998 is a classic example of the latter. The fact that proposals must first pass through Parliament as bills to amend the constitution also allows parties to establish consensus before going to the people.

Yet the results are not always 'pro-hegemonic' – that is, supportive of the regime. In June 2008, the Lisbon Treaty was rejected by 53.4 per cent of voters despite the fact that the three largest parties supported it. Precisely because the voting is less controllable than in Parliament, referendums constitute an awkward veto point in the legislative process. Major amendment proposals have been defeated seven times since 1937. Yet if the popular veto concept still has life in it, it is not absolute. In the first referendum on the Nice Treaty, the amendment was defeated by 53.9 per cent of the vote, with turnout at just over a third. Weak party campaigning and a feeling that voters could not understand the issues help explain the 'no' vote. Qvortrup and Taffe (2002) suggest a paradox: the economic boom of the 1990s, partially due to EU funds, may have given voters the freedom to experiment, whereas earlier integrationist steps were seen as absolutely necessary during periods of recession. At the following EU summit at Gothenburg, the Irish were told that enlargement and integration would go ahead

anyway, and the government concluded that a second referendum was needed. In this referendum, the 'yes' vote almost doubled, and the 'no' vote remained the same. Turnout increased by 14 percentage points. A more vigorous campaign was the key factor explaining the difference. The Nice case raises the question of the relationship between the referendum and democracy, with the possibility that it may be a case of 'hand in glove'. The referendum process gives a cloak of legitimacy to decisions taken at governmental level, but when it goes against the interests of elites, the real source of authority becomes apparent. In 2006, the government, led by Fianna Fáil, considered a policy paper proposing scrapping referendums for EU treaties. It distanced itself from the proposal before it was really publicised.

Turnout in the seven European referendums has averaged 52 per cent, and the campaigns have a decisive impact on voting behaviour. From a pro-European perspective, the second Nice referendum revealed an underlying support base for European integration distorted by the first campaign. LeDuc (this volume, Chapter 8) argues that referendums on complex constitutional issues have an in-built 'no' bias and are an inaccurate register of public opinion. His thesis applies to the ratification of EU treaties, where Irish voters are given many reasons to reject ratification but there is a lack of an alternative main argument in favour. In such campaigns, voters may vote 'no' just to spite a government, the opposition can accuse the 'establishment' of selling them out on 'holy cow' issues like abortion and divorce, and the complex nature of treaties prevents voters responding to them in conventional ideological terms. The government has to sell a long document thick with administrative and legal language. All these factors surfaced in the referendum on the Lisbon Treaty. Prior to the campaign, the Taoiseach, Bertie Ahern, resigned, partly because he feared attention to financial irregularities in his life would weaken the 'yes' campaign. Opponents raised fears about abortion and neutrality. Crucial constitutional issues – whether the new covenant on civil rights would undermine the supremacy of the Irish Supreme Court, and whether the treaty could make future referendums unnecessary – divided legal experts, and many voters claimed to be uninformed. Sinnott (2001) argues that broad sections of the Irish public have inadequate knowledge of European issues to vote intelligently, but for many the *status quo ante* was preferable to this uncertainty.

The Nice and Lisbon referendums have made it clear that the Irish elite have to take voters' views into account before pushing for further European integration. Yet there is no consensus that these referendums produce the kind of deliberation valued in a democracy. The basic problem was that the implications of the Nice and Lisbon treaties were not clear to voters. This situation was supposedly addressed by the Referendum Act of 1998, which mandated the Referendum Commission to explain the issues to the electorate in a simple and effective way, and a High Court ruling in 1988 which stated that each side should be allocated an equal amount of broadcast time on the state radio and television network, RTE. Yet if vigorous party campaigning is necessary to overcome the 'no' bias in these campaigns, Euro-sceptics could argue that the elite's consensual approach is a

form of 'preference shaping' since the main parties suppress their differences and limit deliberation of the treaties in order not to jeopardise the result. Indeed, the degree of elite consensus may actually encourage the kinds of populist counter-movement that derailed Lisbon and Nice. In response, the larger parties argue that scaremongering is also incompatible with deliberation and charge their opponents with deliberately misrepresenting the content of the treaties. The larger parties' assumption is that only vigorous campaigning can counter apathy and confusion – hence mobilising 'a silent majority' in favour of European integration – but this raises the question of why a separate decision-making procedure is valuable in the first place (Hayward 2002: 121). Referendums only 'supplement' representative democracy when they add something to it.

There are three answers. First, there is a positive relationship between the vulnerability the elite feel and the value placed on responsiveness in a democracy. If the elite know that the public cares strongly about issues such as neutrality, it will represent their concerns at the EU level in advance of treaties being drafted. Thus, the referendum serves as a constitutional safeguard indirectly. Second, since the elites coalesce on these treaties, 'establishment versus anti-establishment' campaigns give civil society organisations a chance to influence voters to a degree not possible in representative elections. This strengthens minorities and enhances the pluralism of the political system. Indeed, advocates of the 'no' vote in 2008, such as conservative Catholics, supporters of military neutrality and defenders of workers' rights, were frequently derided by supporters of Lisbon as being unrepresentative. The 'main' unions, business interests and farming groups, they noted, supported the treaty. In EU referendums in the Nordic region, opponents of integration usually rely on normative appeals – to democracy, sovereignty and welfare, for example – while supporters emphasise the material benefits of integrated Europe. In Ireland, referendums also allow normative discourse to emerge, and underscore the existence of civil society as a sphere with strong symbolic value. This ability to subject the state to an essentially moral critique is an attribute of an autonomous civil society.

Third, and crucially, what referendums, especially with their no bias, do add is legitimacy. Most recent referendums have been on issues – citizenship rights, Church–state relationships, Northern Ireland and European integration – that touch on fundamental questions of self-identity and foreign policy. Like other small European states, the Irish state now employs corporatist decision-making mechanisms on resource allocation issues, and little importance is given to open parliamentary debate. Ideological politics is also weak. Where there is a 'symbolic' aspect to politics is when it comes to changing the ground rules of the system. These are changed most often when the internal or external situation changes drastically, and symbolic forms of politics, such as referendums, become of crucial importance as legitimisers of such changes (Eisenstadt 1985: 48). For example, the large majorities in support of the Belfast Agreement in 1998, North and South, make hard-line claims that it needs to be renegotiated untenable. Given the scale of the changes since 1970, the importance of the legitimacy factor should not be underestimated.

Conclusions

The Irish experiment with the referendum is now seventy years old. In one sense, not much has changed. The view expressed by some members of the 1967 committee that the referendum was a logical extension of the principle of popular sovereignty, and of the people's power to give themselves a constitution, still prevails. Both the report of an expert constitutional review group in 1996 and an all-party Oireachtas committee on the referendum in 2001 expressed satisfaction with it. Yet the increased complexity of government and the strength of judicial review suggest that frequent constitutional referenda are inevitable. The referendum supplements representative democracy best when used rarely, and its role as a constitutional safeguard is distorted when elites use the parliamentary stage to pre-cook the outcome, and when constitutional issues are presented in such a way that the public are uncertain about the ramifications of their vote. Hence, the Irish referendum represents both a check on elite power and an opportunity for the elite to legitimise change.

Indeed, Bertie Ahern's willingness to consider a referendum on the St Andrews 'power-sharing' agreement of February 2006, in order to further lock in recalcitrants into the peace process, suggests that the referendum could acquire a plebiscitary character if used when not constitutionally necessary. Either way, it will be extremely difficult to get the public to vote away their right to reject constitutional changes in a referendum. The attempt to differentiate between fundamental and non-fundamental constitutional changes runs the risk of undermining the authority of the constitution, and was rejected by the constitutional review committee in 1996. Ultimately, the Irish experience of the referendum has been determined by that constitution, and while its norms remain respected, a purely representative system of democracy will not return.

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3 Stabilizing or destabilizing?

Direct-democratic instruments in different political systems

Wilfried Marxer and Zoltán Tibor Pállinger

Introduction

This chapter examines the relationship between direct and representative democracy at a theoretical and empirical level. Using a model that establishes a systematic relationship between direct-democratic instruments and different types of democracy, we examine in particular whether the use of direct-democratic instruments that are in theory incompatible with a particular type of democracy may not, after all, destabilize the representative system. We first present a survey of the functions and intended effects of the direct-democratic instruments. We then examine the relationship between the frequency of use of these instruments and their effects on the overall political system. The theoretical assumptions are compared with actual practice in California, Italy, Liechtenstein and Switzerland.¹ These political systems were selected for both theoretical and practical reasons. From the theoretical point of view, it is especially interesting that they have a very similar set of direct-democratic instruments but differ considerably in terms of the system of government, the concept of sovereignty, the type of democracy and the frequency with which the direct-democratic instruments are used. From a practical point of view, these political systems belong to the group in which direct democracy is most often used on a worldwide scale. Furthermore, data on the use of popular rights in these political systems are readily available.

Theoretical framework

Direct democracy and types of democracy

In recent years, various attempts have been made to clarify the systematic relationship between direct democracy and the various types of democracy (Vatter 2000; Jung 2001). As a first step, our aim is to identify normative principles behind the design of direct-democratic institutions. It is not sufficient, however, merely to identify the normative principles. These have to be elaborated in terms of their functional logic in order for us to be able to make more specific statements about institutions and about the incentives they create for various political actors (institutional implications). The clarification of the design principles and

their institutional implications also lays the ground for the study of the extent to which individual direct-democratic instruments are compatible with various types of democracy.

In order to determine the fundamental normative principles, one must ask the question: what are the most basic decisions that must be taken when designing modern democratic systems? It is necessary to answer two questions. First, how is power to be shared out (*the idea of sovereignty*)? And second, what are to be the 'rules of the game' (*the regulatory system*) within this? The decision on the idea of sovereignty determines whether and to what extent limits – that is, 'checks and balances' – are to be placed on the decision makers in the exercise of democratically legitimated powers of governance. The choice of the regulatory system defines the way conflicts of interest are to be resolved. The two questions require different, and to a certain extent mutually contradictory, answers (Jung 2001).

With respect to the idea of sovereignty, populist and constitutional principles stand in opposition to each other. Where the populist principle aims to maximize popular power and therefore allows no institutional restrictions on the democratically legitimate decision makers (the people or their representatives), the constitutional principle states that all power – even if it is democratically legitimated – must be institutionally restricted in order to prevent tyranny. The primary goal here is to ensure individual liberties – that is, freedom from the tyranny of the majority. Thus, the populist principle requires that decisions taken by the people in referendums are binding (and not subject to any higher authority), whereas the constitutional principle insists that popular decisions should not be final, but may be subject to review by a court (Jung 2001).

In deciding upon the regulatory system, there is a choice between the majority and the consensus principles. According to the majority principle, democratic ideals are best realized when a simple majority rule is used for decisions and electing representatives. The primary aim is to achieve the maximum equality of the vote in line with the principle 'one person, one vote' (Jung 2001). The implication is that popular decisions (referendums) should be initiated by the governing majority rather than by a minority, and decided by simple majority. The consensus principle, on the other hand, derives from the conviction that democratic ideals are best realized by taking into account and representing the widest possible range of views and interests. This assumes that decisions are taken only after a process of negotiation and by common agreement, which means that the majority rule is largely ignored or relativized. The primary aim is the greatest possible inclusiveness and the greatest possible degree of agreement (Lijphart 1984). As a consequence, direct-democratic instruments are compatible with the consensus principle when they have an anti-majoritarian character. This may be the case because referendums are initiated by those representing minority views, because their outcomes are subject to a qualified majority requirement, or because they possess considerable potential for putting a brake on the political decision-making process when minority opinions have not been taken into account.

Clarifying and making the design principles more precise in this way allows us to construct a typology that encompasses four types of democratic systems: (1) populist-majoritarian, (2) populist-consensual, (3) constitutional-majoritarian and (4) constitutional-consensual.

At one end of the spectrum, Switzerland – with its combination of well-developed popular rights and consensual politics – can be clearly assigned to a populist-consensual type of democracy (2). Liechtenstein is more difficult to classify: it is a parliamentary monarchy where power is divided between the Prince and the people, and it has both presidential and parliamentary characteristics. Yet it is clear that Liechtenstein, with its permanent grand coalition and its extensive consultation mechanism that encompasses all major political groups, is an example of a consensus democracy. In contrast to Switzerland, however, popular votes are subject to legal control by the constitutional court and the Prince's veto. Therefore, Liechtenstein can be classified as a constitutional-consensual democracy (4).

California, with its two-party system and competitive structure of interest representation, is a clear-cut example of majoritarian democracy, whereas Italy is more difficult to classify. The political order established after the Second World War broke down at the end of the 1980s and the beginning of the 1990s. The party state, which was characterized by elite cartels and consociational arrangements, was replaced by more a competitive system. The electoral law was repeatedly amended towards a majoritarian system. Today, there are two fiercely competing political blocs. The system is characterized by minimally winning coalitions, and the electoral law awards a bonus to the winning coalition in order to produce stable majorities. Because this transformation of the Italian political system, the establishment of a majoritarian system, occurred during the period that this chapter examines, 1980–2007, we count Italy among the majoritarian systems. At the same time, the judicial checks on politics (and especially on direct democracy) are well developed in both political systems, and they therefore belong to the category of constitutional-majoritarian democracies (3). Finally, it should be mentioned at this point that we were not able to identify a populist-majoritarian democracy (1) that practised direct democracy in a meaningful way.

Now that we have presented this typology, it is necessary to examine the direct-democratic instruments, their functions and their mode of operation, in order to be able to clarify the interrelations between the type of democracy and direct democracy.

Direct-democratic instruments

Direct-democratic instruments focus on direct decision making on substantive issues by those entitled to vote on such issues. One may distinguish between the following basic types of citizens' rights: mandatory referendums, facultative referendums, popular initiatives and ad hoc or optional referendums.²

Parliamentary decisions about laws or the constitution may be subsequently subjected to a popular vote – that is, to a referendum. If a popular vote is pre-

scribed, either by law or in the constitution, we refer to it as a mandatory referendum. If the right to launch such a referendum rests with the voters (or sometimes with other political actors), following the terminology used in Swiss literature this is called a facultative referendum. It is normally necessary to collect a specific minimum number of signatures to launch this kind of referendum. This can happen either before a particular law enters into force (a rejective referendum) or after it has been enacted (an abrogative referendum).

If the right to launch a popular vote does not lie with the active citizenry but is solely within the discretion of an organ of the state, one may talk about an ad hoc or optional referendum (see Chapter 1). This instrument allows the relevant organ of the state to make use of a popular vote for strategic reasons – for example, in political competition with other organs of the state, or as a vote of confidence – and thus as a means of seeking legitimacy for its policies, or a particular policy.

Popular initiatives are direct democratic decision-making processes that are launched not by the authorities, but by the voters, and that introduce citizens' proposals into the legislative or constitutive process. The initiative process is also usually launched through the collection of a fixed number of signatures.

California, Liechtenstein and Switzerland all have both the popular initiative and different types of referendums,³ whereas Italy has only abrogative and rejective referendums. Except in Liechtenstein, ad hoc and optional referendums do not play a major role in the political systems examined. Nonetheless, all these political systems have a well-developed set of direct democratic instruments that are comparable in terms of both content and design (see Table 3.1).

Compatibility

Now that we have introduced the typology of democracy and direct democratic instruments, we can investigate the extent to which individual direct-democratic instruments are compatible with the various types of democracy. However,

Table 3.1 Direct-democratic instruments in California, Italy, Liechtenstein and Switzerland

| | <i>Popular initiative</i> | <i>Mandatory</i> | <i>Rejective</i> | <i>Abrogative</i> | <i>Ad hoc/ optional</i> |
|---------------|---------------------------|------------------|------------------|-------------------|-------------------------|
| California | + | + | + | – | + |
| Italy | – | – | + | + | (+*) |
| Liechtenstein | + | – (+**) | + | – | + |
| Switzerland | + | + | + | + | – |

Notes

+ This type of instrument does exist.

(+)* There are no constitutional provisions for that instrument; it was created on an ad hoc basis for a single use.

(+)** Special case of tax referendum.

– This type of instrument does not exist.

before this can be done, it is necessary to clarify the modus operandi of the separate direct-democratic procedures.

Mandatory referendums are triggered ‘automatically’ by constitutional or legal provisions when the parliament makes a decision on a matter covered by these provisions. As a result, they fall largely under the control of the governing majority. A government or a governing coalition will normally try to pass such a law or amendment only if it is fairly certain that it can win the referendum. However, in certain cases the governing majority can be obliged to call a referendum without having ensured broad popular support for its proposal. Thus, mandatory referendums, in contrast to ad hoc and optional referendums, are not entirely controlled by the governing majority (Smith 1976). Basically, the introduction of obligatory referendums creates additional possibilities for the use of a veto – over and above those possibilities that are already available in the representative system (Tsebelis 2002). These referendums generate pressure for cooperation and force the elites to search for a consensus solution. The wider support base that is created in the process leads to a strengthening of legitimacy for the actions of the state.

Facultative referendums (both rejective and abrogative) are to be seen as ‘anti-hegemonic’ instruments because they are triggered not by the governing majority, but by minorities. The target of rejective and abrogative referendums is the correction of decisions that have already been reached. These types of referendums give ‘outsiders’, who occupy only marginal positions in the official decision-making process, extra opportunities to influence policies (Papadopoulos 2001). It is also important to take into account their indirect effects, quite apart from any direct effect they may achieve: the retroactive correction of parliamentary decisions. The use of the facultative referendum can delay, or even block, the political decision-making process. Even the credible threat of a referendum can prompt the governing majority to meet halfway those opponents who are capable of mounting a referendum and thus avoid a possible stalling of the decision-making process. For this reason, established elites and representatives of special interest groups will try to limit the use of this oppositional instrument.

Popular initiatives have an even more anti-hegemonic character than abrogative and rejective referendums. As an instrument of ‘popular lawmaking’, they are a way of getting new ideas onto the political agenda. Proposals are fed into the decision-making process ‘from outside’, circumventing the established parliamentary channels. The primary aim of the popular initiative is to achieve the direct implementation of a request or demand to the government and parliament. In this sense, it functions as a kind of safety valve in relation to the established decision-making system. Its indirect effect is to bring to the attention of the politicians and institutions issues that they have forgotten or ignored; it serves on the one hand as a kind of pledge ensuring a response from the authorities, and it is also a means of articulating issues and concerns that are not being taken up within the formal political process.

The basic functional features of the direct-democratic instruments can be supplemented by different procedural provisions to raise the validation threshold for

popular votes, thus creating additional pressure on the proponents of the popular vote to reach a broader consensus. Typically, such measures encompass turnout or approval quorums.⁴ There is also the possibility of making the validity of a popular vote dependent on the consent of additional actors – that is, creating additional veto players such as a certain number of member states of a federal state or the head of state, etc.

Following Vatter (2000), the above-mentioned elements can be combined into a classification of direct-democratic instruments that differentiates citizens' rights according to who possesses the right to trigger the instrument and whether the effect of each instrument is pro- or anti-hegemonic. Instruments that are triggered by a majority and are decided by a simple majority of the votes tend to reveal a majoritarian character, whereas instruments that are triggered by a minority and that can be decided only by a qualified majority (minority veto or quorum) tend to show a consensual character. There are also instruments with a mixed character, such as facultative referendums and popular initiatives without a quorum, that are triggered by a minority but nonetheless decided by a simple majority.⁵

Using Vatter's classification, it now becomes possible to answer the question as to whether individual procedures are compatible with the basic design principles of a particular type of democracy. This means that the direct-democratic instruments have to conform to the exigencies of the concept of sovereignty and the regulatory system at the same time. Table 3.2 summarizes what has been presented above and provides an overview of the compatibilities of the direct-democratic instruments that are to be found in California, Italy, Liechtenstein and Switzerland with the various types of democracy.

If one assumes that in a fully conscious constitutive process only those instruments will be introduced which are compatible with the way the system is intended to function (design principles), then one would expect that California and Italy should have only direct-democratic instruments that are compatible

Table 3.2 Compatibilities of direct-democratic instruments

| | <i>Populist principle</i> | <i>Constitutional principle</i> |
|----------------------------|--|--|
| <i>Majority principle</i> | Populist-majoritarian: • mandatory referendum (without quorum) • ad hoc/optional referendum (without quorum) | Constitutional-majoritarian: • mandatory referendum (without quorum) • ad hoc/optional referendum (without quorum) |
| <i>Consensus principle</i> | Populist-consensual: • popular initiative (with or without quorum) • mandatory referendum (with quorum) • facultative referendum (without quorum) | Constitutional-consensual: • facultative referendum (without quorum) • popular initiative (without quorum) |

with the constitutional-majoritarian principle, whereas in Switzerland instruments should conform to the populist-consensual principle and in Liechtenstein to the constitutional-consensual principle.

Direct democracy and the representative system

The adoption of direct-democratic instruments potentially affects all aspects of political life. In recent times, there has been increased debate about introducing direct-democratic instruments as a means of removing functional deficits in representative democracy. Some recent approaches go even further, postulating that direct democracy can actually improve the quality of representation itself by increasing participation (and thus also responsiveness) in the context of representative decision-making processes (Hager 2005). In general, direct democracy has been justified by the argument that it expresses the will of citizens in a purer way than representative democracy and that it provides greater opportunities for participation. Direct-democratic decision making arguably promotes greater contentment and identification with the political system, helps the active citizenry to become better educated and informed, and strengthens social cohesion. This positive view is opposed by some who point to problems that the insertion of what Lijphart (1984) refers to as ‘foreign elements’ into a representative system might cause.

From the very beginning of debate about direct democracy in ancient times, fears have been voiced that this form of government leads to the tyranny of the majority and to inconsistency and instability. In this reading, structural minorities and disparate interests that are unable to organize themselves effectively run the risk of being permanently dominated by the majority. It is argued, moreover, that direct democracy undermines the representative institutions and parties, thus promoting populism and strengthening special interest groups. Doubts are also expressed about the role of the media in direct-democratic processes and about the ability of citizens to make accurate and timely judgements on complex political issues. Some see the often lengthy decision-making processes of direct democracy as a further problem (Möckli 1993).

It would be wrong, however, to make sweeping judgements about the effect of direct-democratic procedures. The effect of these instruments and institutions on the political process is primarily an indirect one: they mark out the available space for political action within the framework of the given preferences and predispositions of the players in the ‘game’ of politics (Abromeit and Stoiber 2006). But this means that political institutions do not produce the same effects in every case; the effects are dependent on the circumstances of each individual case (Altman 2008).

The effectiveness of direct-democratic instruments depends not only on the way they are defined by law, but also on the frequency of their use. First, there are states where direct democracy is an exceptional procedure, where direct-democratic instruments normally mean plebiscites (ad hoc referendums) that are employed on a very infrequent basis, often with years between applications, and

do not have an intrinsic impact on the political system. Second, in other states, by contrast, direct-democratic instruments exist as a constitutionally guaranteed option for decision making and are used regularly, but not necessarily frequently. Direct-democratic instruments represent a complementary procedure to representative democracy and tend to have only a modest influence on the development of the political system. Third, there are countries in which direct democracy is applied as a routine procedure, as popular rights are constitutionally prescribed, have fully developed procedural mechanisms, and form an integral component of the political system. Clearly, it is in such countries that direct democracy has the most profound effect on the political system (Gebhardt 2000).

In reality, only Switzerland qualifies as a full representative of the third type. However, a number of American states – among them especially California – can be assigned to this category. Many other countries, including Italy and Liechtenstein, belong to the second type. France is a classic example of the first type (Gebhardt 2000). In accordance with this ranking, it can be broadly assumed that Switzerland and California have the political systems in which direct democracy has the most marked effect on the political system.

Despite the above-mentioned reservations, it is possible to identify some general patterns of behaviour of the actors involved in direct democracy. Since the political elite have only a limited control of the use of popular rights, they run the risk of having their decisions overturned and changes being made to the political agenda. It is extremely likely, therefore, that the actors involved will do whatever they can to influence the outcome of citizen-initiated referendums in their favour. They thus involve themselves actively in the opinion-forming process: publicizing their own recommendations, running their own campaigns, etc. On the basis of the Swiss example, Papadopoulos (2001) also identifies three main strategies for minimizing the risks from the possible use of citizens' rights: (1) increasing the government majority, (2) preventive negotiations (before the referendum) and (3) concessional negotiations (after the result is known). While the aim of the first two strategies is to prevent the instrument from being used, the third represents an attempt to retain control of the decision-making process triggered by the direct-democratic instrument (*ibid.*).

In the next section, we examine whether the theoretical expectations presented above can be corroborated using the examples of California, Italy, Liechtenstein and Switzerland. To this end, we present a brief analysis of the usage and impact of the range of direct-democratic instruments in these political systems.

The practice of direct democracy

California

Belonging to the constitutional-majoritarian type, California should in theory make use only of direct-democratic instruments that conform to the constitutional

principle and the majoritarian mode of conflict resolution, such as the mandatory referendum and the ad hoc or optional referendum.

The Californian constitution of 1879 introduced mandatory referendums both for changes to the constitution (Legislative Constitutional Amendments) and for state borrowing (Bond Acts). In addition, there was also the provision for an optional referendum (Legislative Statute Amendment). Some three decades later, the Progressive Movement left its mark on the 1911 constitutional revision with the introduction of two forms of popular initiative – the Initiative Constitutional Amendment and the Statutory Initiative for amendments to laws – as well as the (facultative) rejective referendum for amendments to laws, simply known as the ‘Referendum’.⁶ As California follows the constitutional principle, the courts can be asked to rule on the admissibility or validity of popular initiatives both before and after a referendum (Glaser 1997).⁷ The so-called Legislative Initiative Amendment that was introduced in 1946 remedied some ambiguity in the Californian constitution by clearly defining the ways in which the Parliament could take retrospective legislative action in an area that had been previously determined in a popular initiative (Center for Governmental Studies 2008).

Constitutional amendments and state borrowings are subject to a higher approval threshold: they must first be agreed by a two-thirds majority in parliament before being put to referendum to be decided by simple majority. California’s voters had the opportunity to express their views through the ballot box on 362 separate proposals between 1980 and 2007 (Table 3.3). The most frequently used instrument was the Initiative Constitutional Amendment, followed by the mandatory Legislative Constitutional Amendment and the Bond Act. The Statutory Initiative and the Legislative Initiative Amendment played a subordinate role, while the facultative referendum and the voluntary referendum are of little practical significance.

It is striking that, by comparison with Switzerland, the facultative (rejective) referendum has not been widely used. This may be due to the relatively short signature collection period of ninety days and to the fact that the same issues can

Table 3.3 Success rates of direct-democratic instruments in California, 1980–2007

| | <i>Use</i> | | <i>Success rate (%)</i> |
|--------------------------------------|------------------------|------------|-------------------------|
| | <i>Absolute number</i> | <i>(%)</i> | |
| Legislative constitutional amendment | 96 | 26.5 | 70.8 |
| Bond act | 87 | 24.0 | 80.5 |
| Legislative initiative amendment | 11 | 3.0 | 90.9 |
| Initiative constitutional amendment | 129 | 35.6 | 37.8 |
| Statutory initiative | 29 | 8.0 | 48.3 |
| Legislative statute amendment | 2 | 0.6 | 50.0 |
| Referendum | 8 | 2.2 | 12.5 |
| Total | 362 | 99.9 | – |

Source: www.sos.ca.gov/elections/elections_i.htm.

be addressed through the popular initiative, which also enjoys a significantly longer collection period of 150 days. The mandatory referendums (Legislative Constitutional Amendment, Bond Act and Legislative Initiative Amendment) all show a high approval rate, with three out of four of the parliamentary proposals being ratified by the citizens. Since, as noted above, such proposals have already had to surmount high parliamentary hurdles (a two-thirds majority),⁸ it is clear that they enjoy broad support. Such high demands on consensus are untypical of a majoritarian system and suggest a conscious effort to limit conflict and foster integration.

While the mandatory referendums can be classed with the majoritarian instruments, the strongly anti-hegemonical nature of the popular initiative means that they must be assigned to the repertoire of consensus democracies. In particular, owing to its agenda-setting power the popular initiative is the most important direct-democratic instrument in the federal states of the United States (Tolbert and Smith 2006). At first glance, this instrument does not appear to be compatible with the constitutional-majoritarian type of democracy. Indeed, parliamentarians complain with great frequency that the direct-democratic process is out of control, maintaining that it allows 'ordinary citizens' and special interests to exercise an unwarranted level of influence on the legislative process, thus weakening the position of the elected representatives (*ibid.*). In assessing the incompatibility empirically, one should also pay attention to the actual usage of direct-democratic instruments. If one bears in mind that on average only just over five initiatives per year make it to referendum, of which more than 60 per cent are rejected, and if one compares this with the tally of around 1,100 bills enacted each year,⁹ it seems that there are no grounds for arguing that initiatives undermine the representative system.

In reality, the right of initiative complements representation. Beyond the quantitative aspect, the effects of the initiatives on the political process must also be considered. Initiatives are an integral part of the political process, being routinely used by various actors. Initiatives do not serve only as a means of pursuing particular interests. They are also used to mobilize supporters, to influence the political agenda, or to try to prevent other, undesired popular initiatives from succeeding by launching competing initiatives. Being easy to use, popular initiatives are often denounced as instruments for fostering financially powerful special interests (Verhulst and Nijeboer 2007). There are, however, empirical data that support an opposite view. In the period from 1970 to 2000, direct democracy resulted both in a lowering of overall public spending¹⁰ by state and local governments, and in public expenditure being shifted significantly from the state to the local level. There was also a shift in the way funds were raised: proportionately more money was raised from charges for specific public services and less from general taxation. What is striking is that these trends were in line with the wishes of the electorate, as revealed in polls.

This observation supports the view that the initiative actually gives the majority of the population the possibility of protecting itself against those interest groups that tend to have a considerable influence on parliamentary procedure

(Matsusaka 2004). Direct democracy establishes an additional veto point in the political decision-making process, providing another check on those in power. The interests of the citizens are taken more into account and the overall responsiveness of the political system is increased – which ultimately also enhances its stability. In the Californian system of ‘checks and balances’, direct democracy assumes the status of an effective ‘fourth branch of government’ (Center for Governmental Studies 2008).

In assessing the degree of compatibility of direct-democratic instruments with the representative system, it is also necessary to evaluate how they are integrated both legally and politically into the system (i.e. the overall political culture). In California – in line with the constitutional principle – the juridical review of initiatives is very significant: between 1964 and 1990, fourteen of the thirty-five initiatives that had already been approved by referendum were struck down by the courts. In addition, there is considerable room for manoeuvre within the implementation process for adjusting ‘dysfunctional referendum decisions’ to existing policies (Verhulst and Nijeboer 2007). California thus provides an example of the way in which direct-democratic instruments can work in practice even though they are, from a theoretical point of view, incompatible with a particular type of majoritarian representative system.

Italy

Like California, Italy falls into the category of a constitutional-majoritarian system. Thus, its direct-democratic instruments should follow the functional logic of the constitutional principle and the majoritarian mode of conflict resolution; hence, we would expect to find mandatory referendums and ad hoc or optional referendums in Italy.

Although the abolition of the Italian monarchy in 1946 was decided by referendum and the new republican constitution included a provision for referendums, it was not until 1970 that the relevant implementing legislation was passed and the opportunity arose for the direct-democratic instruments to be tried out in practice. Italy has the popular initiative, which allows 50,000 voters (about 0.1 per cent of the electorate) to submit draft legislation to Parliament. The instrument is thus an agenda initiative that Parliament can accept, amend or reject. Italy also has the facultative, rejective constitutional referendum, which can be initiated by 500,000 voters (about 1.0 per cent of the electorate), or by five regional councils, or by 20 per cent of one of the chambers of Parliament when a proposed constitutional amendment has failed to secure the required two-thirds majority in both chambers of Parliament. There is no turnout quorum, and a simple majority of the votes decides the outcome.

The main instrument of direct democracy in Italy, however, is the facultative, abrogative referendum by which 500,000 voters (about 1.0 per cent of the electorate), or five regional councils, can seek the partial or total repeal of a law or laws. For this referendum, a 50 per cent turnout quorum requirement is added to the simple majority rule before the demand for repeal can be implemented. It is

important to note that the abrogative referendum applies not only to laws recently passed, but to all existing laws. This means that they can be challenged at any time. Therefore, policy changes may also be induced by the means of an abrogative referendum. In this aspect, the abrogative referendum may substitute to some extent for the weak popular initiative (Schiller 2002; Uleri 1996). Finally, in 1989 there was also the only advisory ad hoc referendum to date on a question concerning European integration. Because this kind of referendum was not envisioned by the constitution, but held on an ad hoc basis, and its legal character was also unclear, it was termed ‘atypical’ (*referendum atipico*) by Italian political scientists (Barbera and Morrone 2003).

Between 1980 and 2007, there were sixty abrogative referendums in Italy. The constitutional referendum has been used on two occasions so far and the ad hoc (advisory) referendum on only one occasion; the vast majority of referendums are thus aimed at the repeal of existing laws. However, the turnout quorum means that around 60 per cent of referendums are declared void. The abrogative referendums have a success rate of 20 per cent (Table 3.4).

The experience of fascism in Italy led to widespread distrust towards both strong government and the people. As a result, strong emphasis was placed on the principle of representation and on the strengthening of Parliament and of the political parties. As a consequence, tight legislative boundaries were created for the direct-democratic procedures. Most notably, the admissibility of a referendum proposal must be checked and approved by the constitutional court before signature collection for the referendum can begin. On average, almost half of the referendum proposals are declared invalid (Capretti 2001). Besides this, the political class seeks in general to restrict the use of the direct-democratic instruments. The high turnout quorum means that it is relatively easy to derail a referendum initiative simply by organizing a boycott campaign (Uleri 1996).

The frequency of use of the direct democratic instruments varies considerably. There have been eight waves of referendums to date (Barbera and Morrone 2003), in the course of which a wide range of issue areas, such as institutions and state organization, moral and social questions, environment and energy questions, economic and financial questions, and the mass media, have been submitted to popular vote (Uleri 1996). The number of votes per year (between 0 and 12) can be seen as an indicator of the saliency of unresolved political

Table 3.4 Success rates of direct-democratic instruments in Italy, 1980–2007

| | Use (%) | | Success rate (%) |
|-------------------------------------|-----------------|-------|------------------|
| | Absolute number | (%) | |
| Facultative constitution referendum | 2 | 3.2 | 50.0 |
| Advisory referendum | 1 | 1.6 | 100.0 |
| Abrogative referendum | 60 | 95.2 | 20.0 |
| Total | 63 | 100.0 | – |

Source: Marxer and Pállinger (2007), updated by the authors.

conflicts. However, since the beginning of the new century it has become – as a result of the tactics of ‘abstentionism’ (*astensionismo*) – more difficult to reach the participation threshold. This has led some observers to the conclusion that direct democracy in Italy is in crisis (Barbera and Morrone 2003).

Although Italy lacks the initiative instrument in a proper sense, the abrogative referendum has proved to be an effective tool for transformation, in opening up the power structure and facilitating social reform. The abrogative referendum performs not only a veto function, but also, to a limited extent, through intervening indirectly in political agenda setting and by amending laws through cutting off parts of an existing law, a decision-promoting function (Uleri 1996). In situations in which the political elite have been unable to resolve certain fundamentally contentious issues such as divorce, abortion, electoral reform, etc., allowing the people to decide through referendum has freed the political log jam. Although in theory the abrogative facultative referendum appears to be incompatible with the constitutional-majoritarian type of democracy, its restricted applicability has helped to integrate it into the Italian political process, preserving to a large extent the de facto power of the representative organs to shape policies. As an exceptional means of defusing political-social conflicts, it works as a safety valve and thus makes a contribution towards the stability of the overall system.

Liechtenstein

As Liechtenstein falls into the category of constitutional-consensual political systems, its direct-democratic instruments should conform to the constitutional principle and the consensual mode of conflict resolution. Thus, we should expect to find in Liechtenstein the facultative (rejective) referendum and the popular initiative, both without quorum.

Various direct-democratic instruments – popular initiative (and counter-proposal), rejective referendums and optional referendums – were introduced with the new constitution of 1921.¹¹ The popular initiative is not limited to constitutional issues, but also includes the legislative level. In contrast to what is found in Switzerland, a rejective referendum against parliamentary finance decrees¹² was also introduced, in addition to the rejective referendum on new legislation.¹³ In 1992, the rejective referendum on international treaties was introduced, and in the same year a preliminary check on popular initiatives was also introduced to ensure their compatibility both with the constitution and international treaties. This is very much in line with the constitutional principle. In addition, there is a retrospective legal check by the constitutional court, and the Prince can use the right of veto to prevent constitutional and legislative changes from being implemented. In 2003, new direct-democratic instruments were added: the popular initiative for the abolition of the monarchy, the popular initiative for the appointment of judges¹⁴ and the motion of no confidence in the Prince.

Between 1980 and 2007, Liechtenstein’s eligible voters voted on a total of forty-one proposals. Since the introduction of the instruments of direct demo-

cracy, on average one national popular vote has been held each year. In other words, only a vanishingly small proportion of all issues that could potentially be subject to a referendum are in fact voted on. Liechtenstein can thus be classed among those countries in which direct democracy – in line with the constitutional principle – is used as a complementary procedure. In consequence, therefore, the effects on the overall system are less significant than in Switzerland or in California. However, the success rates of the various direct-democratic instruments vary considerably.

The popular initiative is the most frequently used form of direct democracy, followed by the rejective referendum and the optional referendum (Table 3.5). The counter-proposal plays a very minor role (Marxer and Pällinger 2007).

In Liechtenstein, the optional referendum has a high success rate. This instrument is strongly oriented towards consensus. As a rule, only issues that have secured broad support among the political elite and other involved actors after preliminary in-depth consultation are submitted to a popular vote. Although the mechanisms of consultation are just as extensive in Liechtenstein as in its neighbour, the rejective referendum – with a roughly one-third chance of success – tends to express distrust for the authorities' proposals. On the other hand, the chances of success for popular initiatives are much higher in Liechtenstein (31 per cent) than in Switzerland (8 per cent). These tendencies support the expectation that, as complementary procedures, the direct-democratic instruments in Liechtenstein are designed as an emergency brake and as tools for the occasional opposition.

The majority of instruments – that is, the popular initiative, nomination of judges, motion of no confidence in the Prince, the initiative to abolish the monarchy and the facultative referendum without a quorum – are, as is to be expected, compatible with the system of constitutional-consensual democracy. However, there are also popular rights that represent foreign elements in the system of democracy in Liechtenstein. The election of judges in the event of disagreement between the constitutional bodies, as well as the second stage of the process for the abolition of the monarchy, must be classed as populist-majoritarian. In addition, the mandatory referendum without a quorum on tax increases and the optional referendum without a quorum belong to the type of

Table 3.5 Success rates of direct-democratic instruments in Liechtenstein, 1980–2007

| | Use (%) | | Success rate (%) |
|----------------------|-----------------|-------|------------------|
| | Absolute number | (%) | |
| Popular initiative | 17 | 41.4 | 31.2 |
| Counter-proposal | 2 | 4.9 | 50.0 |
| Rejective referendum | 12 | 29.3 | 33.3 |
| Optional referendum | 10 | 24.4 | 70.0 |
| Total | 41 | 100.0 | – |

Source: Marxer and Pällinger (2007), updated by the authors.

constitutional-majoritarian popular rights. There is, finally, also the direct-democratic instrument for the convening and dissolution of the Parliament, which belongs in the populist-consensual category.

Do these incompatible instruments have a destabilising effect on the representative or overall systems? A glance at the constitutional facts makes it possible to give a clear negative answer to this question. The first group of divergent instruments were only introduced in the constitutional revision of 2003 and have so far never been used. Nor has there so far been a direct-democratic request for the convocation or dissolution of Parliament, or for the nomination of a judge. The mandatory referendum on tax rises also has not been used to date. It seems clear that these instruments represent an emergency brake for extreme cases. These instruments' exceptional character means that they have no impact on the actual compatibility of the complete direct-democratic armoury, and no impact on the stability of the system.

Switzerland

Contrary to common belief, the Swiss Confederation has not always been such a champion of direct democracy as it seems to be today. The first constitution, of 1848, relied almost completely on the principles of representative democracy. It contained only two direct-democratic rights: the mandatory constitutional referendum and the popular initiative for a complete revision of the federal constitution. The other popular rights were introduced gradually in a process that took many years. They have to be regarded as concessions that the political elite had to make to opposition forces. Switzerland is nowadays a clear-cut example of a populist-consensual political system that maximizes popular sovereignty and that also has very strong incentives for the consensual resolution of conflicts. According to our typology, Swiss popular rights should encompass the popular initiative (with and without a quorum), the mandatory referendum (with quorum) and the facultative referendum, either rejective or abrogative (without quorum).

Switzerland has an extensive portfolio of direct-democratic instruments. Any change to the constitution, the decision as to whether there should be a total revision of the constitution when Parliament is undecided on the matter, accession to organizations of collective security or to supranational bodies, and federal laws that have been declared urgent but are not covered by the constitution and are to be in force for longer than a year – all are subject to the mandatory referendum. There is also the facultative (rejective and abrogative) referendum,¹⁵ which can be used to challenge legislative decisions. Finally, the voters can seek changes to the federal constitution through the popular initiative. There is no popular legislative initiative at the national level in Switzerland, however. In line with the populist principle, referendum outcomes are binding and cannot be checked or challenged by the courts.

Between 1980 and 2007, 235 issues were voted on in referendums at the national level (Marxer and Pállinger 2007 – updated by the authors). On average, Swiss voters can potentially decide on just less than nine proposals a year. This

places Switzerland at the top of the worldwide referendum league table (Initiative and Referendum Institute 2005). Direct-democratic procedures form a routine part of the political decision-making process. However, it is worth noting that only around 7 per cent of the decisions potentially subject to the facultative referendum (laws and federal rulings) are actually challenged by the citizens (Linder 1998). This figure suggests that the instruments of direct democracy are used within a fundamentally representative context.

There is considerable variation in the frequency of use of citizens' referendums. Overall, there was a general increase in the use of direct-democratic instruments in the period 1980–2007. The popular initiative is the most frequently used instrument. Facultative and mandatory referendums come next, while the counter-proposal is relatively seldom used. Direct democracy opens up low-threshold possibilities for participation. In Switzerland, it takes only 50,000 signatures (about 1 per cent of the eligible voters) to trigger a facultative referendum, and 100,000 signatures (about 2 per cent) for an initiative referendum. Thanks to what is in principle an open structure of participation, the political process has a more diffuse profile (Neidhart 2002). Swiss popular rights are consonant with the populist concept of sovereignty and rate as routine procedures.

Direct democracy subjects the authorities to a permanent check by active citizens. This reduces the importance of the representative organs and of elections, and ensures that politicians take into account the interests of the general public – or, to be more precise, of the interest groups that are capable of organizing themselves. This makes the political system more responsive. It is striking, however, that there are large differences in the success rates of the various direct-democratic instruments (see Table 3.6).

In Switzerland, the instruments of direct democracy produce consensus-oriented effects and thus contribute to the better integration of the major social groups. The double majority requirement of both the mandatory referendum and the popular initiative – approval by a majority of the actual voters and by a majority of the cantons – represents a strong element of protection for minorities. The fact that four-fifths of mandatory referendums are approved despite the high hurdles indicates that there is generally broad support for the proposals.

Table 3.6 Success rates of direct-democratic instruments in Switzerland, 1980–2007

| | <i>Use (%)</i> | | <i>Success rate (%)</i> |
|----------------------|------------------------|------------|-------------------------|
| | <i>Absolute number</i> | <i>(%)</i> | |
| Popular initiative | 88 | 37.4 | 8.0 |
| Counter-proposal | 14 | 6.0 | 50.0 |
| Rejective referendum | 71 | 30.2 | 70.4 |
| Mandatory referendum | 62 | 26.4 | 79.0 |
| Total | 235 | 100.0 | – |

Source: Marxer and Pállinger (2007), updated by the authors.

In order for this to be the case, all the relevant social groups have to be involved in drafting the proposals and sufficient account has to be taken of their interests.

The facultative referendum is an instrument that is relatively easy to use, which makes it an efficient instrument of oppositional forces. Facultative referendums have made a major contribution to the emergence of the Swiss consensus model of politics. The obstruction of political decision making by groups capable of launching a facultative referendum has been prevented by bringing these groups into the process – sometimes co-opted into government and sometimes otherwise taken into account in the parliamentary process (Linder 1998). As the facultative referendum is often used by political outsiders, the pre-parliamentary process has also been expanded. When important measures are being worked on, the cantons, the political parties and all interested circles are brought into the discussions at an early stage.

Although the signature threshold for launching a popular initiative is twice as high as that for the facultative referendum, the former instrument is more frequently used. However, of all the direct-democratic instruments it is the one with the lowest chances of success. The popular initiative functions as a safety valve within the strongly consensus-oriented decision-making system and largely represents an instrument of the opposition. It is also important not to ignore the indirect effects of the popular initiative. It is sometimes used for putting questions on the political agenda, or mobilizing partisan supporters, or as a bargaining chip in negotiations with the Parliament and executive, pressurizing them to present a counter-proposal that includes at least some of the original demands. It frequently happens that the public debate and mobilization of voters related to an initiative lead to the adoption of some elements of the initiative proposal in law even when the proposal as a whole has been rejected in the referendum. On the other hand, the fact that the average annual number of popular initiatives has doubled since the 1970s may suggest that the capacity of the political system to integrate new, particularistic demands – arising from the growing diversity of Swiss society – is actually diminishing (Papadopoulos 2001).

As the most important decisions have to be put to the people in any case, neither elections nor government nor Parliament are as significant as in purely representative systems. Moreover, the political parties are relatively weak, because associations and other groups are not reliant on them as intermediaries to defend and promote their interests, but can intervene directly thanks to the popular rights (Ladner 2006). Getting the relevant interest groups involved at an early stage in the political decision-making process means that politics becomes more informal. Important preliminary agreements are reached in closed-door negotiations rather than publicly in Parliament. It must be said that this creates the risk that interests and groups which cannot easily be organized into effective political forces may indeed be subjected to a kind of permanent tyranny of the majority.

Discussion

California, Italy, Liechtenstein and Switzerland have a long tradition of direct democracy with established rules of play. These political systems possess a set of direct-democratic instruments that are comparable in terms of both content and design (see Table 3.1).

As one would expect, the functional fit of the direct-democratic procedures into the overall political system of all these political systems is assured. They all have pre-check procedures for deciding on the admissibility of initiatives. In Switzerland, however, in accordance with the populist principle the grounds for rejection are relatively narrowly defined, including only contraventions of the international *ius cogens*, and of unity of subject matter. By contrast, and in accordance with the constitutional principle, the powers of validation in California, Italy and Liechtenstein are much broader and extend in particular to conformity with the constitution and with existing international treaties. While in Switzerland minorities are protected by the in-built consensus mechanisms (the double majority and the facultative referendum), limitations on the power of the majority in the other systems are provided for by constitutional arrangements such as the constitutional court, the veto power of the Prince, etc.

It is important to point out that the practical application of the direct-democratic instruments also occurs in conformity with the basic system logic of each type of democracy. The examples of Italy and Liechtenstein are especially illustrative here. In Italy, the abrogative referendum, being a populist- or constitutional-consensual instrument, has been made to fit the (constitutional-majoritarian) system through the extension of possibilities for judicial review and through the strategies of the actors. In Liechtenstein, the special cases of populist-majoritarian and populist-consensual instruments have never been used, and the optional referendum, which is to be categorized as a constitutional-majoritarian instrument, is used only exceptionally, thus having little effect on the stability of the system. Because of the strong position and frequent use of the initiative, California appears to represent a somewhat anomalous case in this respect. In this connection, it may well be that the ‘mechanics of the political process’ – in the sense of the model of the separation of powers – should be given more weight in evaluating compatibility.

Direct-democratic instruments have been far more intensively used in California and Switzerland than in Italy and Liechtenstein. The figures for the frequency of popular votes indicate that in Switzerland the direct-democratic instruments are clearly to be classed as routine procedures that reflect the principle of popular sovereignty. In Italy and Liechtenstein, by contrast, they are clearly complementary procedures that perform – far more than is the case in Switzerland – the function of an emergency brake or a safety valve for the general public in relation to the political elite.

In all these political systems, the direct-democratic procedures have broadly similar effects: the general trend of politics is towards consensus. Also, the members of the established elites try to minimize the risks presented by the

direct-democratic processes. In all these political systems, potential veto players are drawn into the legislative process, either in the context of preliminary consultative mechanisms – with the aim of preventing a possible referendum – or within the parliamentary process itself (e.g. the two-thirds majority requirement for constitutional amendments and Bond Acts). Nonetheless, it is clear that in California and Switzerland the use of direct-democratic procedures has a significant effect on the political decision-making process – much more so than in Italy and Liechtenstein

In Switzerland, facultative (rejective and abrogative) referendums in particular have led to an expansion of consensus-oriented mechanisms of consultation and negotiation. This has, ironically, also led to a reduction in the transparency of political procedures, as the handling of social conflicts and clashes of interest has to some extent been removed from the public arena of Parliament and transferred to the semi-public arena of pre-parliamentary processes. This favours the creation of elite cartels that can potentially steer politics in certain directions – a process over which the public has virtually no control. The facultative referendum can thus be used to protect special interests, favouring a case-by-case, ‘floating’ opposition in contrast to the systematic opposition of the minority parties in Parliament. In this respect, the representative system and the innovative potential of the overall system are weakened.

The growing number of popular initiatives in Switzerland might be an indication that the system is having increasing difficulty in performing its integrative function. In this regard, the effects of direct democracy are ambivalent. It is not possible to determine with complete certainty whether the quite intentional weakening of the representative system in Switzerland will continue to be balanced by stabilizing effects at the overall system level. By contrast, the direct-democratic practices in Italy and in Liechtenstein have not restricted the representative processes of political decision-making, but have complemented them by providing a safety valve. Therefore, they have made a positive contribution to the stability of the overall system. In California, on the one hand, the frequent use of popular rights generates pressure towards consensus (mandatory referendums), thus reducing the intensity of political conflict. On the other hand – and this runs counter to our assumptions – the regular use of citizens’ initiatives does not serve to destabilize the Californian political system, because this instrument has been integrated into the ‘majoritarian-pluralistic’ system of conflict resolution as an additional element of the panoply of political checks and balances – as a kind of ‘fourth branch of government’, as noted above. This implies that in our model the role of popular initiatives in constitutional-majoritarian systems has to be stated more precisely, especially in relation to the frequency of use of this instrument.

It remains finally to note that in all the political systems discussed in this chapter, the instruments of direct democracy influence the strategic considerations of the political elite. The elite react to the institutions by finding ways of reconciling direct democracy with the representative process – either prior to a referendum or during the subsequent stage of implementation. This strategic

model of behaviour also makes a contribution to the stabilization of political systems – at least in established democracies with consensually unified elites (Burton and Higley 1987). This study has enabled us to settle a number of open questions about the relationship between direct and representative democracy. It also makes clear, however, the need for further research, especially in relation to the Californian case. We believe that in terms of future research priorities, the primary need is for further investigation into the determinants of the application and frequency of use of direct democracy. It should be the goal of future research to make it possible to evaluate the potential of direct democracy to reform representative democracies.

Notes

- 1 Though California is not a sovereign state, but a member-state of the federal United States, it is included in the comparison because it is the largest political system in the world (in terms of population) to make routine use of the instruments of direct democracy.
- 2 For definitions of the direct-democratic instruments, see Gallagher and Uleri (1996).
- 3 California and Liechtenstein have only rejective referendums, whereas Switzerland has both rejective and abrogative referendums.
- 4 Participation quorums require in order for the popular vote to be valid that a minimum number of voters participate at the poll. Approval quorums demand that more than a simple majority of the participating voters have to approve the proposition.
- 5 Although the referendum without a quorum is decided by simple majority (majoritarian character), it has (depending on how the qualification criteria – such as the number of signatures required and the time periods allowed for the various stages of the process – are designed) a fairly strong potential to slow down the legislative process. If this instrument is widely used, it can severely impede the political process, causing delays that the majority perceive as undesirable. For this reason, the majority will be concerned to avoid such delays, whenever possible, by trying to meet the demands of the particular minority in such a way as to persuade it not to make use of the facultative referendum without quorum. If, as a result of the above-mentioned potential for delay, one places a higher value on the agenda setting than on the outcome, the facultative referendum without quorum becomes rather consensual in its effects. An analogous argument can also be made for the popular initiative without quorum (Vatter 2000).
- 6 The signature threshold for launching the constitutional initiative is actually 694,354 signatures (8 per cent of the votes cast at the most recent elections for the state governorship), while for the legislative initiative and the facultative referendum it is 433,971 (5 per cent) – representing roughly 3 per cent and 2 per cent respectively of the total electorate.
- 7 Because California is a member-state of the American federal state, the possibilities for judicial review are doubled: referendums can be challenged first at the state and second at the federal level.
- 8 Exception: for a Legislative Initiative Amendment, only a simple parliamentary majority (plus popular approval in the referendum) is required.
- 9 Average for 1998–2007 (source: www.leginfo.ca.gov/cgi-bin/statquery).
- 10 Between 1902 and 1942, however, referendums led to an increase in public expenditure (Matsusaka 2004).
- 11 The signature threshold for launching an initiative or a rejective referendum at the constitutional level is 1,500 voters (about 8 per cent of the electorate), and for the statutory level 1,000 (about 6 per cent).

- 12 There is, however, a special case regarding taxes. If the tax rate is augmented by more than 150 per cent from one year to another, a mandatory referendum has to be held. This has never happened to date.
- 13 There are also some special instruments that aim at guaranteeing the balance of power between the Prince and the people. To check the Prince's right to convene or dissolve the Parliament, the people possess the same competence (which can be exercised via popular initiative).
- 14 If the Prince and the Parliament cannot agree on the election of judges, the candidates will be elected by the people. In this case, the people also have the right to nominate – by popular initiative – other candidates.
- 15 The distinction between rejective and abrogative referendums is not important in the Swiss context. The main type of referendum is rejective. Abrogative referendums are exceptional; they are applied only in cases of urgent legislation that exclude a referendum at the time the bill is passed by Parliament. The bill is either suspended after one year or there is a possibility for an abrogative referendum that substitutes for the – original – rejective referendum.

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4 Ideological positions and the referendum in the Netherlands

Ank Michels

Introduction

Referendums are promoted for various reasons. Parties support referendums for strategic and institutional reasons and motivations (see Sitter and Rahat, this book, Chapters 5 and 6 respectively), but ideological considerations may also play a role in explaining the support for and the use of referendums. This chapter focuses on the fundamental and ideological viewpoints on direct democracy. It analyses the debate on referendums in the Netherlands. The question is, do ideological positions matter? Do the leftist parties differ from right-wing parties in their outlook towards direct democracy? The chapter starts with an outline of the history and the actual situation of the referendum in the Netherlands. In this section, the focus is on two cases: the failure of the introduction of a binding referendum at the national level and the referendum on the EU constitution in 2005.

The chapter then analyses the ongoing referendum debate between the political parties in the Netherlands. Attention is paid to the positions of parties in party manifestos and to the differences in opinions within political parties. It is shown that party ideology is an important factor in explaining the positions in the debate on the referendum. The ideological debate on the referendum is also reflected in the media among opinion makers. An analysis of newspaper articles yields insight into ideological perspectives on direct democracy as well as the main arguments that are used in the debate on referendums.

The referendum in the Netherlands

The referendum has been a political issue that comes up every now and then, but the issue has been seriously discussed only since the 1990s. Until the late 1960s, politics in the Netherlands was a matter for the political elites. At that time, Dutch citizens' political attitudes were characterized by passivity and a broad acceptance of the authority of the elites (Lijphart 1968; Daalder 1966). In this era, also known as the era of pillarization, political and social life took place within the so-called pillars, tightly bound subcultures of minorities, which were organized along a religious and socio-economic dimension. Pillarization

structured political parties, but also trade unions, schools, the media and leisure activities (Lijphart 1968).

The 1967 elections, in which the religious parties lost a substantial proportion of their votes, represent a break in Dutch politics. From the late 1960s onwards, the dividing lines between the pillars began to blur. The development of depillarization took place against the backdrop of a broader movement for democratization and resistance to authority that originated from the youth cultures of West European cities. New social movements arose, as well as other forms of participation, outside the official political arena, which also aroused a discussion on democratic participation and citizens' influence within political institutions.

But it was only in the 1980s and 1990s that politicians began to see a need for changes to and adaptations of the democratic system and culture. For some, this also included the introduction of the referendum. The need for changes was due to a number of factors. Like many other West European countries, the Netherlands was facing an increasing volatility in elections, falling party membership rates, the growth of right-wing parties and a growing indifference to conventional politics (Gallagher *et al.* 2006; Mair 2005; Dekker 2003; Mair and van Biezen 2001). Since the second half of the 1980s, support has grown for political parties with strongly negative opinions about ethnic minorities and asylum seekers (the Centre Party, later the Centre Democrats, in the 1980s and 1990s, and the List Pim Fortuyn since 2002). Also, large groups of the electorate have demonstrated a growing distrust of political institutions and politics in general. These developments, which have been fanned by a slight decrease in voter turnout, have generated growing concern among the political elites about the widening gap between them and the general public.

The national referendum

In 1985, a state committee appointed by the government (*staatscommissie Biesheuvel*) recommended introducing the possibility of optional rejective referendums and of popular initiatives. Both proposals failed to gain the support of a majority in Parliament.

The referendum issue appeared on the agenda again in 1994 when the 'purple' coalition government, consisting of the PvdA (Partij van de Arbeid, Labour Party), D66 (Democraten 66, a left-liberal party) and the VVD (Volkspartij voor Vrijheid en Democratie, Liberal Party), came to power. The coalition agreement included a commitment to prepare for the introduction of a binding rejective referendum. To hold a binding referendum in the Netherlands, it is first necessary to amend the constitution, in itself a process that must be effected in two rounds: in the first, a majority must be reached in both houses of Parliament, and in the second round, to be held after a new parliament has been elected, the proposed changes require the consent of two-thirds majorities in both houses. After the principle of holding referendums had been accepted in the first round in 1997 in the directly elected Second Chamber, and in 1998 in the First Chamber (the upper house), the Kok government (PvdA, D66, VVD) brought a bill on

referendums before Parliament in the second round in 1999. The bill was approved by a sufficient majority in the Second Chamber, despite opposing votes from the orthodox Christian parties and the CDA (Christen Democratisch Appèl, Christian Democrats), but failed to garner sufficient support in the First Chamber. The referendum was supported by the PvdA, SP (the Socialist Party), GroenLinks (Green Left), D66 and VVD. However, one member of the parliamentary group of the VVD in the First Chamber voted against the bill. For this reason, the rejection of the referendum proposal is known as the *nacht van Wiegel* (Wiegel's night), referring to that particular member, whose vote appeared to be decisive. Table 4.1 presents the complete timeline.

In 2001, a new attempt was made to introduce binding rejective referendums. Simultaneously, the Temporary Referendum Act (*Tijdelijke Referendum Wet*) became law, which made it possible to organize advisory referendums. Again the principle of the binding referendum was approved in the first round by both the Second and First Chamber, but the proposal did not gain a sufficient majority in the second round in the Second Chamber in 2004, and thus did not even come up for discussion in the First Chamber. This time, not only the CDA and the orthodox Christian parties, but also the VVD, voted against the proposal. In 2005, according to previous agreement, the Temporary Referendum Act terminated.

In order to keep referendums on the agenda, in 2005 three members of the parliamentary groups the PvdA, GroenLinks and D66 initiated two proposals, one for binding rejective referendums, which was similar to the proposal that was rejected in 1999, and one for advisory referendums that could be introduced by ordinary law. Both proposals are still under consideration.

So, the debate on referendums continues. In 2006, the National Convention, a government-instituted committee for improving the working of Dutch democracy, declared itself openly in favour of allowing binding rejective referendums, which, according to the Convention's view, could supplement representative democracy by encouraging government and members of Parliament to listen more closely to the people and by stimulating political debate, political interest and political participation (Nationale conventie 2006).

Although the Netherlands has no provision for national referendums, local governments may allow local referendums. About 10 per cent of local governments have a provision for holding non-binding referendums (Referendum Platform n.d.). Since 1990, seventy-four local referendums have been held in more than sixty municipalities. About half of these concerned the amalgamation of municipalities (Ministerie van Binnenlandse Zaken 2006).

The referendum on the EU constitution

The Netherlands has had only one national referendum since the Kingdom of the Netherlands was founded in 1813: the referendum on the EU constitution in 2005. The proposal for a temporary law to make it possible to hold an advisory referendum on this issue was initiated by three members of Parliament (belonging to GroenLinks, PvdA and D66). In 2003, the bill was passed by the Second

Table 4.1 Timeline: the referendum in the Netherlands

| 1994 | 1996 | 1997 | 1998 | 1999 | 2001 | 2004 | 2005 |
|-----------------------------------|----------------------------------|--|--|---|--|---|---|
| Coalition agreement on referendum | Cabinet proposals for referendum | Bill passed by Second Chamber in first round | Bill passed by First Chamber in first round Bill introduced in second round | Passed by Second Chamber in second round Rejected in First Chamber in second round | New proposal for binding referendum; accepted in first round by second and first Chambers Introduction Temporary Referendum Act | Bill rejected by Second Chamber in second round | Initiative by MPs for new proposal TRA comes to an end |

Chamber and in 2005 by the First Chamber. In both chambers, the CDA and the orthodox Christian parties, the SGP and ChristenUnie, voted against.

The demand by Fortuyn and his followers for political transparency, and the change of leadership within the VVD, were two important factors that contributed to the acceptance of this temporary referendum law (Van Holsteyn 2005). Breaking with the VVD tradition of opposing referendums, the pro-referendum new leader of the VVD, Jozias van Aartsen, succeeded in persuading the majority of his faction in Parliament to hold a referendum on the EU constitution. The *Raad van State* (the main advisory body of government) also played an important role. The *Raad van State* argued that the issue of the EU Constitution Treaty was of such saliency as to warrant the use of such a weighty instrument as a referendum, and thus advised positively. Both the character and the name of the treaty underlined its constitutional character, as did the incorporation of the basic rights in the European constitution.

The one-off national referendum of June 2005 rallied the debate on Europe and on the referendum. Preceding the vote, and particularly in the final week, there was a fierce debate in which the opponents of the treaty were dominant. Finally, the treaty was rejected by 61.6 per cent of the votes, with a voter turnout of 63.3 per cent.

The referendum on the treaty was followed by a debate on the referendum itself. The government was criticized for being almost invisible in the phase preceding the referendum. Politicians disagreed on the question of whether more referendums should be held on other issues as well. Some praised the quality of the arguments with regard to the European Union and the constitution that were brought forward in the discussion. Others, who were less positive, mentioned populism as a real danger in every referendum, pointing at the anti-EU constitution campaign of the Socialist Party (SP).¹

In 2008, the government, backed by the *Raad van State*, decided that another referendum on the revised European treaty was not necessary. The main arguments were that this treaty had no impact on the Dutch constitution and that it no longer had the nature of a European constitution, as evidenced by the removal of the European symbols from the treaty.

Political parties and the referendum

Political parties have always been hesitant about accepting direct democratic institutions. This is confirmed by the fact that, until now, there has not been enough political support for either the referendum or the initiative. The strongest advocates are the left-wing parties, in particular the PvdA (Partij van de Arbeid, Labour Party), Green Left (GroenLinks), the SP (Socialistische Partij) and D66 (Democraten 66, a left-liberal party). One of the largest parties, the CDA (Christen Democratisch Appèl, Christian Democrats), has always been a strong opponent of referendums.

The main ideas of political parties can be found in party manifestos, which try to give the public and other political parties an idea of what the party's priorities

are and what the party's representatives intend to do if they ascend to power. Although manifestos are read by relatively few electors, they constitute the major direct influence on what parties are seen as standing for (Budge 1987: 18).²

The CDA (which currently holds forty-one seats in Parliament) has always been a strong opponent of referendums. In party manifestos and other political documents on this issue, the party is very consistent in rejecting all forms of direct democracy. The main argument is that it undermines representative democracy. In its 2006 manifesto, the CDA again opposes the referendum. The argument is that referendums create 'vagueness about the follow-up course', by which it means that politicians will not feel obliged to accept the result of a referendum. Another argument is that while referendums may lead to important decisions, nobody can be held accountable for these decisions.

The PvdA (thirty-three seats in Parliament) has been a pro-referendum party since the 1980s. This is confirmed in its 2006 manifesto, where it argues that democratic decisions should not be taken only in Parliament. The party advocates rejective referendums; nothing is said about the initiative. In addition, the PvdA also wants to encourage alternative forms of democratic decision making, including citizen panels. Yet despite the official pro-referendum position in party manifestos, many PvdA politicians in (local) government oppose the referendum, as was also demonstrated by the negative response of the PvdA Minister of Interior Affairs to the proposals of the National Convention for a rejective referendum (*Kabinetsreactie Nationale Conventie* 2008).

The SP (Socialistische Partij, twenty-five seats in Parliament) is consistent in promoting referendums. In its 2006 manifesto, the party comes out strongly in favour of rejective referendums. A first step would be to introduce an advisory referendum in which the public is consulted on important issues. This type of referendum is easy to hold without changing the constitution. The SP also favours a 'recall referendum', by which it means that voters should, under strict conditions, have the power to dismiss the government and ask for new elections. According to the SP party manifesto, citizens should be taken more seriously and their influence should be increased.

The VVD (Volkspartij voor Vrijheid en Democratie, Liberal Party, twenty-one seats in Parliament) is against referendums because the party believes that they undermine representative democracy. Citizens cannot be expected to make decisions on complex matters. The brief 2006 manifesto of the VVD contains no reference whatsoever to referendums or initiatives. However, the VVD is also strongly divided on this issue. Although most VVD politicians clearly oppose referendums, they have been defended by some VVD politicians in the past. The 1993 draft party manifesto, for example, argued in favour of referendums, and the party leader Van Aartsen supported the idea of holding a referendum on the EU constitution. Also, the VVD agreed on the rejective referendum when it was part of the Kok government in the late 1990s. Moreover, about one-third of the party members who attend the party's congresses support referendums.

Of the smaller parties, the Partij voor de Vrijheid (Group Wilders), a right-wing offshoot of the VVD that entered Parliament in 2006 with nine seats, is in

favour of more direct democracy. The party favours the introduction of a binding referendum 'to begin with a referendum on the EU membership of Turkey, the euro, and the question of whether the Antilles should remain part of the Kingdom of the Netherlands'.

GroenLinks (with seven seats in Parliament) is a strong supporter of the binding rejective referendum. Its 2006 party manifesto states that 'citizens should be given a vote to correct decisions taken by politicians'. The party also favours more referendums on European issues and the introduction of the European citizens' initiative (the initiative to get issues on the political agenda). Moreover, GroenLinks wants to give voters a vote on the composition of government coalitions. Unlike the previous manifesto, however, the 2006 manifesto contains no mention of the initiative.

The ChristenUnie (a conservative party that is nevertheless left-wing on socio-economic issues; six seats in Parliament) used to reject every form of direct democracy; in its view, sovereignty stems from God, not from the people. However, the 2006 party manifesto for the first time supports the introduction of rejective referendums under strict conditions, including an adequate number of signatures for holding a referendum and a minimum 50 per cent voter turnout.

Of the small parties, D66 (Democraten 66, three seats in Parliament) has always been a strong supporter of referendums and other forms of direct democracy. It even considers the issue to be one of its 'crown jewels', referring to the fact that the issue of democratic reforms has become one of the major themes of its political programme and policy. In its 2006 manifesto, the party advocates a more direct influence of the people on decision making. D66 is strongly of the opinion that the Dutch political system is far too closed. The party feels that citizens should be involved in decision making, not only in elections, but also via direct decision-making procedures. Therefore, the party is an advocate of rejective and advisory referendums, and initiatives. Moreover, D66 also wants referendums to be held on intended fundamental changes in the constitution. The Democrats believe that the result of a referendum should always be accepted by political parties.

The SGP (Staatkundig Gereformeerde Partij, the orthodox Protestant Party, two seats in Parliament) opposes every form of direct democracy. Referendums are not mentioned in its manifesto. In its words, 'representative democracy, which we have known in the Netherlands for many years, functions quite well'.

Finally, the Partij voor de Dieren (the Party for Animals, new in Parliament with two seats) favours advisory referendums and wants to encourage the possibility for citizens to put issues on the political agenda (*burgerinitiatief*), which in recent years has been introduced at the local level.

Hence, most parties are very consistent in their view of referendums and other forms of direct democracy. The strongest advocates are the left-wing parties; the strongest opponents are the Christian Democrats and the orthodox Protestants. The Liberal Party (VVD) is mostly opposed, but divided on the issue. A case in point was the discussion on the bill on referendums in the parliamentary committee of Interior and Kingdom relations (*commissie Binnenlandse Zaken en*

Koninkrijksrelaties) in 1997. Again the left-wing parties supported the bill, whereas the parties of the centre and the right took up a critical and negative position.

Four concepts of democracy³

The ideological debate on the referendum reflects a broader debate on the future of democracy, a debate that is also occurring among opinion makers in the media. Before turning to this debate, I first present a theoretical framework of four normative models of democracy: the representative model of democracy, the associative model, the deliberative model and the participatory model of democracy⁴ (for other distinctions in models of democracy, see also Held 2006; Sabine 1989; Saward 2003; Hendriks 2006). Although participation is generally seen as an important element of democracy, within each of these models citizen participation has a different meaning.

Representative democracy

The representative model of democracy is probably the model that is most frequently described. The model focuses on decision making by elected representatives. ‘Liberal democracy’ and ‘polyarchival democracy’ are also labels often applied to this type of democracy (Saward 2003: 150). In this first model of democracy, participation plays only a marginal role and is limited to voting for leaders.

One of the main representatives of this view is Joseph Schumpeter. According to his definition of democracy in *Capitalism, Socialism and Democracy*, ‘The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people’s vote’ (1976: 269). Hence, in this view the competition for leadership is the core of democracy. The role of the people is no more than to produce a government (ibid.: 269). Voters must understand that once they have elected the leader, political action is the leader’s business and not theirs. In the view of leaders, one should not expect ordinary people to form judgements about politics and policies. Therefore, massive political participation is seen as undesirable.

A more modern representative of this view on democracy is Robert Dahl. In Dahl’s book *A Preface to Democratic Theory* (1956), he too focuses on decision making by the elected representatives of the people. In Dahl’s view, elections play a central role in maximizing democracy – that is, in maximizing popular sovereignty and political equality. Through elections, voters can express their choice among alternatives. The alternative with the greatest support among the voters will be chosen and displace the other alternatives. The orders of the elected politicians will then become policy. In his later work, Dahl adds that the democratic process requires a number of political rights (1989: 163–75). In *A Preface to Democratic Theory* (1956), Dahl too presents a narrow conception of

political participation. He even regards massive participation as dangerous, because an increase in political activity among the lower socio-economic classes could lead to more authoritarian ideas and thus to a decline in consensus about the basic norms of democracy (ibid.: 89). Sartori (1987) took this argument one step further. He feared that massive participation of the people in politics would even lead to totalitarianism.

Although different theories of representative democracy may emphasize different aspects, they share the following characteristics: the emphasis is on decision making by elected representatives; the main role of voters is to select leaders, and participation takes place through elections.

Associative democracy

The model of associative democracy emphasizes the importance of informal and local associations in democracy. These associations have an essential role in performing governance functions on behalf of their members. In this model, citizen participation takes place in associations.

The concept of associative democracy is most notably present in the work of Paul Hirst. In his book *Associative Democracy*, Hirst develops the idea of associative democracy as an answer to the increasingly diverse and pluralistic objectives of the members of modern societies (1994: 6). He claims that individual liberty and human welfare are best served when social affairs are managed by voluntary and democratically self-governing associations. According to Hirst, in an associative democracy these voluntary self-governing associations should be the primary means of democratic governance. Social movements must build their own self-governing communities in civil society. These self-governing associations must be regarded not as secondary or opposing organizations, but as essential to democratic politics. Also, power should as far as possible be distributed to distinct domains of authority, and administration within these domains should be devolved to the lowest level for effective governance. And finally, democratic governance is more than elections and majority decisions; ideally, it also embodies a continuous flow of information between the governors and the governed. In Hirst's view, democracy as communication can operate best in a system where associations have governmental tasks, and where coordination depends on the cooperation of these associations (ibid.: 19–40).

Thus, in the associative democracy model, voluntary self-governing associations are regarded as important to democracy. Furthermore, participation takes place through associations and there should be multiple and diverse centres of power.

Deliberative democracy

A relatively new conception of democracy is the deliberative democracy model. The emphasis in this model of democracy is on discussion and deliberation. Deliberation, rather than voting, is regarded as the central mechanism for political decision making. Participation takes place through deliberation.

Although the definitions of deliberative democracy differ widely from one another, all theorists agree that this concept of democracy includes at least the following characteristics (e.g. Elster 1998; Fishkin and Laslett 2002; Gutmann and Thompson 2004; see also Chapter 1 of this book, by Setälä). First, essential to the deliberative view on democracy is decision making by means of arguments. Participants in the democratic process discuss with each other problems and proposed solutions to these problems. Second, a deliberative process assumes free public reasoning, equality, inclusion of different interests, and mutual respect. Only then can deliberation lead to rational and legitimate decisions, deliberative democrats argue.

Numerous issues remain on which there is less clarity. One of these is where deliberation should take place and who should be involved. In theories of deliberative democracy, a wide range of possible deliberation forums are mentioned, varying from parliament to expert forums and citizen panels. Other issues that remain to be discussed concern the goal of deliberation (consensus or not), and the question of when deliberation stops and decision-making starts. However, all theorists of deliberative democracy focus on the democratic process. No matter how many people participate, who participates, and where participation takes place, the process of coming to decisions can be valued as democratic only if it meets the criteria of deliberation. Hence, public debate and discussion, the assumption of free public reasoning and equality, and participation through deliberation are characteristic of deliberative democracy.

Participatory democracy

The final model of participatory democracy emphasizes the necessity of extensive participation in decision making. In this model, citizen participation is considered vital to democracy. The theoretical roots of this view go back to Rousseau. Although Rousseau's idea of an ideal society was a society of small peasants characterized by a large degree of economic equality and economic independence, the view that the participation of each citizen in political decision making is vitally important to the functioning of the state laid the foundation for theories on the role of participation in modern democracies. In Rousseau's view, as formulated in *Du contrat social*, the basis of the political system is the social contract. Under this contract, the citizens suppress their own desires and decide to be free by making the laws that rule them (Rousseau 1988: 10–12, 27–30). Hence, political participation is an essential element because it ensures freedom for everyone. In addition, participation has important educative and social functions; by participating, individual citizens learn to be public citizens who take more into account than just their own private interests (ibid.: 14–15).

Modern theorists on participatory democracy, like Pateman (1970), emphasize that participation should not only cover every aspect of political decision-making, but encompass such areas as the workplace and local communities as well. Other theorists propose the referendum as an instrument for participatory democracy (Barber 1984). But in all theories of participatory democracy, citizens

are regarded as the central actors. To conclude, the emphasis in the participatory model of democracy is on broad and direct participation by citizens in political decision making and in other areas as well.

Table 4.2 summarizes the main characteristics of the four models of democracy. The four models differ in three different ways. First, they vary according to their focus on direct or indirect democracy, which distinguishes the participatory democracy model from the representative democracy and associative democracy models. Second, the models differ in terms of the idea of democratic process or decision making, which sets the deliberative model of democracy apart from the other models. Third, they vary according to whether the central actor is an organized group or an individual, which distinguishes the associative democracy model from the others. The four models are not, however, mutually exclusive. They are ideal types of democracy, which in practice can be seen complementing each other. For instance, modern democracies are representative democracies, but most also show characteristics of the other models.

Opinion makers and (direct) democracy

I now turn to the debate on the future of democracy among opinion makers in the Netherlands. In order to gain an impression of how the role of citizen participation is regarded by opinion makers, I analysed newspaper articles published in the *NRC-Handelsblad* between January 2002 and December 2005. The *NRC-Handelsblad* is considered to be an important national, independent newspaper that offers a broad view of divergent (political) opinions. Opinion makers writing for *NRC-Handelsblad* have various political and professional backgrounds, and therefore a variety of opinions on democracy may be expected. Since I was looking for a variety of opinions on democracy, *NRC-Handelsblad* seemed to be a good choice. The findings offer a picture of the different positions in the debate on democracy held among different opinion makers.

Table 4.2 Models of democracy: views on participation

| | |
|---|--|
| <p>Representative democracy</p> <ul style="list-style-type: none"> • Decision making by elected representatives • Selection of leaders • Leadership • Focus on decision making institutions • Participation through <i>elections</i> | <p>Associative democracy</p> <ul style="list-style-type: none"> • Focus on voluntary self-governing associations (e.g. interest groups, religious groups) • Localized power • Focus on groups • Participation through <i>associations</i> |
| <p>Deliberative democracy</p> <ul style="list-style-type: none"> • Public debate and discussion • Free public reasoning and equality • Focus on the democratic process • Participation through <i>deliberation</i> | <p>Participatory democracy</p> <ul style="list-style-type: none"> • Direct democracy: referendums • Participation in local communities, the workplace, etc. • Focus on decision making • Focus on individual citizens • <i>Broad and direct</i> participation |

The concept of opinion makers includes everybody who takes part in the public debate. Among them are politicians, ex-politicians, political commentators and academic opinion leaders. Because the object of the analysis was the relationship between (participation of) citizens on the one hand and the political domain on the other, I selected those articles that included the words ‘citizen’ and ‘politics’, and then extended the selection by including all possible combinations of the words ‘democracy’, ‘participation’, ‘citizens’ and ‘politics’. From these, I selected all articles that expressed an opinion on this issue as it concerns the Netherlands. The final selection contained eighty-three articles.

To determine the category to which an article was to be assigned, I reviewed the article against the characteristics of the models presented in Table 4.2. Each bullet point defines a characteristic of that respective model of democracy. If an article mentioned one or more characteristics of a particular democracy model, that article was labelled as fitting into that model. For example, if an opinion maker focused on the relevance of referendums for democracy, that article was categorized as fitting into the participatory democracy model. If the focus was on public debate and reasoning, the article was placed in the deliberative democracy category. In the majority of the articles, only a single concept of democracy was expressed. In a few cases, a combination of opinions, falling into different categories of democracy, was expressed. In those cases, the article, which is the basic unit of calculations, was categorized as partly falling into one model and partly into another (with each model being given 0.5 points), or even several others (with each model getting 0.30 or 0.25 points).

Representative democracy

Elements from the representative model of democracy dominate the public debate on democracy. A vast majority of the newspaper articles by opinion makers (61 per cent) fit into this model – that is, in these articles the emphasis is on decision making by elected representatives, the selection of leaders, leadership, decision-making institutions, and elections.

A group of opinion makers who use arguments from this model of democracy have different political and professional backgrounds. A significant number are politicians or ex-politicians from various political parties, including the Liberal Party (VVD), the Democratic Liberals (D66), the Christian Democratic Party (CDA), the Labour Party (PvdA), Green Left (GroenLinks) and the List Pim Fortuyn (LPF). Some of the writers are political commentators, staff members of research institutions of political parties, or ordinary politically engaged citizens. Many of them have an academic background in constitutional law, political science, public administration, sociology or history.

Some of the opinion makers merely stress the relevance of the preservation of representative democracy. Others make suggestions as to ways of improving the current functioning of representative democracy. However, there is no agreement on which elements of the functioning or the system of representative democracy require modification. The debate on this subject can be summarized as

covering six main issues. The first concerns the working of Parliament. According to many opinion makers, Parliament (i.e. the Second Chamber) should be more active in controlling government. Coalition politics and agreements between the government and the coalition parties in Parliament make it difficult for individual parliamentarians to disagree. Nevertheless, many opinion makers favour a more active role for parliamentarians and more dualism between Parliament and government, and would like to see party discipline abolished.

A second issue concerns the quality and attitude of politicians. Many emphasize that we need better, stronger and more passionate politicians. This would require better selection of individual members of Parliament. Until now, quality has not always appeared to be a criterion for selection. Furthermore, these opinion makers feel strongly that politicians should not only listen to the people, but also make clear what their ideas and intentions are. Also, politicians should make clear what is beyond their competence.

The third issue is the selection of political leaders and senior civil servants. With respect to this issue, opinion makers advocate either direct elections for major political positions or a more transparent appointment procedure.

Fourth, there is the issue of institutional revisions. These include suggestions for revising the electoral system (more room for regional representation, or a voting threshold), and changes in cabinet formation.

The fifth issue relates to transparency and accountability. A modern government and public sector should be more transparent, more service oriented and more accountable to the public.

And finally, the sixth issue concerns the role of political parties. Some opinion makers point to the lack of a clear choice between political alternatives and favour a political landscape with two major political parties or combinations of parties offering voters two distinct alternative policy programmes.

Associative democracy

The associative model of democracy is much less apparent in the public debate on democracy. Elements from this model can be found in only 6 per cent of the newspaper articles. In these articles, the focus is on self-governing associations and groups and on localized power. Proponents of this model include leaders of the main workers' organizations, while voices are also heard from within the Christian Democratic Party.

Most opinion makers following the associative line of argument emphasize that to bring about better functioning of the political system, responsibility should be given back to citizens (e.g. teachers, parents and directors of schools) and self-governing associations. Private initiatives should be encouraged, and government interference in society should be reduced. There is a clear parallel between the associative model and the Dutch tradition of democracy, of which consensus politics and the role of self-governing associations are core principles (Lijphart 1968; Michels 2007). Concepts such as private initiative (*particulier initiatief*) and organizations between state and market (*maatschappelijk midden-*

veld), which are typical of Dutch discourse on the relation between state and society, and are part of the Christian political ideology, dominate the debate on this issue. Others stress the importance of cooperation between employers' and workers' organizations for the working of democracy. A single opinion maker points to the current development of a network society in which traditional democratic institutions are losing power and a plurality, with a variety of organizations and power centres, is developing. In his view, this development strengthens democracy in the sense that it contributes to a stronger system of checks and balances – that is, of power and counter-power.

Deliberative democracy

Elements from the deliberative model of democracy can be found in only 7 per cent of the newspaper articles. In these articles, the emphasis is on public debate and discussion, and on free public reasoning. Furthermore, much attention is paid to the democratic process and less to decision making.

Most of the opinion makers who use arguments from this model of democracy have an academic background in sociology, political science or legal philosophy. Some of them are staff members of advisory committees or journalists. All emphasize the relevance of public debate in democracy, but the interpretations of where changes should take place differ. According to some of them, parliamentary actors and political parties have a role in increasing the quality of the debates in Parliament, which are often considered to be poor, with far too great a focus on technical details. Others consider it a vital element in democracy that citizens meet outside the traditional political forums to discuss political and other community matters frankly and openly. Ideas of citizen panels, where citizens deliberate and reach a well-informed opinion that could play a role in formal decision making, have been launched. Finally, some opinion makers advocate a more active attitude towards the participation of migrants and other groups who often do not take part in public debate.

Participatory democracy

Elements from the participatory model of democracy characterize a considerable part of the public debate on democracy. A minority of 26 per cent of the newspaper articles by opinion makers fits into the participatory model. These articles emphasize direct democracy, referendums and participatory decision making, including participation in local communities and in the workplace.

Again, the opinion makers who use arguments from the participatory model of democracy have different political backgrounds, although politicians and ex-politicians from the Democrats 66 (D66), the Labour Party (PvdA) and Green Left (GroenLinks) dominate the debate on introducing participatory elements in a democracy. Other participants in this debate are members of governmental advisory organizations, political commentators and academics, notably sociologists, historians, and researchers in public administration.

These opinion makers emphasize the importance of giving more responsibility and influence to the people. Most make concrete suggestions for introducing participatory democratic elements, which can be divided into three categories. The first category encompasses suggestions for institutional revisions, such as the introduction of referendums, initiatives and the recall procedure, and the right for citizens to put policy problems on the political agenda. The debate concentrates on the concept of referendums and on the various types of referendums (binding or advisory referendums; rejective referendums or referendums based on popular initiatives; a choice between a 'yes' or a 'no' or multiple choices). A second category contains suggestions for more direct participation and the influence of parents at schools, of patients in hospitals and of citizens in local communities. Citizens should also be more directly involved in the policy making of local governments. Some opinion makers point to the relevance of the internet for supporting citizen participation. The internet makes it possible for citizens to obtain information on policy issues, to compare data (concerning hospitals, for example) and to participate in discussions. When the focus shifts to deliberation and discussions on the internet, there are also links with the deliberative model of democracy. Finally, a third issue is the education of democratic citizens. Democratic participation should be learned at an early stage, at school and in the family.

Table 4.3 summarizes the main results.

My analysis of the newspaper articles shows that the representative model dominates the debate on democracy. The opinion makers who focus on directly

Table 4.3 Images of democracy

| <i>Percentage and (numbers) of articles</i> | <i>Issues</i> |
|---|---|
| Representative democracy 61% (50.5) | <ul style="list-style-type: none"> • Working of parliament • Quality and attitude of politicians • Selection of leaders • Revisions of institutions • Transparency and accountability • Political parties |
| Associative democracy 6% (5) | <ul style="list-style-type: none"> • Responsibility to citizens and self-governing associations; private initiatives • Cooperation between employers' and workers' organizations • Encouraging a network society |
| Deliberative democracy 7% (6) | <ul style="list-style-type: none"> • Debate in parliament • Citizens' forums and panels • Inclusion of all groups |
| Participatory democracy 26% (21.5) | <ul style="list-style-type: none"> • Referendum and initiative • Participation in local communities, schools, hospitals, etc. • Education of democratic citizens |
| Total | 100% ($n=83$) |

elected democratic institutions make concrete suggestions for improving the current working of representative democracy. The dominance of the representative model of democracy does not mean that ideas and arguments from other models of democracy are absent in the democracy debate. A minority of less than 40 per cent of the articles fit into other discourses on democracy. Among these, the participatory discourse on democracy is clearly dominant. The opinion makers who adhere to the participatory view of democracy make suggestions for introducing participatory elements of democracy. A striking finding is that the participatory concept is mainly debated among opinion makers on the left,⁵ whereas opinion makers who use arguments from the representative model of democracy have a variety of professional and political backgrounds.

Arguments for and against referendums

A closer look at the contents of the newspaper articles reveals the arguments that are used in the debate on referendums and direct democracy.⁶ The debate focuses on the referendum, because the initiative is hardly an issue in the debate.

Different arguments in favour of referendums are heard. First, the referendum is seen as an instrument by which citizens can recall decisions made by politicians. As such, it forces politicians to listen to the people and take their opinions into account, and thus could bridge the gap between politicians and citizens.

A second argument is that a referendum gives citizens real and direct influence on policy making. In a multi-party parliamentary democracy, a voter may vote for a party because he or she agrees with a number of opinions in its programme, but the voter will never know whether the party in question will enter government and whether it will be able to transform these opinions into policy. The different steps in the process of representation make it impossible for voters to have a real influence on decision making.

A third argument is the argument of legitimacy. According to this line of reasoning, new channels of participation have to be found in order to strengthen the position of the elected representatives, and thus make representative democracy more acceptable. The referendum is an instrument with which to win citizens back again.

A final argument refers to the fact that society is changing. The argument is that in a modern society with highly educated and well-informed citizens, citizens should be taken more seriously and given more direct influence.

The opinion makers who support referendums all believe that they could supplement representative democracy. None of the opinion makers wants to challenge the representative system. Participatory elements are viewed as additional to the representative democratic institutions instead as an alternative.

Other opinion makers argue against referendums. In particular, those who see the directly elected parliament as the centre of democracy are more prone to express strongly negative opinions on referendums. A first argument is that holding a referendum undermines the existing institutions of representative democracy. According to those who hold this view, there is nothing wrong with

the way representative democracy functions and, consequently, no reason why referendums should be introduced.

The second argument is related to the first, namely that politicians should be competent to take political decisions. It is, after all, what they are paid for. According to this view, holding a referendum is a sign of the incompetence of politicians or of the lack of trust that politicians have in their own competence. Those who come up with this argument see referendums as a way to get rid of difficult political issues, leaving these to the electorate to decide.

A third argument emphasizes the quality and functioning of representative democratic institutions in balancing different interests. The argument is that representative democratic institutions are far better at balancing different interests than a referendum. In a referendum, the outcome is nothing but the sum of individual opinions. Moreover, most referendums only offer a choice between yes and no, which increases the doubt about the information a referendum can offer.

A fourth argument is the fear of populism. Referendums allow populist arguments to arise and may even bring an end to well-balanced and carefully considered plans.

A final argument is that holding too many referendums in a short time will make it difficult to govern the country.

If one reviews the arguments given by political parties and by opinion makers for and against referendums, a clear pattern arises. Those who support referendums, mainly parties and opinion makers of the left, think that referendums can supplement representative democracy. The arguments given reflect the positive scenario of the impact of referendums on key elements of representative democracy as presented in Table 1.1. Others, who are more sceptical or negative about referendums, argue that referendums may undermine representative democracy. Their arguments come very close to the negative scenario of the impact of referendums on democracy sketched in that same table.

Conclusions

This chapter has focused on the more fundamental and ideological character of views on direct democracy in the Netherlands. An analysis of party manifestos and newspaper articles shows that ideological positions do matter. The strongest advocates of more direct forms of participation and democracy are mainly to be found among political parties and politicians of the left. Their arguments in favour of the referendum basically reflect the positive scenario sketched in Chapter 1 and support the idea that referendums supplement representative democracy. In contrast, the parties of the right, except for that led by Geert Wilders (the *Partij voor de Vrijheid*), and those in the centre of the political spectrum are much more sceptical, or even explicitly oppose referendums. Their scepticism is shared by opinion makers who perceive the directly elected Parliament to be the centre of democracy. In the view of those parties and opinion makers, referendums may weaken and even undermine representative democracy.

The ideological debate on the referendum is part of a broader debate on the

future of democracy. Among opinion makers, the introduction of institutions for direct democracy is not a vitally important issue. The analysis of the newspaper articles clearly illustrates that the representative model dominates the debate on democracy. Political parties tend to be more supportive towards direct democracy in their party manifestos. However, parliamentary voting on this issue has not as yet resulted in the unambiguous two-third majority necessary for the referendum in both chambers of Parliament.

Notes

- 1 According to the SP campaign, a 'yes' vote in the referendum on the treaty would mean yes to a European superstate, to more power to Brussels, to market forces, to a lack of attention to the environment, to cruelty to animals, to an exceedingly expensive European army, to an undemocratic Europe and to a degradation of the Dutch constitution. Online, available at: www.sp.nl (accessed 12 April 2007).
- 2 The analysis of party positions on referendums is based on the following party manifestos: the CDA manifesto, 2006 (section 6.1.3.); the PvdA manifesto, 2006 (chapter 8: 'Werken aan een bindend bestuur'); the SP manifesto, 2006 (chapter 1: 'Betere democratie'); the VVD manifesto, 2006; the Partij voor de Vrijheid manifesto, 2006 (chapter V); the GroenLinks manifesto, 2006 (chapter 9: 'Allemaal burgers'); the ChristenUnie manifesto 2006 (chapter 2: 'Leven'); the D66 manifesto, 2006 (chapter 'Mensen besturen zelf'); the SGP manifesto 2006 (chapter 5: 'Recht en orde'); and the Partij voor de Dieren manifesto, 2006 (part B, chapter 9: 'Een aangenamere samenleving, Democratie').
- 3 This section ('Four concepts of democracy') and the next ('Opinion makers and (direct) democracy') are based on work that has been published in *Acta Politica* (Michels, 2008).
- 4 A similar difference in models on democracy and participation is used by Engelen and Sie Dhian Ho (2004: 28–33).
- 5 Somewhat contrary to this finding, Bjørklund, in Chapter 7, claims that adherents of new politics in Norway are more sceptical towards referendums than voters on average.
- 6 Similar arguments can be found among academics who discuss referendums (Elzinga and Hoogers 1999; Dölle 2001).

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Part II

The demand for referendums

Strategies and ideologies

5 To structure political conflict

The institutionalization of referendums on European integration in the Nordic countries

Nick Sitter

The definition of alternatives is the supreme instrument of power.

(Schattschneider 1960)

Schattschneider's observation about the power to structure political conflicts is particularly pertinent to the politics of referendums on European integration. Yet when this power is used to call referendums in representative democracies, it often has unpredictable consequences, in both the short and the long term. Despite a series of 'no' votes in referendums on European integration in Norway, Denmark, Switzerland, Ireland and Sweden during the 1990s, ten of the then twenty-five EU member states decided to try to ratify the Constitutional Treaty by referendum. The 'no' votes in France and the Netherlands in May 2005 derailed this process, and only one single state – Ireland – tried to ratify its successor, the Lisbon Treaty, by referendum. In the Nordic countries¹ alone, pro-integrationists and Euro-sceptics have faced each other in referendums eleven times. The present chapter explores the politics of referendums on European integration in the four Nordic states, and the motives and consequences of their use.

The use of referendums on European questions can be explained only partly by constitutional requirements. Of all the EU member states, only the Irish constitution makes referendums on European integration obligatory. However, Denmark comes close: referendums are required for matters that involve transfers of sovereignty unless Parliament can muster a five-sixths super-majority. In what follows, the constitutional provisions in the Nordic countries are discussed briefly before the chapter turns to why governments call referendums, the preferences and trade-offs of the Nordic parties on this question, and why referendums were indeed called on eleven occasions. Referendums on European integration have resulted in discrepancies between the preferences of the parliamentary majority and referendum outcomes, which have in turn caused inconsistent policies towards the EU. Moreover, the use of referendums has gradually become institutionalized. Although most political parties originally took instrumental approaches to referendums, their repeated use restricts future governments' options. Although the referendum on European integration may initially have

been seen as an instrument to supplement representative democracy, it has proved a far more controversial part of the democratic tool kit.

Referendums on European integration in the Nordic states

Why so many referendums on European integration in the Nordic countries? To date, eleven contests over participation in closer European integration have been played out in the form of referendums. Six have seen the pro-integration side triumph, while the Euro-sceptics have carried the day on five occasions. On those five occasions, the governments and parliamentary majorities favoured and expected 'yes' votes, and were left to pursue the attendant policies as best they could under the constraints that the 'no' results provided. At critical junctures, Norway, Denmark and Sweden were left with inconsistent national preferences: the parliamentary majorities were fully intent on pursuing closer integration, but had to proceed within the context of the electorate's expressed preference against this. Consequently, only Finland has adopted the single currency and participates fully in all aspects of EU policy. Sweden is not in the Economic and Monetary Union (EMU). Denmark not only opted out of EMU, but also has reserved its right to limit participation in justice and home affairs, defence and EU citizenship. Norway, on the other hand, has rejected EU membership twice, but nevertheless participates in the EU's internal market and takes part in a series of related initiatives; for example, it is involved in Schengen more closely than Denmark. At the very least, therefore, referendums seem to be a high-risk strategy for ratification of EU initiatives. Yet most of these referendums were voluntary. Each of the four states has ratified at least one treaty by parliamentary approval. If the Norwegian, Swedish and Finnish accessions to the European Economic Area (EEA) and Finland's joining EMU are counted as well, the Nordic parliaments had ratified major decisions on closer integration nine times without recourse to referendums by the time of the Constitutional Treaty debates in 2005.

All four Nordic constitutions allow for referendums – the Danish, Finnish and Swedish ones explicitly and the Norwegian implicitly. Only the Danish constitution makes referendums mandatory under certain circumstances, and provides for binding referendums. The articles relevant for European integration are A.20 on decisions that involve delegation of sovereignty to international organizations, which requires a five-sixths majority of all MPs, or a referendum; and A.42, which permits Parliament to submit a new law to a referendum. A.20 was originally designed to make international cooperation easier than in the pre-1953 constitution by permitting transfers of sovereignty without a referendum in cases of cross-party consensus. Finland's constitutional reform of 1999 simplified A.22 of 1987, which in turn codified the practice from 1931 (Suksi 1999): A.53 permits consultative referendums. Sweden's A.8.4 of the 1974 constitution permits Parliament to call a consultative referendum; A.8.15 stipulates that a binding referendum on constitutional change may be requested by 10 per cent of MPs, and that one must be held if one-third of Parliament approves. The Norwe-

gian constitution does not address referendums. However, A.93 requires a three-quarters majority in Parliament for legislation that cedes sovereignty. All four countries have used consultative referendums on both European and domestic policy, though Finland only very exceptionally. These rules and practices are summed up in Table 5.1. In all four cases, the constitutional practices pre-date the present project of European integration.

Referendums have been used for the full range of decisions on treaty ratifications, from the initial decisions to join the European Union or its predecessor, the European Economic Community, to decisions about participation in the single currency and ratification of new treaties. All four states called referendums on accession to the EU. In Denmark, referendums were also held on the Single European Act and the Maastricht and Amsterdam Treaties. The Finns and Swedes ratified the Amsterdam Treaty by parliamentary vote. Neither held a

Table 5.1 Nordic referendums (government defeats in **bold**)

| | <i>Constitution</i> | <i>Legislation and guidelines</i> | <i>Use of referendums</i> |
|---------|--|--|---|
| Norway | No constitutional provision | Consultative referendums as and when Parliament legislates for it | 1905, independence 1905, the new king 1919, prohibition 1926, repeal of prohibition 1972, EEC membership 1994, EU membership |
| Sweden | A.8.4 on consultative referendums A.8.15 on binding constitutional ref. | 1922 law on referendums 1979 law on referendums on constitutional change (never used) | 1922, prohibition 1955, driving on the right 1957, pensions 1980, nuclear power 1994, EU membership 2003, EMU |
| Finland | No constitutional provision until 1987/1999 reforms: A.53 on consultative referendums | 1930s Parliament adopts guidelines | 1931, prohibition 1994, EU membership |
| Denmark | 1953 constitution on binding referendums: A.20 on sovereignty A.29 on voting age A.42 to confirm an act of parliament | Consultative referendums are not covered by the constitution, and may be held as and when Parliament legislates for it | Pre 1953: 1916, 1920, 1939 ¹ , 1953 A.29: 1961, 1969, 1971, 1978 A.20: 1972 EU; 1992 Maastricht-I ; 1998 Amsterdam; 2000 EMU A.42: 1963 ('land laws') ¹ A.42 + A.19: 1993 Maastricht-II 1986 SEA – consultative |

Note

1 The 1939 referendum failed because the 'yes' majority was too small; 1953 was a double referendum; the 1963 referendum featured four related proposals, all of which were rejected.

Table 5.2 Major decisions on European integration: ‘yes’/‘no’ ratio in referendums

| | <i>Denmark</i> | <i>Norway</i> | <i>Finland</i> | <i>Sweden</i> |
|-----------------------|--|-----------------------------|-----------------------------|---|
| EEC membership | 1972: 63.4 /36.6 | 1972: 46.5/ 53.5 | | |
| Single European Act | 1986: 56.2 /43.8 | | | |
| Maastricht Treaty | 1992: 49.3/ 50.7 1993: 56.7 /43.3 | | | |
| To join EEA | | Parliamentary decision only | Parliamentary decision only | Parliamentary decision only |
| EU membership | | 1994: 47.8/ 52.2 | 1994: 56.9 /43.1 | 1994: 52.3 /46.8 |
| Amsterdam Treaty | 1998: 55.1 /44.9 | | Parliamentary decision only | Parliamentary decision only |
| Nice Treaty | Parliamentary decision only | | Parliamentary decision only | Parliamentary decision only |
| To join EMU | 2000: 46.8/ 53.2 | | Parliamentary decision only | 2003: 42.0/ 55.9 |
| Constitutional Treaty | Referendum (cancelled) | | Parliamentary decision only | Parliamentary decision only (suspended) |
| Lisbon Treaty | Parliamentary decision only | | Parliamentary decision only | Parliamentary decision only |

referendum on the Nice Treaty. Both Denmark and Sweden went down the referendum path for EMU, although by choice in Sweden and of necessity in Denmark; whereas all the Finnish parties agreed that EMU could be adopted without a referendum. The twelfth Nordic referendum on European integration was set for September 2005 in Denmark, but French and Dutch voters put an end to that when they rejected the Constitutional Treaty. The two other governments had chosen to ratify the treaty by parliamentary vote. All three suspended their ratification processes, although Finland resumed it and ratified the treaty in December 2006. In Sweden, this prevented a Euro-sceptic rebellion in the ruling Swedish Social Democratic Party. All three EU members decided to ratify the Lisbon Treaty in Parliament. By the time Irish voters rejected the treaty in June 2008, Denmark and Finland had already completed ratification.

Parties, referendums and European integration

Few, if any, referendums on European integration have been motivated primarily by the principle that the electorate – as the ultimate source of national sovereignty – should directly choose the basis for the relationship between their

country and the EU. The motives have, at best, been mixed. As Lijphart (1984, 1999) observes, although the referendum is commonly considered a majoritarian instrument, it can also serve as an instrument that limits the ability of the majority of the elected representatives to exercise power. It may serve both as a sword in the hands of a majority that seeks to push through or legitimize a particular policy initiative and as a shield that makes it more difficult to pass legislation. This duality of the referendum helps explain its relatively frequent use on European questions despite the well-known risks that attend putting government policy to a popular vote. Both the sword and the shield logics are particularly appealing on issues that cut across the normal lines of party competition. Maor and Smith (1993) have argued that European integration is usually a 'maverick issue', and it should therefore come as no surprise that the referendum has been advocated both as a sword (by pro-EU parties) and as a shield (by Euro-sceptics) in the Nordic countries.

Despite the numerous risks involved in the use of referendums (see LeDuc in this volume, Chapter 8), there are several reasons why parties might favour them. Some parties are simply more committed to participatory democracy than others. In the Nordic states, the populist parties tend to favour EU referendums, regardless of their position on the question. Second, parties might expect their side to triumph in a referendum. The Danish referendum on the Single European Act in 1986 was a consequence of the government's failure to pass the bill in Parliament. Third, a government might face limited choice because of constitutional requirements, because the opposition has forced through a referendum or because of previous commitments. The Swedish Social Democrats' decision to call a referendum on EMU in 2003 was a consequence of their claim that the original EU referendum in 1994 did not cover EMU membership. A fourth set of reasons are linked to party and coalition management. In particular, social democratic parties have used referendums on European integration to avoid internal divisions. Finally, all the major parties may reach consensus on calling a referendum, even if their motives differ widely. If so, an element of party competition may be at work: if voters are receptive to one party's demand for a referendum, this might have an effect, by contagion, on other parties. Once one party promises a referendum, other parties may follow for fear of losing support. The corollary is that broad cross-party consensus may be both necessary and sufficient to avoid referendums on European integration.

A second pertinent question is whether stable patterns of decision making about European integration have emerged – whether the use of referendums has become institutionalized over time. Like all rules and procedures, even constitutions require a degree of interpretation, and once interpretations have been made, whether by the judiciary or politicians, they tend to set precedents. A minimal degree of consistency demands that if a decision had been put to a referendum, its reversal also warrants a referendum. However, whether the decision to use a referendum for EU accession is interpreted as setting a precedent or as a one-off decision that legitimizes subsequent parliamentary decision making is a matter of party politics. The central question is therefore whether the main parties in

any given country more or less agree on the use of instruments of direct democracy on European questions, or whether this is contested. In all four Nordic states, a degree of consensus has developed, although at least one party usually contests the ratification procedure for any given treaty.

Before we proceed to the analysis of party political competition on the European question, the simplest explanation of institutionalization – that Euro-sceptic voters demand referendums because they distrust the pro-EU elites in Parliament – should be addressed. To be sure, the general rule in the Nordic countries has long been that voters are more Euro-sceptic than the parties they elect. However, opinion poll data on support for European integration (see Figure 5.1) shows that there is little correspondence between the four countries' variation in public support for European integration over the past two decades and their differences in the use of referendums. Swedish and Finnish public opinion is relatively similar. Norway does not differ consistently from the other two. Danish voters are more pro-EU, but both party consensus and the constitution seem to favour the use of referendums. It is therefore tempting to infer that the variation in the Nordic countries' use of referendums, and ultimately their different degrees of participation in European integration, reflect differences in party competition rather than differences in public opinion. The rest of this chapter therefore turns to party-based opposition to European integration and the demand for and politics of referendums.

Party strategy and Euro-scepticism

Euro-scepticism has played a remarkably significant role in Scandinavian party politics as compared to politics in other European states. Yet the parties differ considerably in how they elaborate their positions on European integration. This can be analysed as a question of party strategy. Borrowing from military and business studies, party strategy can be defined as the link between goals and their achievement or as a broad formula for how a party is going to compete – a combination of what its ends should be and the means by which these should be

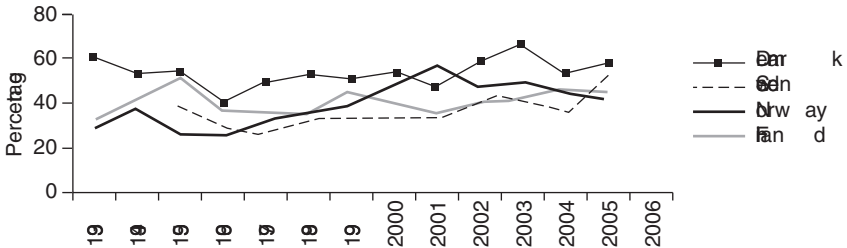


Figure 5.1 Pro-EU opinion: share of Danish, Swedish and Finnish voters who regard EU membership as a 'good thing', and Norwegian voters who favour EU membership (sources: Sweden, Denmark and Finland: *Eurobarometer*; Norway: Statistics Norway 1993–9 Omnibus surveys, and Sention polls for *Nationen* published 2000–5).

pursued (Porter 1980). If a political party is defined along Sartori's (1976) lines as an organization that seeks to propel its candidates into parliament, and usually government, in order to pursue specific policies, what follows is that parties face four goals that are not always in complete harmony. In the classical party politics literature, a party's two key aims were votes and office (Downs 1957; Riker 1962). The third goal is the pursuit of specific policies, and the fourth is internal party management and organizational survival (De Swaan 1973; Budge and Laver 1986; Panebianco 1988). The key problem is that concentrating on one goal may mean compromising on another, hence the dilemmas of party strategy (Strom 1990). Even for parties whose ideology or policy preferences predispose them to strong pro- or anti-EU stances, the quest for votes and participation in coalition government shapes their actual positions (Sitter 2001).

Each of these four goals may shape a party's decisions to support or oppose the use of referendums. Maximizing votes can mean mobilizing Euro-sceptic voters, or limiting the loss of votes to more Euro-sceptic parties. Divided parties often advocate referendums in order to manage dissent. Factions can and do use the European question in intra-party political competition. Policy goals or ideological commitments sometimes pull a party towards advocacy of referendums. When governing coalitions are divided, they often seek to remove the question from the parliamentary arena in order to preserve the coalition. However, not all parties deal with these possibly conflicting incentives in the same way. How parties adapt and change depends on their organization and preferences as much as on the actual challenges. Some parties are more immune to contagion from their competitors than others. Whereas most of the large centre-right and centre-left parties have faced strong incentives to adapt to their competitors' strategies, others have proved more resistant (Kirchheimer 1966; Katz and Mair 1995). Many smaller parties have found the large social democrat and conservative catch-all parties' strategy difficult to imitate, or have simply rejected it. This applies to socialists and greens on the left, agrarian and denominational parties in the centre and new populist parties on the right. Even if most parties now employ full-time professional party officials, rely on public funding and use the media and pollsters extensively, this does not mean that they all pursue similar strategies. Party organizations and tactics may have converged, but strategies for competition remain different.

Three ideal-type party strategies for competition can be extracted from the literature on government-opposition competition in West European politics, and these strategies shape parties' stances on European questions (Dahl 1966; Sitter 2003). First, the left versus right dimension has been shaped by the big catch-all parties – the conservatives and social democrats in the four Nordic cases. However, a number of parties have chosen to appeal to a specific constituency based on interest and/or values, drawing on peripheries' defence of economic interest, culture, values or political autonomy in the face of central administration (Rokkan and Urwin 1983). This often means appealing across the left-right dimension, and emphasizing policy over votes. Third, several parties have sought to circumvent the left-right dimension and challenge the mainstream

parties from the flanks (Taggart 1995). Although parties can and do change, and may transcend their original aims and organization, a degree of continuity characterizes most parties. Parties' origins and identity therefore often affect how they respond to new questions such as European integration.

The most striking feature is the lack of party-based Euro-scepticism among the mainstream conservative and social democratic parties. All the catch-all parties favour EU membership. The conservative parties have advocated it since the 1960s (Svåsand and Lindström 1996). The social democrats have been more divided, but broadly in favour of membership since the 1960s in Denmark and Norway and since the end of the Cold War in Sweden and Finland (Saglie 2000; Aylott 2002). Within these parties, Euro-scepticism has centred on the fear that EU membership might threaten the interests of public-sector workers. Overall, the catch-all parties have been the drivers of the Nordic countries' participation in European integration. Table 5.3 presents an overview of current and former party positions.

The centre parties' record on European integration is more mixed, but in the three EU member states they had all turned pro-EU by the end of the 1990s (Szczerbiak and Taggart 2008). The Danish Liberals and the People's Party in Sweden have pro-EU traditions dating back to the 1970s, whereas the Norwegian Liberals have an equally long Euro-sceptic tradition. The Finnish and Swedish agrarian centre parties converted to pro-EU positions more recently, and more ambiguously. Protection of their agrarian supporters' material interest has been a central question. The Danish Christian Democrats have generally been pro-EU, but opposed both EMU and the Constitutional Treaty; the Swedish and Finnish parties changed from Euro-sceptic to pro-EU in the 1990s. In contrast, the three Norwegian centre parties remain opposed to EU membership – the Christian People's Party and the Liberals somewhat cautiously; the agrarian Centre Party more resolutely, having opposed the European Economic Area. All three focus on the threat to Norwegian democratic self-rule and, to some extent, identity, with the Centre Party also invoking agricultural protection (Sitter 2001).

Outside the Norwegian Centre Party, the strongest opposition to European integration can be found on the flanks of the Nordic party systems. Perhaps predictably, given the EU's focus on free trade and competition, the socialist left has traditionally opposed European integration. Indeed, some of the left flank parties were born as anti-EU or anti-NATO dissenters from the social democrats, much as the Christian parties were born in dissent against the secularizing and socially permissive mainstream consensus (Karvonen 1994; Christensen 1998). However, the Danish Socialist People's Party has recently become more pro-EU, as part and parcel of an overall modification of its left-wing outlook; and in Finland the Left and Green League has turned neutral and accepted EU membership (Raunio 2008). The far right has been less cohesive: the Danish and Finnish parties conform to the West European pattern of far right Euro-scepticism, but the Norwegian Progress Party is caught between populism and its advocacy of free markets. It is now ambivalent, although – like the short-lived New Democrats in Sweden – it advocated EU membership in 1994.

Table 5.3 Nordic parliamentary (and some ex-parliamentary) parties

| <i>Party family and dimension of opposition</i> | <i>Finland (2007 election)</i> | <i>Sweden (2006 election)</i> | <i>Denmark (2005 election)</i> | <i>Norway (2005 election)</i> |
|---|---|--|--|--|
| Far, socialist left and greens: new politics | Left League – VAS (8.8) Green League – VIHR (8.5) | Left Party – Vp (5.9) Swedish Greens – Mp (5.2) | Unity List – E (3.4) Socialist People's Party – SF (6.0) | Socialist Left – SV (8.8) |
| Social democrat: socio-economic left-right | Social Democrats – SDP (21.4) | <u>Social Democrats – SAP (35.0)</u> | Social Democrats – SD (25.9) | Labour – DNA (32.7) |
| Centre (Christian, liberal, agrarian): territorial and/or socio-economic left-right | Centre Party – KESK (23.1) <u>Christian Democrats – KD (4.9)</u> Swedish People's Party – SFS (4.6) | <u>Centre Party – C (7.9)</u> <u>Christian Democrats – KD (6.6)</u> Liberals – FpL (7.5) | Radical Liberals – RV (9.2) ¹ Liberals – V (29.0) ¹ | Centre Party – Sp (6.5) Chr. People's Party – KrF (6.8) |
| Conservative: socio-economic left-right | Conservatives – KOK (22.3) | Moderates – M (26.2) | Conservatives – KF (10.3) | Conservatives – H (14.1) |
| Far right: new populism | True Finns – Perus (4.1) | | Danish Peoples Party – DF (13.2) | Progress Party – FrP (22.1) |

Source: Current and past party programmes.

Notes

Euro-sceptic parties in **bold**: formerly Euro-sceptic parties underlined; percentage of votes in the 2005–7 elections in parenthesis.

¹ RV and V hardly count as 'centre' except in genesis, the former being close to the SD and the latter generally perceived as to the right of KF on the socio-economic left-right dimension.

This pattern suggests that at every major juncture at least one party should demand a referendum on European integration. The pro-EU parties can be expected to seek to avoid referendums if and when there is a pro-EU majority in parliament, if only to avoid the risk of defeat. By a similar logic, Euro-sceptic parties may be expected to demand referendums, particularly when they are in opposition. Parties that are severely divided can also be expected to demand referendums, if only as a means of shifting an awkward issue away from the party political arena. There is one main exception to this generalization: if there is broad cross-party consensus, a parliamentary decision might be sufficient to remove a divisive issue from party politics. Historically, at least one party has opposed every decision on closer participation in European integration. However, two developments in the 1990s set

the scene for more cross-party consensus. First, in Sweden and Finland the social democrat and agrarian parties' adoption of pro-EU platforms in the early 1990s was followed by other parties' reassessment of their policies. Second, in Denmark the 'no' vote in the 1992 Maastricht referendum prompted a national pact joined by most political parties, and a 'yes' was secured in the second referendum a year later. The next three sections turn to each series of referendums: on accession, treaty reform and the Constitutional Treaty.

The accession referendums

The question of EU membership first came up when the United Kingdom announced its application for EEC membership in 1961, barely a year after the establishment of the European Free Trade Area. Denmark and Ireland soon followed the United Kingdom's lead, while Norway's minority Labour government prevaricated until the French president, Charles de Gaulle, vetoed EEC enlargement (Frøland 1998). In 1967, France's second veto probably saved the divided non-socialist coalition government from collapse (Lyng 1976). In Sweden, the Social Democratic prime minister, Tage Erlander, rejected EEC membership as incompatible with neutrality and problematic for the welfare state, although the centre-right parties looked more favourably on membership (Miles 1997; Ryden 2000). Finland's precarious position between East and West precluded EEC membership. De Gaulle's departure from French politics in 1969 revived the question, polarizing Norwegian and Danish party politics and culminating in the victory of 'yes' votes in Denmark and 'no' votes in Norway in 1972. The Swedish government, then led by Olof Palme, reiterated its rejection of EEC membership, again principally with reference to neutrality and solidarity with Finland. Debates about sovereignty and economics were thus played down. Consequently, once neutrality became obsolete in 1990, the Swedish and Finnish centre-left moved swiftly to advocate EU membership (Carlsson 2003).

The original decisions to hold referendums on EU membership were uncontroversial, and they were undertaken voluntarily. In Norway and Denmark, the decisions were effectively taken in the 1960s, long before the actual referendums. The Norwegian parties agreed as early as 1962. In the winter of 1961–2, it looked uncertain whether a 25 per cent minority of MPs might be mobilized to block EEC membership, and consensus emerged that the issue should be settled by referendum (Frøland 1998: 15–16). The Socialist People's Party and the Centre Party wanted a referendum because they feared they might not be able to block accession in Parliament; the divided Liberals favoured one as a means of avoiding a split (which the 1972 referendum precipitated anyway); and the ruling Labour Party eventually adopted a similar logic (Bjørklund 1982: 249–50). Although the Conservatives were not keen on a referendum, their 1965 programme included a commitment to hold referendums if one-third of all MPs request it (Norsk samfunnsvitenskapelig datatjeneste 2001), so they too acquiesced. All parties have since agreed that a referendum would be necessary to reverse the 1972 decision not to join the EEC.

Although the Danish constitution includes provisions for mandatory referendums, accession to the EEC could also have been accomplished by a five-sixths majority vote in Parliament. Whether the Danish referendum should count as voluntary or obligatory is ambiguous. The decision to apply for membership in 1961 was supported by the required five-sixths majority of MPs, but a referendum was seen as a useful device to ensure that a general election would not turn into an EEC election (Martens 1979). When the centre-right government decided in May 1971 to call a referendum on EEC accession, the prime minister's party (the Radical Liberals) was divided and an election was due. Because all the major parties wanted a referendum, the only thing at stake in the forthcoming election in this respect was the procedure for calling one (Buch and Hansen 2002). As it turned out, the 1972 referendum was technically obligatory, because the September 1971 election changed the balance of power and returned a sufficiently strong minority of Euro-sceptic MPs. The decision to join the EEC was approved by less than a five-sixths majority, namely 150 votes in the 179-member *Folketing*: the vote was 141 to 34. Twelve Social Democrats voted against their own government (Svensson 2002: 736). Bjørklund (1982: 240–1) called it 'a voluntary referendum as a result of a tactical manoeuvre'.

These two referendums set the scene for Norway, Sweden and Finland in the 1990s. The Norwegian government had no real choice, partly because of the 1972 precedent and partly because it was unlikely to be able to secure a three-quarters pro-membership majority in Parliament if the Euro-sceptic parties performed well in a general election – and indeed in 1993 they did – where the EU was a salient issue. In Sweden, the governing Social Democrats were initially ambivalent, but in 1990 all the other parties favoured a referendum. According to Prime Minister Ingvar Carlsson's (2003: 417–18) own account, divisions in the party and the conviction that a general election could not settle the question tipped the balance. The four pro-EU parties reached agreement on the procedure in 1991. The government proceeded to argue that the referendum was on accession to the EU, with no obligation to join Economic and Monetary Union. It later reported that this position was minuted in negotiating meetings with the EU (Sveriges regering 1997; Miller *et al.* 2003). The Finnish government's decision should be seen in the light of the referendums in the two other countries (Suksi 1999). The governing Centre Party joined the ranks of the pro-EU parties, but only after its leader, Prime Minister Esko Aho, threatened to resign if his divided party did not adopt a pro-EU stance. He was rated as the 'only person who widely influenced people's opinion' on the issue (Johansson and Raunio 2001: 236).

The most controversial decisions were not whether to hold referendums, but the sequence in which they were held. In 1972, both the Norwegian and the Danish governments had hoped to hold their referendum last, in order to enjoy a 'pull' effect. In the end, they failed to reach an agreement, and the Norwegians voted first, on 24 and 25 September, followed by the Danes on 2 October (Martens 1979: 44–50). In 1994, the running order put the Finnish referendum first on 16 October, the Swedes second on 13 November and the Norwegians

third on 28 November. All three would follow the widely predicted ‘yes’ result in Austria, and critics argued with considerably plausibility that the whole process was designed to engineer an Austro-Finnish pull effect towards a Swedish ‘yes’, and an even stronger Swedish pull in Norway (Todal Jenssen and Listhaug 2001). In the end, the latter did not materialize, at least not to the extent to which many pro-membership campaigners hoped.

Meanwhile, however, Sweden, Finland and Norway had joined the European Economic Area without much controversy, let alone referendums. Yet this was a major step in terms of European integration: the new EEA states accepted the relevant *acquis communautaire* and effectively committed themselves to accepting new relevant EU laws. They established a new supranational authority called the EFTA Surveillance Authority, with supervisory powers comparable to those of the Commission, and agreed to abide by the relevant rulings of the European Court of Justice and the new EFTA Court. For Norway, Iceland and Liechtenstein, this has remained an alternative basis for association with the EU – a kind of quasi-membership (Eliassen and Sitter 2003). However, at the time, the pro-EU parties saw the EEA as a stepping stone to full membership. In Norway, only the Socialist Left and the Centre Party opposed the EEA, but the Christian People’s Party, the Liberals and the Progress Party all joined their call for a referendum. In Sweden, the Centre Party was ambivalent, but only the Greens and Communists – which later became the Left Party – actually opposed the EEA (Gridlund 1992: 44; Ryden 2000: 221–4). Likewise, in Finland only twelve MPs voted against the EEA treaty when it was ratified in parliament.² The Social Democrats, Conservatives and the Swedish People’s Party had adopted pro-EU positions as early as 1991, and the Centre Party followed suit in June 1994. The Greens and the Communists were divided, and only the small Christian and Rural parties opposed European integration (Arter 1995; Raunio 2008).

Treaty ratification and EMU

Although all four countries held referendums on accession to the EU, the three member states have taken different paths for subsequent treaty ratification. Most Finnish parties adopted a broad interpretation of the mandate given in the 1994 referendum, which was assumed to include both participation in EMU and a mandate for Parliament to enact further treaty changes. In Sweden, the decision to decouple EU and EMU membership made another referendum likely but far from certain. In Denmark, the decision to call a referendum in 1986 reflected the government’s difficulty in securing majority support for the SEA at all. Although the first Maastricht referendum was obligatory, the second Maastricht referendum was not. It was, however, a political necessity, and it set the scene for further referendums on successive transfers of power to the EU. As a rule, therefore, whether to use referendums or not is the government’s call, but in some cases the government is freer to choose than in others.

The Danish decision to go down the referendum path in 1986 was primarily a device for a minority government to secure the passage of legislation, and it

worked admirably. The minority government consisting of the Conservatives, Liberals, Centre Democrats and Christian People's Party generally relied on the support of the far right Progress Party and the Radical Liberals, but the latter defected to the opposition on the vote on the Single European Act and the government was defeated. A referendum was chosen as an alternative to fresh elections, and the Social Democrats and Radical Liberals – both of which were divided on the actual use of a referendum – agreed to abide by the voters' verdict (Svensson 2002: 738).

At the next European juncture, the Maastricht bill passed with 130 votes to 25, opposed only by the Socialist People's Party, the Progress Party and parts of the Christian People's Party. It thus fell short of the required 150 votes and triggered a referendum (Svensson 1994). However, many politicians argued that the two earlier referendums had set a precedent and voters expected it (Siune 1993: 94). After the first 'no' vote, another referendum became a political necessity. Because there was no plan B in place to deal with one state's failure to ratify a treaty, the Danish opt-outs were agreed at the Edinburgh summit: opt-outs from EMU, common citizenship, defence, and supranational decisions in the field of justice and home affairs. The participation of Euro-sceptic parties in negotiating this deal secured a 'yes' in the second referendum, in May 1993. The Edinburgh agreement was supported by all parties except the Progress Party, and thus brought a degree of elite consensus that had not been seen since the 1960s. Although treaty ratification would now pass with more than 150 votes (which precluded a referendum being called), a separate bill was passed to use a non-binding referendum. This set the scene for future cross-party compromises.

The main parties prepared for the use of the same mechanism for the referendums on Amsterdam in 1998 and EMU in 2000, which they found to have implications in terms of transfer of sovereignty. Buch and Hansen (2002: 8) argue that 'the reason for submitting the European issue [to referendums] should, therefore, be seen not as a consequence of strictly legal reasons, but rather as a consequence of political reasons'. As it turned out, the 1998 election gave parties opposed to the Amsterdam Treaty – the Progress Party, Socialist People's Party, Danish People's Party and the Unity List – a blocking minority; and in 2000 the Christian People's Party joined them in opposition to the euro. However, when it came to Nice the main parties agreed that no referendum was needed because the treaty did not involve a transfer of sovereignty, and the Ministry of Justice confirmed this (Justitsministeriet 2002). The Danish Parliament has in fact approved minor transfers of sovereignty under article 20 without recourse to a referendum on three occasions: once on air traffic control, and twice relating to European patents (FEO 2002).

Sweden has had neither a political need for referendums on treaty reform, nor a constitutional requirement. Referendums were not deemed necessary for ratification of the Amsterdam and Nice treaties, which the Social Democrat government and the centre-right opposition supported. However, EMU became a special case. The government had left the question open in 1994, maintaining only that the decision would be taken at a later stage. When the Social Democrats

eventually opted for the EMU referendum, partly to circumvent internal divisions and partly to accommodate the small Euro-sceptic parties, their use of a consultative referendum was supported by all parties except the conservative Moderates (Widfelt 2004: 506–7). In the run-up to the vote, when a ‘no’ result looked likely, Prime Minister Göran Persson questioned the decision to put the issue to a popular vote in the first place (Aylott 2003). As in Denmark, the outcome was ‘no’.

By contrast, successive Finnish governments have opted not to hold further referendums on European integration. Raunio (2005) points to the consensual style of foreign policy, with a strong national coordination system on EU policy, combined with a fragmented party system that encourages compromise and candidate-centred elections that link Euro-scepticism to individuals rather than parties, as the key factors that make for a broad cross-party consensus on European policy. Even the Greens and the Left League performed U-turns and decided in 1997 and 1998 respectively to support Finnish participation in EMU even though some of their MPs dissented. Although the Centre Party was against EMU and initially sought a referendum, it eventually decided to accept the decision of the parliamentary majority and not seek to overturn it in the future. EMU was approved by 165 to 31 votes in Parliament in 1998.

The Constitutional Treaty and the Lisbon Treaty

Given the history of referendums on European integration in Denmark, the broad cross-party agreement to hold a referendum on the Constitutional Treaty came as no surprise. The five old parties agreed a national compromise that involved a decision both to call a referendum and to recommend a ‘yes’ vote. The decision was adopted in February 2005, after the election. This mirrored the broad cross-party agreement on the second Maastricht referendum, and excluded the hard Euro-sceptic parties on the far left (the Unity List) and right (the Danish People’s Party). The Christian Democrats also came out against the compromise in the most marginal of decisions in September 2004, when its governing body voted 24–23 not to participate in the national compromise, citing excessive majority decision making in the EU, opposition to the changes to the presidency and the lack of reference to Christian values. However, the party fell below the electoral threshold in the February 2005 election. It later changed leadership and reverted to a pro-EU stance. When the Socialist People’s Party decided in November 2004 to agree the compromise with the Liberals, Conservatives, Social Democrats and Radical Liberals, the deal was hailed as a historic compromise. The Socialist People’s Party membership subsequently endorsed the party’s new ‘yes’ position by an overwhelming 3,130 votes to 1,774. By the time Parliament set the date, not only had the government thus secured broad support for the decision to call a referendum, but Prime Minister Anders Fogh Rasmussen had built a solid coalition behind Danish EU policy that came close to the ubiquitous five-sixths base in Parliament.³ However, the referendum results from France and the Netherlands prompted suspension of the ratification process.

Like their Danish counterparts, the Finnish governing parties opted to stick to what was rapidly becoming an established pattern – in this case a pattern of parliamentary ratification of EU treaties. The decision was relatively swift, if somewhat more controversial than in Denmark. The governing parties (the Centre, Social Democrats and Swedish People's Party) and the main opposition (the Conservatives) all decided individually that there was no need for a referendum on the Constitutional Treaty. In the autumn of 2003, they agreed that the threshold for referendums should be kept high, and that the Constitutional Treaty would not meet this threshold. The Foreign Affairs Committee concluded in September 2003 that the draft constitution did not warrant a referendum. When the government bill on the Finnish position in negotiations was passed in October 2003, an amendment supported by the Greens, the True Finns and a few Christian Democrats that called for a referendum was defeated by 141 votes to 36. But the consensus was by no means as complete as it was in Denmark: the Christian Democrats decided in November 2004 to demand a referendum, and in February 2005 a quarter of Finnish MPs – including some Social Democrats and Centre MPs – signed a motion calling for a referendum. The treaty was eventually ratified by the Finnish Parliament in December 2006, by 125 to 39 votes.

The Swedish government's decision not to call a referendum on the Constitutional Treaty proved far more controversial. Among the parliamentary parties, only the Greens and Left Party demanded a referendum. However, the two parties supported the Social Democrat minority government in an informal coalition. Moreover, the Euro-sceptic June List, which polled almost 15 per cent and came third in the 2004 European Parliament elections, demanded a referendum and threatened to enter a list for the 2006 general elections. By autumn 2004, the organization established to push for a referendum, Folkomröstning.nu, was heading towards 100,000 signatures. Critics argued that the treaty would amount to a constitutional change, and therefore required at the very least two parliamentary decisions with an intervening election. However, Foreign Minister Laila Freivalds argued in Parliament, after judicial consultation, that the changes could be accommodated by a normal parliamentary vote. Despite considerable debate in the press and within the Social Democrat and Centre Parties, a broad cross-party agreement was reached by all except for the Greens and the Left in December 2004 to the effect that there would not be a referendum. In the spring of 2005, Social Democrat Euro-sceptics campaigned to force the party to change its position on the referendum, which would have entailed 5 per cent – some 7,000 – of the party's members demanding an internal party referendum on the question. French voters put a premature end to this. Although the decision was put on hold, the June List nevertheless decided to compete in the September 2006 election on the grounds that no referendum had been promised. It polled less than 0.5 per cent of the vote, a clear indication that the government hardly alienated voters by not opting for a referendum.

All three countries opted for parliamentary ratification of the Lisbon Treaty. In Denmark, the government chose to depart from the referendum path by ensuring that the new treaty (which was agreed in principle at the June 2007 EU

summit) explicitly did not include the nine points that the Danish Ministry of Justice had argued triggered the Article 20 procedure for the Constitutional Treaty. The Lisbon Treaty was therefore specifically designed to circumvent the need for a referendum in Denmark. The Ministry of Justice concurred in December 2007. All the old parties accepted this. At the same time, the government also began to build a broad cross-party agreement on another referendum, with a view to removing the Danish opt-outs. The Lisbon Treaty was approved by the Danish Parliament in April 2008, against twenty-five votes by the Danish People's Party and the Unity List, and three Socialist MPs who voted against the party line. After the Irish voted 'no' to the Lisbon Treaty, the plans for a referendum on the Danish opt-outs were suspended, because the new treaty affects precisely the issues at stake. Having already approved the Constitutional Treaty, the Finnish and Swedish Parliaments opted to stay the course for ratification of the Lisbon Treaty. The Finnish Parliament approved the Lisbon treaty with only twenty-seven votes against. 'No' votes were cast by the True Finns, most of the Left League, half the Christian Democrats and three rebels from each of the Social Democrats and Centre Party. Swedish approval was scheduled for late 2008.

Meanwhile, in Norway the debate over a third application for EU membership briefly developed into a controversy over how many referendums should be held. Formally, the question was effectively put on ice for the duration of the 2001–5 parliament by a 'suicide clause' which stipulated that the coalition of the Conservatives, Liberals and Christian People's Party would be terminated if the pro-EU Conservatives put the EU issue on the agenda. The Christian People's Party now argued for two referendums: one on whether to apply and one to ratify the deal after negotiations were concluded. This was seen as a neutral stance, allowing uncertain voters to vote 'yes' the first time without committing themselves. Although the party has since reverted to its one-referendum strategy, the neutral Progress Party and the divided but formerly Euro-sceptic Liberals came to favour this double-referendum solution. Both the pro-EU parties (Labour and the Conservatives) and the hard Euro-sceptics (the Centre Party and the Socialist Left) want only a single referendum. In the end, all this manoeuvring turned out to be somewhat premature, as the 2005 election propelled a red–green coalition of Labour, the Centre and Socialist Left into office, which adopted a similar 'suicide clause' to quarantine the EU question for 2005–9.

To structure political conflict – still free to choose?

The Nordic states' experience with referendums on European integration lends more support to the negative scenario that Maija Setälä discusses in Chapter 1 than to the positive scenario. The Nordic states are primarily representative democracies, and referendums are used only sporadically. The Danish constitutional requirements notwithstanding, the use of the referendum has generally been a matter of party political strategic decisions. The desire to circumvent a decisive issue or avoid fighting a general election on the European question has been a powerful motive behind most of these decisions. Other important motives

have included securing a decision that runs against the wishes of the majority in parliament; and in the Euro-sceptic parties' case, to raise the profile of an issue that benefits them electorally. The short-term effects may have been polarization; for example, in Norway the 1994 campaign rendered voters better informed but also more intolerant of their opponents, and 'no' voters became more hostile to the political elite (Jenssen and Valen 1995). The campaigns confirm that there are often many different and mutually inconsistent ways to oppose a policy proposal. Left-wing, centrist and far-right parties have opposed closer European integration for very different reasons. Although protection of national self-rule has been the common theme for those voting 'no' across the spectrum, there has been somewhat less coherence and consistency in terms of policy themes. All the 'no' votes have been government defeats, not exercises in neutral voter consultation. Consequently, the policy effects have included inconsistent decision making, as governments have maintained close participation in European integration in the context of the 'no' votes and in the absence of clear alternatives. In the medium term, however, the Danish, Swedish and Norwegian governments that have seen their European policies defeated in referendums have found ways to manage those defeats to the satisfaction of most political parties and, to judge by the polls, voters.

Given that the history of European referendums includes five defeats to six wins for the governments, there is little reason to expect the Danish, Finnish, Swedish or Norwegian governments to desire more referendums than is necessary. Most political parties have acted in accordance with the hypothesis that it is a party's stance on European integration that determines whether it demands a referendum. Pro-EU parties seek to avoid referendums on European integration unless party or coalition management makes it imperative. The recent experiences with the Constitutional and Lisbon Treaties will only reinforce this. The only case of a united pro-EU party voluntarily calling for a referendum is the Norwegian Progress Party when accession to the European Economic Area was debated – a rare case of a populist party putting its commitment to direct democracy above its European policy. Likewise, Euro-sceptic parties tend to demand referendums. The significant exception is the Finnish Centre Party on the EMU question – a rare case of a party putting its commitment to representative decision making above its European policy. For most Euro-sceptic parties, there has been no dilemma. Unlike the UK Conservatives, who are more committed to exclusively representative decision making, most of the Nordic Euro-sceptic parties also share a commitment to direct and participatory democracy. It is the centre-left parties that have faced the most difficult dilemma, between settling a divisive question outside the party political arena and their commitment to parliamentary rule, not to mention risking defeat of the leadership's position. Perhaps the most interesting exceptions to these generalizations are the Danish parties' national compromises, in which the mainstream pro- and anti-EU parties have reached agreement not only on procedures, but on policy recommendations.

The history and politics of European referendums in the Nordic countries suggest that while the political parties may once have been relatively free to

choose whether or not to use referendums for major decisions on European integration, they are now less free to choose. The paths chosen at the first three or four junctures have shaped the political parties' options in the face of further treaty ratifications.

Three mechanisms seem to be at work. First, parties' decisions set precedents, which may require that they demand referendums for the sake of consistency. Once accession to the EU or one of its policy areas has been ratified or rejected by referendum, it is very difficult politically for a party to call for a parliamentary reversal of this. The EMU question in Sweden is the most subtle case in point: having argued that the accession referendum did not commit the country to EMU, the Social Democrats had to call a referendum on EMU despite their clear reluctance to do so.

Second, once referendums have been used to ratify European questions, it is easy for a party to demand that they be used again and invoke the threat that voters might punish pro-EU governing parties that opt for parliamentary ratification. However, there is no indication that the governing parties were thus punished in the Swedish election in 2006 or Danish and Finnish 2007 elections.

Third, and more significantly, institutionalization may be a matter of all the mainstream parties seeking to build a consensus on the politics of European treaty ratification. This has been the case in Denmark and Finland, with opposite outcomes, and similar processes are also at work in Norway and Sweden. Yet the fact that two successive and politically different Swedish governments opted for parliamentary ratification of the Constitutional and Reform Treaty, and that the five old parties in Denmark agreed to ratify the first treaty by referendum but the second by Parliament, shows that even institutionalization is contingent on party political choice. In short, the Nordic cases suggest that political parties in representative democracies enjoy considerable power to structure political conflicts and to determine the appropriate arena for decision making.

Notes

- 1 For the purposes of the present chapter, the four Nordic countries include Denmark, Finland, Norway and Sweden. Iceland is not included here since it has not held referendums on European Union membership. For the sake of simplicity, the term 'EU' is used also to include the European Economic Community before the Maastricht Treaty entered into force in November 1993, except where reference is only to the pre-Maastricht EEC.
- 2 I am grateful to Tapio Raunio for this information, in correspondence of August 2005.
- 3 The Danish People's Party won twenty-four seats in the 2005 election and the Unity List won six seats, which meant that the two could block a five-sixths decision if they managed total party unity.

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6 Elite motives for initiating referendums

Avoidance, addition and contradiction

Gideon Rahat

Introduction

The very occurrence of voluntary – ad hoc or optional – referendums in democracies poses a theoretical puzzle. As Setälä (1999: 330) puts it, ‘At first sight, the interests behind ad hoc or optional referendums cannot be regarded as “policy maximizing,” because the parliamentary majority required to introduce a referendum is normally also sufficient to pass the proposal submitted to a referendum.’ Should we expect the political elite, and especially elected politicians, to forgo their hard-earned special democratically authorized and legitimized decision-making power? Should we expect elected politicians – each representing tens of thousands of voters – to equalize their weight in decision making to that of ordinary citizens? That is, should we expect the members of the political elite to initiate a referendum? The answer, it seems, is ‘no’. Indeed, ad hoc and optional referendums are rather rare; in most democracies, at most times and in most cases, political elites seem to be able to settle their differences without including the masses in the decision-making process. Yet there are instances in which members of the elite do call for a referendum. Why? What is it that makes them ready to relinquish their special representative status?

The initiation of a referendum by members of the elite, and even public support for such a move (Hermann and Yaar 2000, 2006), do not stem only from a belief in referendums’ democratic qualities. Especially in those cases analysed here – when a referendum is a possibility but not a necessity, and when the suggestion to hold one is raised in a specific decision-making context and not as a constitutional issue – referendums are perceived as a tool that can help interested sides achieve certain goals. The goal may be the promotion or the blocking of a certain policy that is the issue put for decision at the referendum. But the goal may also be beyond the content of the decision. A referendum may be used, for example, to avoid a decision that might threaten the unity of a party or a governing coalition, or to decouple a controversial issue from the electoral agenda. A referendum may even be employed to add legitimacy to a certain decision that would have been adopted in any case, or to empower its initiator through a popular show of extensive support for the initiator’s policies.

As there is no constitutional requirement concerning the conducting of referendums in Israel, and because referendums have never been conducted in Israel on an ad hoc basis, the Israeli political elites are not restricted by the burden of a precedent. As LeDuc (2003: 186) observes:

Once a precedent is set in a particular country for holding a referendum on issues involving major political change, it becomes unlikely that further changes of similar magnitude will be attempted without again consulting the people, even when such consultation is not constitutionally mandated.

Yet the proposals for conducting referendums are serious enough to deserve scholarly attention. The accumulated experience with them – and especially the unfinished legislation that determines the use of referendums in case of the transfer of territories where Israel's law, adjudication and administration apply according to Israeli legislation (that is, in the cases of East Jerusalem and the Golan Heights) – does seem to increase the probability of the future use of this tool. There have been several bills that suggested conducting a referendum. Arieli-Horowitz (2006: 114) states:

The referendum seemingly passed the point of no-return in Israeli politics: Now the emphasis is not on the question of whether this decision making tool does or does not fit Israeli democracy, but on the question of when this political phantom will become a tool that has been used for decision making.

This situation, in which the initiation of a referendum is a matter of serious choice, makes the Israeli case particularly suited for the purpose of identifying elite motives for the initiation of and support for referendums.

This chapter starts with a taxonomy of elite motives for initiating a referendum and for supporting its conduction. It suggests that referendums may be initiated and supported in order to serve any of three goals. The first is *avoidance* of the need to make a decision in a certain framework. This may result from the fear that a decision might lead to a split within a unit whose cohesion the initiators and supporters of the referendum wish to sustain, be it a party, a coalition or party voters. The second is the *addition* of a decision-making forum to legitimize the decision and/or empower the initiator of the referendum. The third is a *contradiction*: blocking a majority decision or promoting a policy or reform that the majority in government and/or parliament rejects. Then, on the basis of this taxonomy, the chapter suggests an analysis of cases in which the use of a referendum was initiated in Israel. The next section proposes some generalizations concerning the initiation of referendums on the basis of various accounts of ad hoc and optional referendums in other countries. The final section offers concluding remarks about the growing use of referendums in representative democracies and the problems relating to the controlled use of referendums.

Motivations for initiating and supporting referendums: a classification

The classification that is proposed in this section is relevant for those cases in which the conducting of a referendum is an option, not a necessity. It includes cases in which members of the elite choose to let the public decide on an issue through a referendum. It does not deal with cases in which referendums are prescribed by the constitution or by the law. The analysis concentrates on the motives of the members of government institutions and leaves aside cases in which other actors can call a referendum. Nevertheless, the analysis and the findings are at least partly relevant for the latter cases, because proposals for conducting a referendum are frequently used by elites and because the motives for referendum initiation are likely to be similar.

Several attempts at a systematic classification of the possible motivations for initiating referendums can be found in the research literature. With an emphasis on the experiences of the Nordic countries, Bjørklund (1982) suggested that a referendum might be initiated to serve three possible functions. First, it may be used as the weapon of the minority. That is, once politicians realize that they are about to lose a given battle because they cannot recruit majority support, either in their party, in parliament, in government or in all three, they may turn to the people, hoping that the change of decision-making forum will tip the power balance in their favour. Second, a referendum may be used as a tool for conflict mediation. In the case of a division within a party or a coalition around a certain issue, it might be preferable to let someone else decide. Thus, the referendum can be used to neutralize a particular issue, which, otherwise may have led to the splitting of the party or the fall of a coalition. Third, a referendum may be used to push certain problematic issues aside, to decouple them from an election campaign with a pledge that they will be addressed separately in a referendum.

Morel (2001) adds to Bjørklund's analysis two possible motivations. First is what he calls 'de facto obligatory legitimization referendums'. This refers to referendums that are conducted not because of a strategic choice, but because there is no real choice – that is, a referendum is necessary in order to win legitimacy for a certain decision. The second motivation or reason is called 'plebiscitary motivation', and it refers to referendums that are intended to empower their initiator vis-à-vis other political forces. Qvortrup (2006) adopts Morel's classification and also suggests what is called a strategic motive: initiating a referendum on an issue as part of an attempt to win points in an inter-party struggle.

As shown in Table 6.1, the taxonomy proposed here on the first and second rows tries to suggest a more sophisticated classification that assembles all possible motives in three clusters. The classification at this level is based on the notion that the initiation of an ad hoc or an optional referendum means creating an additional decision-making arena, one that does not normally exist. The seven subtypes suggested in the taxonomy cover all motives proposed by Bjørklund (1982), Morel (2001) and Qvortrup (2006).

Table 6.1 Classifications of motives for initiating and supporting referendums

| | <i>Classification by Avoidance</i> | | | <i>Addition</i> | | <i>Contradiction</i> | |
|-------------------------|------------------------------------|--------------------|------------------|---|--------------------|----------------------|-------------------|
| | <i>Partisan</i> | <i>Coalitional</i> | <i>Electoral</i> | <i>Legitimacy</i> | <i>Empowerment</i> | <i>Promotional</i> | <i>Protective</i> |
| <i>Bjørklund (1982)</i> | Mediation device | | Lightning rod | | | Minority weapon | |
| <i>Morel (1996)</i> | Tension-resolving | | | <i>De facto</i> obligatory legitimating | Plebiscitary | Legislative | |
| <i>Qvortrup (2006)</i> | Decision solving | | | Legitimating/politically obligatory | Strategic | Legislative | |

Three kinds of general motives can induce members of the elite to initiate the creation of the new decision-making arena of the referendum and to support its adoption (Figure 6.1). The first is *avoidance*. When politicians fear that a decision on a certain issue might lead to a split within a unit of the party or the coalition or party voters whose cohesion they wish to sustain, they may initiate a referendum as a way to transform decision making and avoid the blame and responsibility for its outcome (Setälä 1999: 332). This may occur when opinions within a party or parties clash to the extent that a split may develop, or at least differ sufficiently to hurt the party as a whole (Budge 1996). Another motive is to try to solve coalition disagreements. Instead of compromising on policies, as parties in coalitions usually do, they pass the decision to an arbitrator, to the democratic sovereign – to the people. Avoidance may also serve electoral purposes:

The demand for a referendum can be a well-suited instrument for removing a certain issue from the campaign by arguing that it does not belong there. Everyone will have a chance to express his or her view later, through the referendum.

(Bjørklund 1982: 249)

When a party attempts to address voters who generally tend to favour it, yet have a strong stance regarding a particular policy that does not fit its own position, the party may try to neutralize this problem by promising to conduct a referendum on that issue.

The second motive is *addition*. The initiation of a referendum may occur when a decision has the necessary majority or majorities that will allow it to be adopted according to the rules of the game, without turning to the public. In this case, the addition of another decision-making mechanism to the existing ones could be initiated and win support with the aim of serving one or both of two possible goals: the ability to further legitimize a decision, so that it can be claimed to have the support not only of the democratically elected institutions, but of the sovereign herself; and/or empowering the politician or party who initiated it – that is, a ‘plebiscitary referendum’ in Morel’s (2001) terminology, or what Qvortrup (2006) called a ‘strategic referendum’.

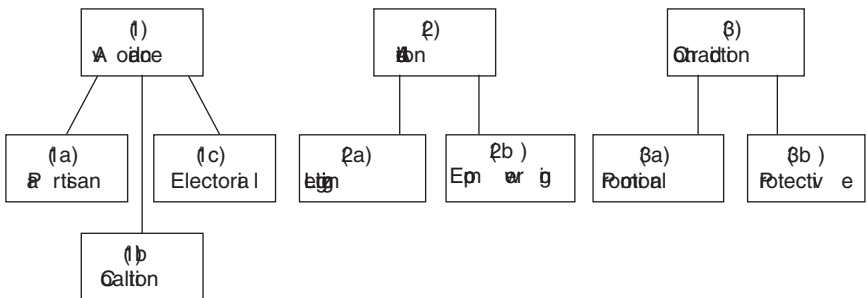


Figure 6.1 Motivations for initiating referendums.

The third motive is *contradiction*. A referendum may be initiated to contradict decisions that were adopted in other forums. A minority that might instigate such a move would believe either that it had a better chance in a different decision-making forum or, at least, that it would be worthwhile to try. In that situation, the initiators have ‘nothing to lose and everything to gain by demanding a referendum’ (Bjørklund 1982: 247). Such an attempt may be promotional, as the initiators may try to promote a reform or a certain policy that was rejected by the conventional decision-making forums. Such an attempt may be protective, serving the preservation of the status quo rather than its change. In that case, the referendum is initiated in order to add a potential veto actor.

The three types of motive – *avoidance*, *addition* and *contradiction* – and the seven sub-types do not represent mutually exclusive categories. First, an actor such as an individual politician, a political party or an interest group may have several motives for initiating a referendum or for supporting it. For example, if an actor has majority support but nevertheless identifies strong resentment within the party concerning a certain issue, and if the actor believes that a referendum is very likely to achieve results preferred by the actor, then the actor might support the conduction of a referendum for reasons of *avoidance* (of a split within the party) and *addition* (of legitimacy). Second, different actors may simultaneously initiate or support the notion of referendum out of different motives. For example, while the actor in the first example supported a referendum for the sake of *avoidance* and *addition*, another actor might promote or support it because the actor sees the referendum as the only route that can give that actor a chance to block a certain decision – in other words, the motive is *contradiction* (of the protective kind).

The case of the initiation of the first national referendum in the United Kingdom – in 1975, on the country’s membership in the European Community (EC) – can serve as a good example from the real world on how all three general types of motives can indeed be relevant for the same case. A majority in Parliament supported EC membership, yet the prime minister preferred to call a referendum in order to avoid strong intra-party conflict and even a split, and in order to legitimize the decision to stay in the EC. The minority in the then ruling Labour Party that rejected EC membership also supported the conducting of a referendum because it estimated that it had no chance of recruiting majority support for its anti-EC stand within Labour and within Parliament (Bjørklund 1982; Morel 2001; Qvortrup 2005, 2006).

The Israeli cases

Israel has never conducted a referendum at the national level. Yet political actors raise the idea of doing so from time to time. This tends to occur in the context of a certain confrontation on a specific issue such as electoral reform or territorial compromise, rather than as a principled debate concerning the referendum as a constitutional tool. The threat or promise of holding a referendum has been used several times for various reasons, as suggested in the analysis that follows.

Avoidance

The idea of conducting a referendum has been promoted in Israel for all three of the motivations suggested in the *avoidance* category: with the intent of settling conflicting views within parties, to defuse disagreements among coalition partners and as a tool to recruit the support of potential voters by promising to settle certain issues.

1 Party unity

In 2004, before the implementation of the disengagement plan – Israel’s withdrawal of settlers and of the military from the Gaza Strip – a Likud member of the Knesset (parliament), Miki Eitan, who supported disengagement but was worried by the signs of a possible split within his party, proposed that a referendum be conducted on the issue. He claimed, ‘It is not a miracle medicine or a phantom, but it can be a glue for Likud, it is preferable over elections’ (Eitan n.d.). The pressures of the opponents of disengagement were focused on Likud. Because of its pivotal position at the center of the political map, the key to stopping the plan was to divide the party. A referendum could transfer the decision to the people from the party, whose members were torn over this major ideological issue. It seemed to be the only way out of a situation in which all party echelons were divided: the party in government, the party-selected institutions and the party members.

Indeed, most of the supporters of the disengagement plan rejected the referendum idea, while its opponents saw it as another tool for blocking it (that is, a contradictory tool of the protective sub-type). Yet within Likud there was a significant group that supported the disengagement at the same time that they supported a referendum. Ten out of forty Likud MKs (Members of Knesset) voted in support of both disengagement and a referendum on the issue (*Knesset Records*, online, 3 November 2004, 28 March 2005).¹ About half were ministers who opposed the disengagement, yet, following a majority decision in the government, voted in support of it in the Knesset. Their support for a referendum was supposed to legitimize their sticking to their governmental positions. The others, including the initiator of the bill, were supporters of the disengagement who wanted to avoid a split in Likud.

The bill concerning the conducting of a referendum was rejected. The disengagement plan was implemented in line with the government and Knesset decisions and relevant legislation. Likud did split: most of the disengagement supporters joined a new party, Kadima, led by the prime minister himself, while its opponents, together with some proponents, such as the MK who initiated the referendum, remained in Likud.

Another attempt to use the promise to hold a referendum as an intra-party arbitrator can be found in the manifesto of Shinuy, a centrist party. This party successfully re-established itself in 1999 after leaving the dovish Meretz party alliance.² As part of its attempt to establish an independent centrist image, the

party invited some forces from the right to join its liberal, anticlerical banner. In order to settle the differences between hawks and doves within the party, its 1999 election manifesto called for a referendum if the issue of a peace agreement with Syria were to appear on Israel's agenda. This use of the public as an arbitrator enabled the party to settle intra-party differences, as well as to address anticlerical hawkish voters.

2 Coalition unity

The promise to conduct a referendum was made several times with the aim of solving disputes among coalition partners. In various coalition agreements, it was determined that decisions concerning contested issues would be made through a referendum. It is claimed that as early as 1974, in order to persuade the National Religious Party to join the Labour-led coalition, the prime minister, Golda Meir, promised that the issue of withdrawal from territories in Judaea and Samaria that were occupied in the 1967 war would be put to a referendum (Hermann and Yaar, 2000: 61, 75n2).³ In the 1990s, the use of referendums in coalition building became quite common. In the coalition agreement of 1992 between Labour and the ultra-Orthodox party Shas, it was stated that a referendum or elections would be conducted before the signing of a peace agreement that required withdrawal from territories. Labour made the same promise to a small splinter faction that joined the coalition in 1994. In the coalition agreements of 1999 between One Israel (an alliance of Labour and two small parties) and the hawkish National Religious Party, and in its agreement with the centre-right party Yisrael Ba'aliya, as well as in the government programme, it was promised that a peace agreement with Syria would be brought to ratification via a referendum. In short, the referendum was used to enable the centre-left Labour to overcome its differences with potential coalition partners from its right, and to legitimize their later inclusion in a Labour-led government.

However, these coalitions were not terribly successful. The right-wing partners joined the Labour-led coalitions only when a right-wing Likud-led government coalition could not be established, either because there was no rightist-religious majority in the Knesset or when, as was the case in 1999, the Labour prime ministerial candidate, Ehud Barak, was directly elected to the premiership. Indeed, these coalitions collapsed prematurely, at times because even the promise to conduct a referendum could not successfully cement the differences between hawks and doves.

3 Electoral purposes

There are several instances in which parties' promises to use a referendum were made for electoral purposes. When a party has identified that a significant pool of potential voters were hesitating over whether to vote for it because they disagreed with one of its policies, the party has sometimes tried to decouple the issue from the elections by promising to hold a referendum on that policy. This

became typical behaviour in cases when there was a special interest among the median voters. Such an interest was especially apparent in the case of the 1996 and 1999 direct elections for the premiership. In its 1996 manifesto, in order to garner the support of more hawkish voters Labour promised to put peace agreements with either the Syrians or the Palestinians to a referendum. In advance of the 1999 elections, the Labour prime ministerial candidate, Barak, promised to hold a referendum should a peace agreement with Syria be imminent.⁴ And, as noted, in the centrist Shinuy's 1999 manifesto, the promise to conduct a referendum on a peace agreement with Syria appeared in an attempt to recruit support from the secular right.

Addition

Sometimes politicians can have it their way without a referendum, but they nevertheless suggest holding one in order to legitimize a given policy, or even to enhance their political status through a popular show of wide support for a policy. In Israel, legitimacy became the catch-cry for justifying the call to use a referendum on the issue of territorial concessions. Its possible use to empower a specific politician or politicians, however, was never seriously raised. This seems to indicate that it is unlikely that, in the context of the factionalized Israeli society, any party or group can really hope to get empowering results.

1 Legitimization

Initiators of referendums often make the claim that a referendum should be held in order to recruit popular legitimacy to decide on a crucial issue that is on the public agenda. It would thus be hard to point to a specific proposal that was launched solely or even mainly for the sake of gaining legitimacy. However, most initiators of referendums seem to want to gain popular legitimacy for the decision they hope that the people will make. That is, legitimacy appears as an expected bonus. It seems that Prime Minister Ariel Sharon (2001–5) initiated a referendum on his disengagement plan among his Likud Party members not only to avoid a negative decision on the issue in the party central committee, but also to legitimize his deviation from the party's 'Greater Israel' ideology. Those who called for a national referendum on the disengagement plan, or on other agreements such as the Oslo peace agreements with the Palestinians, tried to widen the support for holding a referendum by claiming that this was the only legitimate route for such decisions.

2 Empowerment

A possible motive for initiating a referendum is empowerment. When a leader is sure of getting support for the policy that is being pushed through, he or she might initiate a referendum in order to make a show of the leader's power and ability to mobilize the masses in support of a policy he or she is identified with.

This is a primary motive for the initiation of referendums by non-democratic leaders, though it is not unknown in the democratic world. Morel (2001) calls this kind of referendum a 'plebiscitary referendum', and claims that this motive characterizes the initiation of several French referendums.

In the Israeli case, however, no example of the empowerment motive can be found. This seems to reflect the basic understanding that in the multi-party, divided and factionalized Israeli polity, no leader could take the risk and expect to gain power through a referendum. Indeed, in both the two non-national referendums held in Israel, the powerful leaders who initiated them chalked up a loss, despite the fact that the vote took place on their home territory. David Ben-Gurion, the most prominent national leader of all, failed to win the support of the members of the General Federation of Labour (the Histadrut) for his agreement with the head of the dissident Revisionist Party in the pre-state period in 1935. Seventy years later, the Likud chair, Prime Minister Sharon, failed to recruit support for his disengagement plan through the conducting of a referendum among Likud members. While polls conducted a month before the referendum suggested that he was going to win with 60 per cent support for his plan, when the vote took place his plan was actually rejected by 60 per cent of the voting members (Sheafer 2005).

Contradiction

On occasion, Israeli politicians have called for a referendum when they felt they would lose if the results of a political confrontation were to be decided in the regular forums of representative democracy: the government and/or the parliament. Such calls were made either to promote a policy or reform that a majority in the relevant forum had earlier rejected, or in order to block a policy that had a majority in the government and the Knesset.

1 Promotion

In November 1958, an MK from Mapai – the dominant party at the time, which held a third of the seats in the Knesset – submitted a private member's bill that suggested a referendum be conducted to decide between proportional representation (PR) and a single-member district system. It was assumed that a majority of the public would support electoral reform, or at least that the idea had a better chance with the public than with the Knesset members, who had vested interests in the existing system. Still, Mapai had to recruit a majority for its referendum proposal in the same Knesset that had rejected electoral reform and entrenched the existing PR electoral system less than a year earlier. Mapai failed in its attempts to recruit other parties' support. Even promises to allocate positions on its list in future elections did not persuade potential allies to support the proposal. The hope that Herut, a party that promoted the use of referendums, would support the bill also failed because no middle ground could be found between the two parties: Mapai refused to consider any legislation that would give

referendums a constitutional status (Arieli-Horowitz 1993); Herut refused to swallow the bait of the precedent-setting legislation and the use of a referendum, and joined forces with all the other parties to block this move.⁵ The attempt of a significant minority – Mapai, though the dominant party at the time – failed. Not surprisingly, the same majority that supported the existing electoral system rejected the holding of a referendum on the issue. Thus, the move for reform failed, while the move towards further protection of the electoral system continued. The Knesset adopted, in the face of Mapai's protests, an amendment that clearly determined that any change to the single nationwide district PR system would require the support of an absolute majority of MKs in all stages of legislation.

More than thirty years later, and at the time of the political crisis of March to June 1990, a pressure group called on citizens to sign a petition that declared a loss of confidence in the political system; that sounded a cry for a new government system; and that appealed to the president to nominate an independent committee that would formulate a proposal for a new government system, to be ratified by a referendum (Rahat 2008). The group, which had no trust in the ability of the Knesset to reform the system, tried to use public opinion by claiming that it had collected more than half a million signatures and to bypass existing institutions to promote reforms in the Israeli regime structure through the use of a referendum. This time, the reaction of the Knesset was not one of further entrenchment of the status quo; rather, the Knesset reacted to the popular pressures with the adoption of reforms. The most prominent among these reforms was direct elections for the prime minister, implemented for the first time in 1996 – and abolished in 2001.

2 Protection

The call for a referendum has appeared several times in Israeli politics as a last-ditch effort to block government policy after it was clear that the government could garner the support of the majority within Parliament.

The right-wing Herut party was the first to initiate a referendum in Israel, in 1952. It did so in an attempt to block the direct Israeli–German negotiations concerning German reparation payments following the Holocaust (Vits 2005). For a small party with eight seats in the 120-seat Knesset, it was a reasonable tactic, as the party felt that it stood a better chance outside Parliament. When holding fifteen seats in 1957, Herut also submitted a bill that called for a referendum on the question of Israeli withdrawal from the Sinai Peninsula following the 1956 Suez War. Herut was fond of referendums in general; yet when it finally, after decades in opposition, won an election and was able to rule, it never again initiated a referendum. And it was not the case that there were no issues about which to turn to the people. A referendum could have been initiated, for example, regarding the peace agreement with Egypt that was ratified in 1979. It seems that this device had much more appeal to the party when it was in opposition.

The call for a referendum concerning territorial concessions was and will probably continue to be a weapon in the arsenal of the Israeli political right – of

the hawkish forces that hold dear the ideology of Greater Israel and refuse to agree to territorial compromises. Since the 1990s, when Israeli governments took decisions to withdraw from territories Israel occupied in the 1967 war, the right has repeatedly called for a referendum, claiming that 'only the people should decide'. That is, the right, in the face of majority support either for peace agreements or the disengagement plan, attempted to add another veto actor, sensing that it had nothing to lose. The call to let the people decide can hardly be seen as an integral part of the right's (non-existent) doctrine of direct or popular democracy, as the right never suggested putting the settlement policy or the issue of formal annexation of the occupied territories to a referendum.

An opinion poll conducted in Israel in 1994 found that among those who rejected Israel's withdrawal from the Golan Heights in the framework of a peace agreement with Syria, 70 per cent supported the holding of a referendum on the issue, while among those who supported full withdrawal, only 45 per cent supported this option. An opinion poll conducted six years later found that among those who strongly rejected Israel's withdrawal from the Golan Heights in the framework of a peace agreement with Syria, 85 per cent supported the holding of a referendum in 'special circumstances', while among those in favour of full withdrawal, 55 per cent supported this option (Hermann and Yaar 2000: 66, 69). Another opinion poll, conducted in Israel in 2004, found that among those who rejected Israel's withdrawal from the Gaza Strip (the disengagement plan), 79 per cent favoured the holding of a referendum, while among those who supported it, 52 per cent supported this option (Hermann and Yaar 2006: 136). Support for a referendum from both sides may have stemmed from a belief in the qualities of direct democracy, or at least from the belief that any decision would be more legitimate if a referendum were held. Yet the significant gap in the support of these groups in a referendum also suggests that the people – and not only shrewd politicians – may support a referendum out of the *contradiction* motive discussed above.

These findings about citizens' preferences in Israel demonstrate that there might be at least partial similarities in the people's and elites' motivations for supporting or rejecting the referendum idea. That is, citizens may also have strategic or tactical considerations when they are deciding on their stance concerning the conduction of a referendum on a certain issue.

The Israeli cases: a summary

Although Israel has never conducted a national referendum, this device has been a recurring feature of Israeli politics. The political elite saw the demand, threat or promise to use referendums as a tool for reaching a host of political goals that were suggested in the taxonomy. Yet some would claim that Israeli politicians are playing with fire, because the day will come when they will have to stand by their promises, threats and demands and actually hold a referendum. In the context of the ideologically divided Israeli society, a referendum could become a majoritarian tool for the oppression of minorities (Blunder and Rahat 2000).

A comparative cross-national perspective

Unlike the foregoing analysis of proposals to hold a referendum in Israel, this section deals with proposals that actually led to the holding of referendums. The reason is that it is these that receive attention in the research literature, while proposals that do not materialize are quickly forgotten.⁶ Thus, before proceeding to deal with what we have, we should remember that the promise or threat to conduct a referendum may be enough to achieve certain political goals; moreover, the actual holding of a referendum may cause trouble. For example, if the promise to conduct a referendum is motivated by *avoidance*, the promise itself might push a contested issue off the agenda, while the very holding of a referendum not only will indicate its return, but may lead to an escalation of the conflict on the issue.

The analysis in this section is based on accounts of the motives for initiating what Morel (2001) calls government-initiated referendums in established democracies during the period 1950–2000.⁷ Referendums were, indeed, used many times to settle differences within parties, coalitions and electorates. *Avoidance* led to the initiation and conducting of referendums on issues that cross-cut within parties and coalitions, as was seen for example in Austria in 1978 and in Sweden in 1980 concerning the matter of using nuclear power. Other examples include EC/EU issues, and NATO membership in the case of the 1986 Spanish referendum.

In several cases, referendums were the result of a deal struck between actors holding opposite stances on a given issue in order to avoid one or all of the following: a split within the party, the breakdown of the coalition or the loss of electoral support. But in addition to the desire to maintain internal peace, those who constituted the majority sometimes agreed to a referendum out of the belief that they were likely to win and thus stood to gain even greater legitimacy. The minority, though likely to lose, nevertheless supported the idea of an additional chance to add a veto factor to the decision-making chain.

The sub-category labelled legitimacy is not an easy one to identify. After all, referendums are almost always initiated and promoted in the name of granting democratic popular legitimacy to a specific decision. Yet it is possible, at least, to identify cases in which legitimacy was crucial – when it was not a potential by-product, but the most important and expected product of a referendum. This seems to have been the case in some referendums on constitutional changes, for example in Canada in 1992 and in France in 1958, and referendums on issues of sovereignty, for example referendums on EC/EU issues, the French referendums on Algeria in 1961–2 and the 1988 referendum on New Caledonia, as well as the 1973 and 1998 referendums in Northern Ireland. Because such issues require a wide consensus among elites in the first place, a referendum to settle them is not likely to be initiated in order to avoid conflict, but rather to add legitimacy.

It seems that once a country conducts a referendum on a specific issue in the name of legitimacy, it will find it harder to avoid future referendums on the same issue. That is, accumulative experience with referendums may be seen as an obliging precedent and could limit the choice of governments.

The referendum as a device for empowering the political status of the initiator seems, in France, to stem from that country's particular kind of semi-presidential regime. French presidents try to use this device to demonstrate the support of the people vis-à-vis other governmental institutions. But there are also examples of the attempt to use referendums as empowering devices in parliamentary regimes: these include the 1992 and 1993 referendums on electoral reform in New Zealand (see below), the devolution referendums in Scotland and Wales in 1997, and British prime minister Tony Blair's promise to conduct a referendum on the adoption of the euro. It seems that the UK proposals for conducting a referendum were aimed at empowering Labour vis-à-vis the Conservatives in the context of two-party competition (Qvortrup 2005, 2006).⁸

Referendums are often initiated and promoted by a minority. The minority may use this device to promote a policy or reform that has no majority in government and/or parliament, or in order to block a policy or reform that does enjoy a majority in government and/or parliament. By definition, this single motive cannot lead to the conduction of an ad hoc, or optional, referendum, because it is a motive that is shared only by a minority. But a minority can nevertheless have it its way if enough members of the majority are convinced that the referendum is a must in order to avoid a split and/or in order to garner the legitimacy required for a specific decision.

An interesting example of a minority's success in achieving the holding of a referendum pertains to the electoral reforms in New Zealand in 1992 and 1993. It can be claimed that the temptation to use the promise of a referendum on the issue of electoral reform in order to gain points in the intra-party struggle, or, in the terms used in this chapter, empowerment, was the basis for the initiation of and support for these referendums. Electoral reform was not supported by the two large parties that practically monopolized representation in Parliament, namely Labour and the National Party, or by the governments that ruled at the time of reform promotion – those of Labour (1984–90) and the National Party (1990–3). Only a minority within Labour were calling for a referendum in order to bypass rejection in government and Parliament. But miscalculations by the leadership of both large parties turned the holding of referendums into an electoral issue. The Labour leader promised in the 1987 campaign to conduct a referendum on electoral reform but failed to fulfil the promise. The National Party, which rejected reform even more strongly than Labour, nevertheless promised to hold a referendum on the issue in its 1990 campaign, claiming that, unlike Labour, it would stand by its promises. In the terms used here, a mix of promotional *contradiction* and empowerment led to the conduction of the referendum. As a result of two referendums on the issue, in 1992 and 1993, against the will of the majorities in Parliament, government and the two large parties, a mixed-member proportional representation system was adopted in New Zealand.

To summarize, a referendum may be initiated with the aim of serving a single motive or several motives. Sometimes this device seems almost unavoidable, because there is a consensus that the issue must be decided directly by the sovereign or because disagreements within parties, coalitions and electorates make

leaders believe that the issue would be better decided by the public. At other times, a minority promotes the holding of a referendum, realizing that a referendum is its only chance of promoting or blocking a certain policy or a reform, and that the minority's success is dependent upon its ability to build a coalition by convincing members in the majority camp that the use of the device is a must in terms of legitimacy and/or avoidance of a split.

Conclusions

This concluding section touches on two general issues. The first is empirical: the increased initiation and actual use of referendums. The second is normative: the problem of using optional and ad hoc referendums from a democratic point of view.

Morel (2001) identifies an increase in the use of government-initiated referendums as a device for resolving divisions – called *avoidance* in this chapter – and claims that this demonstrates that central political issues such as European integration and nuclear power are more and more cutting across parties rather than distinguishing between them. Here the phenomenon is explained in terms of the classifications of motives that were outlined in the chapter. We should expect an increase in the initiation and use of referendums in our time because governments and politicians have lost the people's trust and the people have expressed alienation from parties and politics, as shown by opinion polls and by their patterns of behaviour (Dalton 2004; Dalton and Weldon 2005; Norris 1999). Weaker politicians and parties tend to avoid possibly controversial decision making more often (*avoidance*), tending to turn to the people for additional ratification of their decisions, even if they have majority support in government and parliament (*addition*); and numerical minorities, for their part, identify more opportunities in a context of weakness of the conventional tools of democratic decision making (*contradiction*). This seems to also explain the large increase in the number of proposals for the holding of referendums in Israel in the 1990s – in parallel with the decline of the political parties (Galnoor 1996; Korn 1998; Medding 1999).

As the Israeli cases demonstrate, referendums can become a part of politics without actually being used. That is, the politics of referendums can, and often does, start and end by the idea of holding an ad hoc or optional referendum being put on the agenda. Yet the motives for initiating referendums may be seen as problematic in themselves from democratic perspectives (Setälä 2006, and this volume, Chapter 1). First, when the motive for initiating a referendum is *avoidance*, it means that the referendum is being used to shirk responsibility – that is, that the government is trying not to be accountable for certain policies. If legitimacy is the motive, then we can also see the initialization of a referendum as a way to avoid responsibility for a specific policy decision. Second, when the goal is to contradict a decision made by parliament, there is also a problem because this is an attempt to bypass a decision that was taken after the representatives of the people had deliberated the options. A referendum, while representing the

opinions of the people, is not likely to result from deliberation (Font and Rodríguez, this volume, Chapter 9; LeDuc, this volume, Chapter 8). Third, such referendums are not aimed at achieving effective participation, nor are their initiators interested in developing civic virtues among the citizens. If the initiators were motivated by such noble goals, they would try to achieve them through institutionalizing the device, rather than promoting it in a specific context. Finally, from a liberal perspective of limited government – especially the Schumpeterian one – that does not, cannot and should not promote the fictional general will, the attempt to add legitimacy to a decision and especially to empower the ruler through a plebiscite would be clearly seen as problematic.

However, the threat to democracy in most cases is not so dramatic, because on many occasions governments do not succeed in achieving their intended goals. As is evident in the Israeli cases, the promise, threat or demand to conduct a referendum on a certain issue is usually not a very effective tool. The fact that governments initiate referendums or support them because they want to achieve certain goals does not necessarily imply that they succeed in this aim. Nor does it predict the democratic value of the referendum (Morel 2001). Very often there are unpredicted and unintended consequences. For example, a referendum may be initiated, or at least supported, by a majority that hopes to add legitimacy to its policy. However, during the time that passes between the referendum's initiation and polling day, public opinion may change, so that the majority may lose, or may win by such a small margin that the policy fails to gain the expected legitimacy. Such was the case in the French referendum on the Maastricht Treaty in 1992.

Thus, experience teaches us that conducting a referendum and the referendum itself are not particularly successful and powerful tools by which the elite can manipulate the people (see also LeDuc, Chapter 8). Yet there is still something to worry about in the case of optional and ad hoc referendums. These have become part of the instrumental and cynical political game that is causing citizens to lose their trust in politics and in their politicians. In such a way, referendums can further contribute to the weakening of traditional representative democracy, rather than counterbalance it.

It can be argued that referendums might also have positive influences, even when they are initiated for the wrong reasons. They might still correct misrepresentations, ignite a focused public discourse on a central issue, enhance civic skills and force representatives to stay in line with the wishes of the represented (see also Setälä, Chapter 1). But if this is indeed the case, if referendums can have positive effects, then why leave their initiation in the hands of the elite? From this perspective, it seems preferable that the rules of democratic practice should be determined behind a veil of ignorance and not in the context of a specific decision. This means that referendums should either be prescribed constitutionally or not be used at all. This leads us to consider two options: the adoption of an initiative that would allow extra-parliamentary initiation of referendums, and the adoption of a mandatory referendum device.

These two alternatives appear to solve some of the problems of the ad hoc or optional referendum because they restrict the elite's space for manoeuvres.

Yet they still do not supply a full answer. The initiative device sets a dilemma: an easy-to-ignite tool might lead to too many referendums, which might produce low turnouts and hence problematic decisions; but an initiative that set high barriers would require the mobilization of resources that can be found only among the elite. Thus, the initiative seems, at best, a partial solution, possibly as a tool to stir competition among elites.⁹ The adoption of obligatory (mandatory) referendums means that the decision concerning which issues would be applicable for a referendum (for example, by requiring a referendum for any constitutional amendments) is adopted in a certain context, very likely out of less than noble motives. Such a device gives the elite, at a certain point in time, an advantage, as the people are added as protectors of the status quo, not as initiators of change. Yet as time passes, and as things change, especially the interests and values of the elites, such a device can become a tool that limits elites' room for manoeuvre.

All the scenarios – of using ad hoc/optional referendums, or initiatives, or the holding of referendums on certain issues – make it clear that the elite, or elites, will still play a central role in the politics of referendums. The difference lies in their level of control and in the nature of limitations. This is an important consideration out of several that should guide us when we consider the question of the use of referendums, and especially the kind of device we decide to employ – if we so decide.

Notes

- 1 Seventeen Likud MKs voted in support of disengagement and rejected the holding of a referendum on the issue, and twelve Likud MKs voted against disengagement and supported the holding of a referendum on the issue.
- 2 The term 'hawks' refers to those who uphold the 'Greater Israel' ideology and are unwilling to withdraw from territories that Israel occupied as a result of the 1967 war. Doves are those who are ready to return land for peace.
- 3 According to Arieli-Horowitz (1993: 43), the promise was to conduct new elections rather than a referendum.
- 4 Labour, however, was not the first to use the referendum as a tool to neutralize issues and allow voters with different stands on territorial issues to support it. In the 1992 elections, a party that splintered from Likud and raised the neo-liberal economic flag promised a referendum in the case of territorial concessions in order to get the support of both dovish and hawkish voters (Arieli-Horowitz 1993: 43).
- 5 Another smaller party (thirteen seats in comparison to Mapai's forty) also submitted a bill that proposed holding a referendum to decide between the existing system and their own version of reform. This proposal, however, was swiftly rejected because it had only the support of its representatives.
- 6 Qvortrup (2005, 2006), however, also analyses the motives for the initiation of referendums that were not conducted in the United Kingdom, like those concerning the possible adoption of a proportional representation system or the single European currency.
- 7 The analysis of the motives for initiating and supporting referendums is based on Bjorklund (1982), Bogdanor (1993: 66; 1994), LeDuc (2003), Morel (1996, 2001), Qvortrup (2005, 2006), Setälä (1999), Suksi (1996) and Wyller (1996).
- 8 While the temptation to use referendums as a plebiscitary tool exists in democracies, those who have actually used it have not usually gained much by doing so: de Gaulle was indeed empowered thanks to the great majority that supported his policies and

reforms in the late 1950s and early 1960s, but he lost the 1969 referendum and resigned from the presidency. His successors, Pompidou and Mitterrand, won victories in the referendums they initiated on the enlargement of the EEC (1972) and on the Maastricht Treaty (1992), respectively, but ultimately gained nothing because of the low turnout (in the first case) and the small majority (in the second case).

9 On the political consequences of the initiative, see Bowler and Glazer (2008).

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7 The surge of referendums and the New Politics approach

Tor Bjørklund

National referendums are rare occurrences in nearly every country except Switzerland. However, they are less rare after 1970 than before. Prior to the 1970s, the use of referendums seemed to be dwindling, but since then there seems to have been a gradual increase in their use. Why is that? As an attempt to explain the phenomenon, I put forward the New Politics approach. The so-called New Politics emerged as a consequence of improved political skills and a change in values during prosperous times.

First, I will document the increased use of referendums and specify which types of referendums have been most widely held. Second, I will elaborate on the New Politics approach and discuss its possible relations to the surge of referendums. At the macro level, several connections are observed between the surge of referendums and the New Politics approach. At the micro level, with the individual voter in focus the question is raised as to whether the supporters of referendums belong to the New Politics camp – that is, whether they are post-materialists with political leanings to the left.

The 1970s: a dividing line

In 1968, a revised edition of the well-known *International Encyclopaedia of the Social Sciences* was published. The encyclopaedia's first edition in 1932 included an article regarding referendums, but the entry 'referendum' was dropped in the revised edition. The explanation seems simple: as a consequence of the declining use of referendums, interest in this subject had disappeared. An article published in the *American Political Science Review* in 1970 summed up the state of referendum research: 'Before 1921, every volume of this Review had items on the referendum. Subsequently there have been only seven articles, all but two prior to World War II' (Hamilton 1970: 124). For the author, Howard Hamilton, the explanation was simple: 'The diligent students of voting behavior have neglected referenda – perhaps one does not plough a field which one presumes already has eroded away' (*ibid.*). However, after the article was published, the field was gradually fortified following the appearance of a range of new referendums.

David Butler and Austin Ranney counted the number of arranged nationwide referendums in the world in their book *Referendums around the World:*

The Growing Use of Direct Democracy (1994). They mapped out all nationwide referendums – and as a nationwide referendum requires a nation-state, the relevant period to study is after the French Revolution. According to Butler and Ranney, the first nationwide referendum was arranged in 1793, and the total number was amounted to about 800 in 1994 when their book was published, half of which had been held after 1970. However, Butler and Ranney also emphasised that a large part of the increase in the use of referendums was due to the more frequent use of direct democracy in Switzerland.

As Butler and Ranney included only nationwide referendums, sub-national referendums were ignored. Referendums at the state level in the United States are of special interest. For sub-national referendums too, the 1970s appears to be a dividing line. A decline in referendums at the state level in the United States was observed in the decades after the Second World War. According to Susan Scarrow (2001: 655),

California's experience with direct democracy shows how changing political tactics can change the centrality of certain institutional opportunities. Here the use of ballot initiatives dwindled from the 1940s through the 1960s and then burgeoned: ever since the 1970s, successful ballot propositions have wrought major political changes in Californian politics.

The surge of referendums was not restricted to California:

Several states as California, Oregon, Colorado, and North Dakota use instruments of direct democracy extensively, and the frequency of usage of such procedures in those states has increased dramatically in recent years. . . . Following a period of gradual decline in the post-war period, the use of initiatives and referendum procedures exploded during the 1980s and 1990s.

(LeDuc 2002: 72)

Sub-national referendums outside the United States have to a large degree been ignored in the literature regarding referendums. Scarrow (2001) has underscored that such an exclusion underestimates the spread of direct democracy. For Scarrow, this observation is an argument against those who have questioned whether it is correct to talk about an increased use of referendums after the 1970s. Doubt has been raised among political scientists whether it is correct to speak about a worldwide surge of referendums. Concerning Western Europe, it has been stressed that the increase is first of all due to the more frequent use of referendums in Switzerland and Italy (Setälä 1999, 2006; Strøm 2000).

Concentrating on the number of referendums can, however, be misleading, as it does not take into consideration their importance. The political significance of referendums varies from the completely unimportant to the politically important. During the past few decades, a couple of referendums have had important political consequences. Some of the referendums concerning European integration have represented a clash between the grassroots and the elite. Disobedient voters

have disregarded advice from their leaders. The most recent examples are from the 2005 referendums in France and the Netherlands concerning the European Constitution and the following 2008 rejection of the revised version of the European Constitution, the Treaty of Lisbon, in Ireland. Yet these were not the only cases when the preferences of the elite have been ignored. Norwegian voters have twice rejected membership in the EEC/EU through the referendums of 1972 and 1994. In 2000, the Danish electorate voted down the introduction of the euro and preferred to keep the Danish krone as the country's currency. Some years earlier, in a 1992 referendum, the Danes rejected the Maastricht Treaty. Thus, a range of referendums after 1970 have resulted in a victory for the anti-establishment alternative, thanks to elite-challenging participation.

Even if there has been an increase in use of referendums, it is important to stress that since 1970, nationwide referendums have been rare occurrences in almost every country. Switzerland is still the only country that regularly uses referendums. Some countries have never made use of the referendum mechanism in any form. However, the number of non-users is shrinking. The first nationwide referendum in the United Kingdom was held in 1975 and that in the Netherlands in 2005. More recently, a key issue in British politics has been how and when to hold a referendum regarding the adoption of a European single currency. Such a planned referendum does not number among those listed in statistics. Thus, when a range of factors in addition to the number of referendums are taken into consideration, it does make sense to say that from 1970 there has been a rise in the use and importance of referendums.

Different types of referendums

So far, I have left undefined the concept of referendum. Indeed, 'referendum' is an ambiguous term. The increased appearance of referendums dating from the 1970s must be analysed according to different types of referendums (see also Chapter 1 of this book). A question remains as to how the surge of referendums can be related to different referendum types. This again raises the question of how various types of referendums can be grouped. One criterion is the extent to which a particular referendum is controlled by the voters or, alternatively, by the political parties (Smith 1976). Control can refer to such aspects as the decision to hold a referendum, the phrasing of the issue being voted on, or the arrangement of the vote. A continuum can be drawn with one pole as completely party-controlled and the other pole as completely voter-controlled referendums. Most referendums can be placed somewhere between these two poles.

The typical example of a voter-controlled referendum is a popular initiative that gives voters the possibility and the right to present a policy proposal and to demand a popular vote on it, given that certain prerequisites are fulfilled. The most important prerequisite is the collection of a number of signatures, either a fixed number or a certain percentage related to the size of the electorate. This type of popular initiative is rather uncommon. The practice is mainly restricted to Switzerland and to various US states. In citizen-initiated referendums, voters

have been given legislative power. A less radical form is the abrogative referendum. With this type of referendum, voters can force a public vote on a law or bill that has already been adopted by the legislature. However, sometimes abrogative referendums can also be triggered by the representatives. In Italy, abrogative referendums of both types have frequently been used since 1970 (Uleri 2002). Such referendums may concern either a newly passed law or laws that are already on the statute books. Two alternatives are presented to the voters: repeal a law or accept it.

In Chapter 1, popular initiatives are categorised as law-promoting. With popular initiatives, people have the possibility to put on the agenda an issue that has been ignored or neglected by politicians in what has been called a 'sin of omission'. Abrogative referendums, on the other hand, are called law-controlling and can be corrective of wrong steps taken by politicians. Through abrogative referendums, a dysfunctional law can be repealed. It is thus a procedure relating to 'sins of commission' (Magleby 1994). There are also different forms of referendums controlled by governmental authorities. Who has the right to trigger these types of referendums varies; it can be in the hands of the government, a president or a majority in parliament.

A substantial part of the increase in the use of nationwide referendums since the 1970 is due to a more frequent use of popular initiatives in Switzerland and abrogative referendums in Italy. In addition to these, there have been a large number of referendums in several US states. The most common form of referendum in the United States is the popular initiative. Thus, the increase in the use of direct democracy is to a large degree *voter-driven*, as direct democratic procedures have often been initiated by the demands from voters. Demands from below or popular initiatives fit well together with the idea of elite-challenging participation, which is an integral part of New Politics. However, in the United States the voter-driven, or bottom-up, interpretation of referendums has been questioned. An expression such as the 'professionalisation of the initiative industry' refers to an increasing number of political consulting firms engaged in collecting signatures (Craig *et al.* 2001).

Thus, the term 'referendum' covers a variety of different types of direct democracy. When one is singling out different types of referendums, it is easier to connect them with various political directions. The rejective referendum in the form of a minority weapon for the opposition in the parliament has often had affinity with conservative groups. That was the case, for example, in Norway and in the United Kingdom at the end of the nineteenth century (Bogdanor 1994; Bjørklund 2005). Political parties were a new phenomenon. They were regarded with suspicion among conservatives because independent politicians' ways of thinking were attacked by the demands of the political majority. In addition, political parties emerged among the opposition on the left of the political spectrum. This raised many concerns, for example that the leadership in mass parties was elected by delegates from lower levels of the party organisation who could easily appear as radical rebels talking on behalf of people. A referendum could test this proposition, being at the same time a democratic instrument against

political rhetoric with suspicious democratic ambitions, as the British lawyer Albert Dicey argued.

At a time when facultative referendums were defended by conservatives, the demand for popular initiatives was raised on the left of the political spectrum. The German Social Democratic Party's Gotha Programme, with its call for the people to have a direct link to legislative power, was translated and integrated in the manifestos of the Scandinavian Social Democratic Parties at the end of the nineteenth century. Consequently, if one is studying the current support for referendums among the mass public, there are no clear historical guidelines for how the matter should be placed politically on the left–right scale.

Even if the increased use of referendums after 1970 cannot solely be explained as being voter driven, the pressure from voters has undoubtedly been an important impetus. In the history of referendums, pressure from below is associated with the radical tradition. Thus, the increased number of referendums from the 1970s on can at first glance easily be connected with the New Politics approach. Here I touch upon this chapter's main problem: can the surge in the number of referendums really be connected to the New Politics approach? To begin with, it is necessary to elucidate the substance of New Politics in order to interpret its relationship with the surge of referendums. The question is whether the same social forces can explain both the rise of New Politics and the increased use of referendums.

The surge of referendums and the New Politics approach: three links at the macro level

Political scientists introduced the New Politics approach in the 1970s. Consequently, the introduction of the New Politics approach and the surge of referendums coincide chronologically. This is the first of three links at the macro level. There are two others. I will argue that single-issue participation is a common denominator between use of referendums and New Politics. Furthermore, cross-cutting cleavages in combination with voter dealignment are common in relation both to New Politics issues and to some referendum issues.

An early contributor to New Politics was Ronald Inglehart. In his book *The Silent Revolution* (1977), Inglehart asserted that during the late 1960s and the early 1970s, New Politics emerged throughout advanced industrial societies. New Politics was nurtured by various sources. A long-term rise in educational levels, together with an expansion of the mass media, resulted in increased political skills. Other factors also improved political competence. In the labour market, a change in the nature of work caused people to move from routine jobs to jobs demanding specialised knowledge and autonomous judgement. The emergence of an information society improved political competence among citizens. All in all, more people felt competent to make their political decisions independently of cues from political parties.

The improvement of political skills was important for the breakthrough of New Politics, but even more essential was the change in values that occurred as

a consequence of sustained economic growth. As more and more people became able to secure their sustenance requirements, new political issues surfaced. Growing wealth facilitated the rise of non-materialist or post-materialist values. New Politics issues such as environmentalism, lifestyle questions and immigration cross-cut the traditional left–right scale, creating problems for the old political parties.

Although the modernisation processes expanded the political skills of average citizens, fewer citizens were engaged in electoral activity. In recent decades, the number of party members has declined sharply, and electoral turnout has decreased. During the last four decades of the twentieth century, the fall in electoral participation in advanced industrial democracies has been estimated to be 10 per cent (Cain *et al.* 2003: 253). Thus, two opposite trends can be observed, a contradiction that has been termed ‘the participation paradox’. However, not every form of political participation is in decline. According to Robert Topf (1995: 52), ‘political participation beyond voting has been rising dramatically’. That is true to some extent in Norway. As is shown in Table 7.1 (p. 123), there is an increasing tendency for people to sign petitions.

In 1979, Samuel Barnes and Max Kaase published their book *Political Action*. Barnes and Kaase mapped a phenomenon called unconventional political participation, which includes demonstrations, petition signing and various forms of direct action. Barnes and Kaase’s forecast was that this form of participation would increase, as it was part of an intergenerational change with a strong representation among young people. Empirical research has proved the term ‘unconventional’ to be somewhat misleading, because this form of participation has for a long time been rather common (Inglehart and Catterberg 2006).

According to the New Politics approach, post-materialists engage in new forms of political participation with different forms of direct action based on single-issue groups. These post-materialists are highly educated and sceptical towards hierarchical authority structures such as political parties. They favour various forms of direct action and single-issue participation, which explains the increase in such forms of participation. Paradoxically, at the same time electoral activity has declined.

Besides the coincidence in time of the introduction of the New Politics approach and the surge of referendums, single-issue participation is a common denominator between referendums and New Politics. It has been stressed in the New Politics literature that advanced industrial societies have seen an expansion of new forms of direct action led by various groups such as student protesters, environmentalists and feminists. New social movements have been formed and single-issue action groups have recruited participants. An important point is that single-issue participation and activities in referendum campaigns are related to each other. Referendums normally focus on one issue, and referendum campaigns are characterised by single-issue participation. Referendum campaigners are frequently criticised for their concentration on one issue. Isolation from a larger context arguably promotes oversimplified thinking, resulting in ignorance towards an overall view.

The upward trend in single-issue participation in Norway, especially as exhibited through the signing of petitions, can be examined in relation to party vote. The two typical post-materialist political parties in Norway, the Socialist Left and the Liberals, are specific because their voters sign petitions more frequently than voters from other political parties. Activity is highest among these two parties. However, development from 1985 to 2003 is different for the post-materialist parties as compared with the main trend. For the supporters of the post-materialist parties, the level of petition signing has been nearly stable or has declined slightly from the first, 1985, election study to the latest election study in 2003 (see Table 7.1). Consequently, the differences between the political parties have somewhat levelled out.

Table 7.1 also singles out highly educated voters born after 1945, and the proportion of those who have signed petitions is equal in 1985 and in 2003. This observation confirms what other studies have revealed: single-issue participation has gradually spread from the core group of young, well-educated people to other social categories, but still with the post-materialists in a leading position. Participation has increased as a consequence of a more equal distribution across social groups according to age, education and occupational status (Goul Andersen and Hoff 2001; Bjørklund and Saglie 2000).

A further connection between the surge of referendums and the New Politics approach has to do with cross-cutting cleavages and voter dealignment. New Politics issues such as environmentalism cut across the traditional political cleavages, the foundations on which the party system has been formed. Consequently, the unity of political parties may be threatened. In such situations, a demand for referendums may be embraced by contesting factions within a political party, factions divided by the actual issue at hand but united in the demand for a referendum. When the voters decide the outcome of a referendum, it is easier to live with an internal division, at least temporarily. The promise to

Table 7.1 Proportion of Norwegians who had signed a petition during the past four years, 1985–2003

| <i>Signing petition (%)</i> | <i>1985</i> | <i>1989</i> | <i>1993</i> | <i>1997</i> | <i>2003</i> | <i>Diff.</i> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Population | 19 | 26 | 24 | 30 | 36 | +17 |
| Socialist Left voters | 51 | 46 | 50 | 55 | 50 | -1 |
| Liberal voters | 56 | 50 | 36 | 48 | 49 | -7 |
| Conservative voters | 15 | 28 | 26 | 30 | 34 | +19 |
| Progress Party voters | 14 | 18 | 22 | 22 | 31 | +17 |
| Highly educated and born after 1945 | 47 | 54 | 39 | 50 | 46 | -1 |

Source: Norwegian Election Studies 1985–1997, Local Election Survey 2003.

Notes

Based on the question: ‘There are different ways of exerting political influence. Have you tried in the course of the last four years to influence a decision by (i) signing a petition. In the 2003 local elections survey, the scope of activity is restricted to ‘a decision concerning a specific issue in the municipality council or county council’.

arrange a referendum has the apparent capacity to unite a divided party (Bjørklund 1982; see also Rahat's chapter in this book, Chapter 6).

The New Politics approach implies a dealignment between traditional cleavages and voters since a breakthrough of new issue cleavages decouples voters from old party loyalties. Furthermore, Bogdanor (1994) and Gallagher (1996) have related dealignment to the increased use of referendums. Referendums can settle discords within fragmented parties. This type of rescue can be relevant for New Politics issues cross-cutting through established political parties and undermining the party unity. For example, the issue of nuclear power can be understood as a New Politics issue that split the socialist and non-socialist party blocs. The nuclear power issue has been submitted to referendums, as happened in Austria in 1978 and in Sweden in 1980. The German Green Party, a typical New Politics party, also promotes direct democracy in its manifestos (Dalton *et al.* 2001). To sum up, dealignment is related to the breakthrough of New Politics. Dealignment easily paves the way for the use of referendums, at least to some extent, and thus this is the third link between referendums and New Politics.

A more direct connection might be established by studying whether the referendums arranged after 1970 to the present have dealt with New Politics issues. An examination of the documentation by Butler and Ranney (1994) of all the referendums arranged up to 1994 offers an answer. In fact, only a few referendums in the period 1970–94 can be categorised as New Politics issues. All the above-mentioned links are on the macro level. A micro-level analysis on the relationship between New Politics and referendums can also be conducted. Looking at the individual voter, one may ask who the supporters of referendums are. According to the New Politics approach, strong supporters should be post-materialists with political leanings to the left.

The surge of referendums and the New Politics approach: a micro-level link

I will discuss the micro-level connection between New Politics and direct democracy with the help of three Norwegian local election surveys carried out respectively in 1995, 1999 and 2003.¹ Because these surveys cover a period of eight years, both stable and unstable opinion patterns concerning support for referendums can be explored. Referendums are not a part of the Norwegian constitution. It does not even mention the word 'referendum', though many attempts to incorporate it have been made. A majority of the representatives in Parliament can decide to submit an issue to the whole electorate. Legally, the referendum can only be advisory, since the legislative sovereignty and responsibility reside in Parliament. This is also the case in local referendums. At the local level, there are no written regulations concerning the use of referendums either, apart from those on referendums on the choice of the form of the Norwegian language to be used at primary schools. This issue is subject to a popular initiative.

In a historical perspective, the demand for referendums has arisen from various political camps in Norway, from conservative as well as radical groups.

It is difficult to link the demand for referendums as a regular instrument in political life to a particular position on the traditional left–right scale (Bjørklund 2005). Also, as already mentioned, the historical roots of different types of referendums can be connected to various political groups. But as the survey questions regarding support for referendums do not specify types of referendum, this aspect cannot be investigated. Furthermore, the survey questions refer to local referendums, not to nationwide referendums. However, I think the difference between local and nationwide referendums does not matter in this case.

Norwegian voters are rather positive towards local referendums; in 1995, more than half of the respondents supported the holding of referendums. The same question was posed in the 1999 and 2003 local elections studies. Nearly two-thirds of the respondents agreed (completely and partly) that important issues should be submitted to local referendums.² A parallel result can be drawn with a survey conducted in sixteen countries in 2003 by the International Social Survey Programme (Bowler *et al.* 2007). A question was posed regarding whether the respondents agreed or disagreed with the statement that ‘referendums are a good way to decide important political questions’. It is reasonable to surmise that the question relates to both local and nationwide referendums. When we look at those who ‘strongly agreed’ and those who ‘agreed’, the proportion varied somewhat among the sixteen countries. However, the mean for the sixteen countries corresponds with the mean among supporters of local referendums in Norway.³ This suggests that Norway is close to the mainstream when it comes to attitudes towards referendums.

A central question is whether attitudes towards referendums vary according to the traditional left–right scale.⁴ The Norwegian surveys show rather small differences in this respect. A particular trend that was observed was a somewhat more conservative score among those who prefer local referendums. This is a trend that became clearer between 1995 and 2003.

Another query is how views regarding referendums vary according to party vote. Attitudes towards local referendums according to party vote are presented in Table 7.2. The conservative bias on the left–right scale in pro-referendum categories can partly be explained by the radical right party, the Progress Party. Its voters are the only voter group who clearly and systematically deviate from the mean. Like their party leaders, the Progress Party rank and file are especially pro-referendum. Among other parties, differences were insignificant. However, in the 1999 survey the Liberals were more pro-referendum than the mean. Four years later, in 2003, they were in the opposite position, now being the most sceptical party towards referendums. Thus, the post-materialist parties, the Socialist Left and the Liberals, do not show specific positive attitudes towards referendums. On the contrary, they are rather more sceptical than average, at least according to some surveys.

Although the pattern differs from expectations, with reference to party manifestos it is not surprising that those who vote for the populist right are most pro-referendum. The Progress Party has been the strongest defender of referendums in Norwegian politics. The Progress Party has always argued for popular

Table 7.2 Support in Norway for local referendums according to party vote

| Year | Survey question | Party vote | | | | | | | | |
|------|--|------------|------------|------------|------------|------------|-----------|------------|------------|--------------|
| | | SL | Lab | Cp | ChP | Lib | Con | PP | Total | |
| 1995 | Local referendum is an advantage | % | 42 | 50 | 62 | 54 | 47 | 54 | 74 | 55 |
| | | Mean (N) | 2.00 (123) | 2.17 (629) | 2.38 (228) | 2.22 (144) | 2.11 (87) | 2.22 (441) | 2.59 (230) | 2.26 (1,987) |
| 1999 | Agree (completely and partly) submitting important issues to local referendums | % | 61 | 63 | 65 | 64 | 67 | 59 | 80 | 64 |
| | | Mean (N) | 2.75 (133) | 2.82 (515) | 2.80 (152) | 2.89 (174) | 3.02 (87) | 2.69 (404) | 3.28 (213) | 2.85 (1,762) |
| 2003 | Agree (completely and partly) submitting important issues to local referendums | % | 69 | 63 | 68 | 60 | 42 | 59 | 78 | 65 |
| | | Mean (N) | 2.85 (156) | 2.77 (335) | 2.90 (93) | 2.78 (86) | 2.31 (63) | 2.71 (229) | 3.14 (186) | 2.82 (1,202) |

Source: Local Elections Survey 1995, 1999, 2003.

Notes

The different answers are assigned a number: (4) completely agree, (3) partly agree, (2) partly disagree, (1) completely disagree. The arithmetic mean takes into consideration the distribution for a specific group. A high number indicates a supportive attitude towards referendum.

SL = Socialist Left, Lab = Labour, Cp = Centre Party, ChP = Christian People's Party, Lib = Liberals, Con = Conservatives, PP = Progress Party.

initiatives as well as referendums. Support for referendums is in accordance with the populist ideology that trusts the common people and distrusts the elite.

The apartisans: a vanguard for referendums?

There are other ways of singling out the exponents of New Politics than using party vote. Russell Dalton has constructed a mobilisation typology with four different types. One of the types, the apartisans, is the stronghold for New Politics. They are expected to be a vanguard for direct democracy. The apartisans have the ability to organise ‘effective citizen action group, citizen lobbies, protest demonstrations, and other means of unconventional political participation’ (Dalton 1984: 282). Partly because popular initiatives are arranged outside the control of political parties, ‘apartisans may furnish support for direct democracy techniques such as the initiative and referendum’, according to Dalton (*ibid.*: 282).

The apartisans are defined by two variables, cognitive and political mobilisation, each with two categories, low and high. Cognitive mobilisation has been operationalised with somewhat different variables. Education is, however, always included. Dalton defines cognitive mobilisation as an additive index combining educational level with political interest. High cognitive mobilisation is equivalent to both high educational attainment and high political interest; low cognitive mobilisation, on the other hand, is a combination of low scores on these two variables. Political mobilisation is operationalised as party identification and dichotomised as high and low.⁵ Table 7.3 illustrates Dalton’s mobilisation typology.

Apoliticals are without political interest and not engaged in party politics. That is not the case for ritual partisans, who have strong party attachments, being long-term party supporters. Like ritual partisans, cognitive partisans too are strongly attached to political parties. Cognitive partisans are also, in contrast to ritual partisans, politically engaged outside the partisan sphere. Consequently, cognitive partisans are also involved in politics even when there are no cues from the political parties.

Apartisans have no strong party links but are politically competent, representing a potential for political activity. Apartisans are the most interesting, group to Dalton. The new middle class is well represented among them. Apartisans are the most typical exponents of New Politics. As a consequence of the transition from

Table 7.3 Dalton’s mobilisation typology

| | | <i>Political mobilisation</i> | |
|-------------------------------|------|-------------------------------|--------------------|
| | | <i>Low</i> | <i>High</i> |
| <i>Cognitive mobilisation</i> | Low | APOLITICAL | RITUAL PARTISAN |
| | High | APARTISAN | COGNITIVE PARTISAN |

Source: Dalton (1984).

industrial to post-industrial society, the number of apartisans has been growing and ritual partisans have become less numerous. Increased single-issue participation can be partly explained by the growing number of apartisans. On the other hand, declining electoral activity is caused by the dwindling number of ritual partisans.

A crucial question is whether the surge in referendums can be explained by a demand for referendums among apartisans. If that is the case, a connection between the New Politics and the surge of referendums has been substantiated on the micro level. The hypothesis is that apartisans can be interpreted as promoters of referendums and initiatives. In order to test this hypothesis, an empirical investigation has been conducted based on the data from the Norwegian local election studies.

First, Dalton's mobilisation typology is reconstructed. Cognitive mobilisation is operationalised as a combination of educational level and political interest. Political mobilisation is defined differently from the way Dalton defined it, by using indicators of electoral activity. I have constructed an index based on four questions referring to (1) voting versus abstaining, (2) membership of a political party, (3) membership of municipal councils/committees and (4) whether the person concerned has been represented on a polling list. The highest score on this index indicates that the respondent is a party member who is or has been a member of a municipal council or a committee and has participated in the most recent local elections and has also been represented on a polling list. On the other pole is the abstainer with no relations to any political party. With help of the two variables, cognitive and political mobilisation, the sample is divided into four groups: apartisans, cognitive partisans, ritual partisans and apoliticals (see Table 7.4).

Table 7.4 Support for local referendums according to Dalton's typology for mobilisation and some attributes related to the typology

| | | <i>Apartisan</i> | <i>Cognitive partisan</i> | <i>Ritual partisan</i> | <i>Apolitical</i> | <i>Sum</i> |
|---|------|------------------|-------------------------------|----------------------------|-------------------|------------|
| Completely agree | % | 24 | 20 | 33 | 35 | 29 |
| submitting important issues to local referendums | Mean | 2.77 | 2.63 | 2.94 | 3.07 | 2.90 |
| Born after 1975 | % | 40 | 16 | 9 | 32 | 31 |
| Born in 1945–75 | % | 87 | 64 | 40 | 71 | 74 |
| Signing petitions | % | 41 | 41 | 34 | 33 | 36 |
| Disagree immigrants a threat to national culture | % | 67 | 60 | 41 | 38 | 52 |
| (<i>n</i>) | | (694) | (180) | (866) | (152) | (1892) |

Source: Local Elections Survey 2003.

Notes

The different answers are assigned a number: (4) completely agree, (3) partly agree, (2) partly disagree (1) completely disagree. The arithmetic mean takes into consideration the distribution for a specific group. A high number indicates a supportive attitude towards referendums.

When the New Politics approach was first formulated in the 1970s, the post-war generations made up a minority of the electorate. Now they represent the majority of voters, approximately three-quarters. Variations between the four groups are large, with only 40 per cent of the ritual partisans and as many as 87 per cent among the apartisans belonging to the post-war generations (born after 1945). This variation substantiates the idea that generational replacement may explain declining electoral activity.

Activity in the form of petition signing is equally widespread among the apartisans and the cognitive partisans, which is at odds with expectations. This kind of single-issue participation is, however, more common among the apartisans than the ritual partisans and the apoliticals, which is according to the expectations. An attitude question is also included. The proportion who disagree that immigrants are a threat to Norwegian culture is highest among apartisans and lowest among the apolitical. That was to be expected, since New Politics presumably defends ethnic diversity.

Finally, the crucial question regarding the support for referendums is analysed. The analysis is based on this question: 'Important questions in your own municipality ought to be decided by the use of referendums.' The prevailing view among voters is rather positive towards local referendums: 29 per cent completely agree, with 36 per cent partly agreeing. I have singled out the proportion of those who answered 'completely agree'. I have also calculated the mean score taking into consideration the distribution as a whole.⁶

Apartisans are not the most pro-referendum. They are clearly below the average; only cognitive partisans are less supportive of referendums. Surprisingly, apoliticals are most supportive of referendums.

Looking more closely at the variables behind the mobilisation typology reveals some clear tendencies concerning views on referendums. Cognitive mobilisation consists of two variables: educational attainment and political interest. The long-term rise in educational level has been the strongest factor contributing to the heightening of cognitive mobilisation. Support for the holding of referendums is weakest among the highly educated (see Table 7.5). The same trend is observed for political interest: the higher the interest, the less the support for referendums. The correlation is somewhat weaker than for educational attainment. Concerning electoral activity, the pattern is the following: the more voters are involved in political processes, the less pro-referendum they are.

Holding a pro-referendum attitude correlates with having a peripheral position in relation not only to political parties, but also to a wide range of organisations. Scepticism towards local referendums increases as the number of memberships of organisations increases (see Table 7.5). Thus, involvement in political and social life leads to scepticism towards referendums. One may distinguish between two opposite poles. Those who are most positive towards local referendums do not show any electoral activity, and they also tend not to join organisations. At the other pole, the most sceptical group consists of those who are most electorally active and who are members of a range of organisations.

Table 7.5 Support for local referendums dependent on various factors

| | | <i>Educational attainment</i> | | | | | | |
|---|----------|--|---------------|-------------|-------------|---------------------|------------------|---------------|
| | | <i>Low</i> | | | <i>High</i> | <i>Sum</i> | | |
| | | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | | | |
| Completely agree submitting important issues to local referendums | % (n) | 41 (237) | 34 (547) | 31 (458) | 20 (583) | 29 (1,825) | | |
| | | <i>Political interest</i> | | | | | | |
| | | <i>Low</i> | | | <i>High</i> | <i>Sum</i> | | |
| | | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | | | |
| Completely agree submitting important issues to local referendums | % (n) | 38 (73) | 33 (662) | 28 (964) | 25 (135) | 29 (1,834) | | |
| | | <i>Electoral activity</i> | | | | | | |
| | | <i>No</i> | | | | <i>High</i> | <i>Sum</i> | |
| | | <i>0</i> | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | | |
| Completely agree submitting important issues to local referendums | % (n) | 34 (420) | 28 (1,046) | 28 (179) | 25 (92) | 20 (56) | 29 (1,793) | |
| | | <i>Number of organisation membership</i> | | | | | | |
| | | <i>0</i> | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5 or more</i> | <i>Sum</i> |
| Completely agree submitting important issues to local referendums | % (n) | 39 (215) | 30 (385) | 29 (391) | 29 (361) | 26 (202) | 18 (155) | 29 (1,709) |
| | | <i>Access IT</i> | | | | | | |
| | | <i>No use</i> | | | | <i>Regular user</i> | <i>Sum</i> | |
| Completely agree submitting important issues to local referendums | % (n) | 39 (345) | 34 (417) | 25 (484) | 24 (366) | 22 (190) | 29 (1,802) | |
| | | <i>Trust in political institutions</i> | | | | | | |
| | | <i>Low</i> | | | | | <i>High</i> | <i>Sum</i> |
| | | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | |
| Completely agree submitting important issues to local referendums | % (n) | 55 (156) | 48 (126) | 26 (252) | 26 (349) | 23 (278) | 19 (291) | 29 (1,452) |

Source: Local Election Survey 2003.

An index for political trust is based on questions regarding the respondents' evaluation of eleven kinds of political institutions. The respondents are asked to rank their degree of confidence in these institutions from 0 (no confidence) to 10 (high confidence).⁷ The results show that a higher degree of confidence corresponds with a lower confidence in referendums. Consequently, support for referendums is linked with political disaffection, a negative assessment of the function of political institutions.

The conditions for voters' participation in referendums are expected to be better when citizens are well educated and have experience of organised political life. My empirical investigation shows a somewhat paradoxical pattern: the higher the level of respondents' education, the less their support for referendums. Also, being a member of a large number of organisations leads to decreased support for referendums. More involvement in party political activities also correlates with less support for referendums. Those who use the internet most frequently to gather information regarding local politics tend to be less in favour of referendums than infrequent users and non-users are (see Table 7.5). In sum, the better one is qualified to be a referendum activist, the weaker one's support for referendums.

In summary, the politically alienated and those dissatisfied with political institutions support referendums. Outsiders who are not members of political parties or other organised groups are most pro-referendum. At the opposite pole, the most sceptical towards referendums are those with high scores for educational attainment, who are highly electorally active, who are members of many organisations and who are frequent users of the internet. There is thus an apparent paradox concerning people's acquaintance with political processes: those who are least acquainted with politics are the most pro-referendum. However, from the outsider's point of view this is not necessarily a paradox. Outsiders are normally without influence in political processes. The question regarding the desirability of local referendums is an invitation to be an insider, to be a part of a decision-making process. Political outsiders, more than any other group, are ready to accept this invitation.

Discussion

Three Norwegian election surveys form the empirical basis for my results. The question remains whether Norway is an atypical case. A study based on a referendum survey in Germany and on a question concerning direct democracy in the Eurobarometer leads to similar results: support for referendums is strongest among those who are least politically interested – that is, the supporters are most numerous within the periphery of politics. Dalton *et al.* (2001: 151) are worried that the realisation of referendum reforms 'might encourage the nativist and populist tendencies that exist in Europe today'. Indeed, direct democracy has always been a part of left- or right-wing populism. Currently, right-wing populists of anti-immigration parties tend to support referendums, although they are not the only ones.

There are, however, recently published studies that reach conclusions different from those presented here. According to Todd Donovan and Jeffrey A. Karp (2006: 671), 'younger citizens and those who are more interested in the political process are more supportive of direct democracy'. In Norwegian surveys, the support for referendums is not correlated to age in any systematic way.⁸ Concerning political interest, there was a clear negative correlation.

In another comparative study that includes a range of countries, Bowler *et al.* (2007) discuss the preferences for direct citizen participation in affluent democracies. One of their data sources is the previously mentioned International Social Survey Programme. These authors ask whether widespread support for referendums reflects the preferences of politically engaged or disengaged citizens. One of their conclusions is that 'In several nations, people most satisfied with how democracy is working, and those most interested in politics, are also significantly more likely to support using referendums to decide important matters of policy' (*ibid.*: 357). The study does find some countries that contradict their conclusions. However, their overall finding is that referendum supporters tend to be engaged voters rather than discontented voters.

The United States is one of the cases that clearly support Bowler *et al.*'s main conclusions. One can ask what the reasons behind the differences between Norway and the United States are. Perhaps differences in the experiences of referendums in the two countries may play a role. In Norway, referendums are seldom used. Nationwide referendums have been arranged only six times. In the two most recent referendums, in 1972 and 1994, the political establishment was defeated as its proposals concerning membership in the EEC/EU were rejected. These referendums were a victory for the geographically peripheral areas of Norway. Consequently, outsiders' support for referendums in Norway may be linked to these two referendums. Although there have been a significant number of local referendums in Norway, they have received little public attention, in contrast to the nationwide referendums.⁹

Although no nationwide referendums have been arranged in the United States, the use of referendums is rather common at the state level (Magleby 1994). Consequently, voters in the United States may be more familiar with referendums than Norwegian voters. In addition, the image of a referendum as a tool for grass-roots protest voters against the political and economic establishment may not be as clear in the United States as it is in Norway. Perhaps this explains the difference concerning the types of support for referendums between Norway and the United States.

There are other studies from the United States apart from the one by Bowler *et al.* (2007). A study based on a survey from Florida reaches conclusions that partly correspond with the Norwegian data (Craig *et al.* 2001). The study concludes that 'favorable views toward direct democracy are somewhat more pronounced among those who lack confidence in governmental leaders and institutions' (*ibid.*: 41). Thus, the literature gives a mixed picture concerning the social profile of the supporters of direct democracy.

However, one thing is indisputable: the surge in the use of referendums began during the early 1970s. This surge was mainly voter driven as countries with

access to various forms of popular initiatives, such as Switzerland and Italy, and some US states such as California, Oregon, Colorado and North Dakota, experienced the most apparent growth in direct democracy. An important element in popular initiatives is elite-challenging participation, which is also an integral part of New Politics. Thus, a line can be drawn between the rise of referendums and the New Politics approach. New Politics emerged as a consequence of improved political skills and a change in values during prosperous times. New issues relating to environmentalism, lifestyle questions and immigration were brought into the political discussions.

The surge of referendums has been related to the New Politics approach in various ways. On the macro level, three links were observed. First, New Politics came into existence at the beginning of the 1970s, just as a surge in the number of referendums occurred in some US states, as well as in Switzerland and Italy. Second, a common denominator was single-issue participation. Third, there was a connection between the combination of cross-cutting cleavages and voter dealignment as both New Politics issues and some issues of referendums cut across traditional cleavages. However, the Norwegian data show no connection at the micro level between the surge in the number of referendums and the New Politics approach. Quite the contrary: the pattern that emerged was the opposite of the expected one. The New Politics voters were operationalized as New Left voters, or post-materialists and apartisans, and they were not especially pro-referendum. Indeed, they were often more sceptical than average voters towards referendums. The counterparts to the New Left voters, namely New Right voters or populist right voters, seem to be the strongest supporters of referendums. The support for referendums in Norway is strongest at the margins of politics. The less educated and less politically interested and those who are not members of organisations or of political parties are the most pro-referendum. Socially and politically, they are at the opposite pole compared to the adherents of New Politics.

One might ask what kinds of consequences a widespread use of referendums would have for Norwegian representative democracy. The most ardent supporters of referendums, the outsiders, are not particularly interested in politics. Thus, one may ask whether they would be likely to become engaged in referendum campaigns. In any case, access to referendums would give these outsiders an opportunity to influence political matters. Referendums could be perceived as a threat to the establishment on issues when there is a split between grass-root voters and the elite. Outsiders distrust the political establishment, and can easily be disobedient voters, not voting according to the wishes of the establishment. However, if outsiders were invited to take part in the political decision-making process in the form of a referendum campaign, their distrust of the political system might perhaps decrease.

Notes

- 1 In the 1995 survey, the following question was posed: ‘Do you think it would have been an advantage or a disadvantage if important issues in your own municipality were decided by local referendums?’ In the following two surveys, the question was somewhat changed: ‘I will read some statements and ask if you completely agree, partly agree, partly disagree or completely disagree. “Important questions in your own municipality ought to be decided by the use of referendums.”’
- 2 However, from 1999 to 2003 there was a shift from completely (dis)agreeing to partly (dis)agreeing. This may be due to methodological reasons, as the 1999 survey was conducted via telephone interviews and the 2003 survey was done by post.
- 3 The mean for the sixteen countries was 65 per cent. For Norway, see Table 7.2: 1999: 64 per cent; 2003: 65 per cent.
- 4 Respondents were posed a question regarding their position on this scale: ‘It is common to talk about a left and a right in politics. Imagine a scale going from 1 on the left – i.e. those who are furthest out on the left – to 10 on the right, those furthest out on the right. Where would you place yourself on such a scale?’ The mean scores on the left–right scale in the different categories of positive or negative towards local referendums are shown in Table 7.2.
- 5 The relevant question has been ‘Which party do you feel closest to?’ (Dalton 1984).
- 6 The different answers are assigned a number: 4, completely agree; 3, partly agree; 2, partly disagree; 1, completely disagree. The arithmetical mean takes into consideration the distribution for a specific group. A high number indicates a supportive attitude towards referendums.
- 7 These following institutions are mentioned: (1) municipal council, (2) mayor, (3) government, (4) political parties, (5) Parliament, (6) law courts, (7) the central government administration, (8) the local administration, (9) local politicians, (10) national politicians and (11) the county council. The additive index runs from 0 to 110 points.
- 8 No tables are shown. Therefore, I shall refer to the results of the 2003 survey. In that survey, attitudes towards referendums in the youngest age group (18–24 years) were very similar to the mean. In the 1995 survey, the attitude in this age group was clearly more negative. In the 1999 survey, the attitude was clearly more positive than the average.
- 9 In the period from 1970 to 2000, 514 local referendums were arranged in Norway’s approximately 430 municipalities (Adamiak 2001).

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Part III

Referendum campaigns and voter behaviour

8 Campaign tactics and outcomes in referendums

A comparative analysis

Lawrence LeDuc

Introduction

Referendums are often the culmination of efforts spread over many years, yet the final outcome can be determined in a campaign lasting only a few weeks. More often than not, the outcome is a defeat for political elites who became convinced that it would not be a difficult matter to persuade voters to support proposals that seemed perfectly reasonable to them and that appeared to enjoy broad support across many diverse groups – support which had often been carefully and painstakingly cultivated over a substantial period or time. Over many decades, Canadian political leaders struggled with the problem of securing a new agreement among the ten provinces to replace Canada's archaic constitutional regime.¹ When such an agreement was finally reached, in August 1992, it appeared at first to enjoy broad support across the country. The long and complex process of reaching the agreement had involved extensive consultation and compromise between the federal government, the provinces, and many other groups and organizations. Yet the 'Charlottetown Accord' was soundly defeated in a referendum only two months later. Similarly, the carefully orchestrated attempt to craft a new European Constitutional Treaty to replace the many separate treaties underpinning the enlarged European Union was abruptly derailed in 2005 by referendums in France and the Netherlands.²

What these two examples have in common is that voters decisively said 'no' to ambitious proposals for institutional change that appeared initially to enjoy wide public support. Yet there is more to the story than mere political miscalculation. When they are placed in a broader comparative context, it will be seen that these cases share a pattern that is commonplace in referendum campaigns. In this chapter, I will argue that the underlying dynamic found in these and other similar cases is sufficiently strong to raise serious questions regarding the ability of direct-democratic institutions to address and resolve certain types of complex political questions. While democratic values may dictate a view that 'the voters are always right', it appears increasingly to be the case that institutions that are intended to provide solutions to difficult problems may just as readily act to block them.

Once they are blocked, it is not an easy matter to simply resume the debate, as the 2008 Irish referendum on the Lisbon Treaty (the successor to the

Constitutional Treaty) shows. In the two cases cited above, the result has been not a genuine resolution of the issue presented to the voters, but rather the onset of a protracted period of constitutional and political impasse. Referendums *can* be a way of legitimizing a political decision that might otherwise be a source of continuing conflict. But over time, they may also become a kind of quasi-constitutional norm for dealing with certain categories of issues, such as institutional changes, international treaties or major European issues, even in the absence of any formal legal requirement that such issues necessarily should be handled in this way. Once the first steps down this path are taken, there is often no way out of the impasse created except through another referendum.

It is important to place these examples in a wider comparative context. For purposes of this analysis, I consider a number of significant national and sub-national referendum campaigns that have taken place in twelve different countries over the past two decades (Table 8.1). This mini-universe of referendum cases includes thirty-five national referendums and four sub-national ones (Quebec, Scotland and Wales). Where possible, I make use of survey or public opinion poll data where these are available in order to track the formation and movement of public opinion over the course of a campaign. Polls on the issue of the referendum taken either at the beginning of, or in advance of, the campaign period can provide a benchmark against which outcomes can be compared in attempting to estimate campaign effects.³ Such a measure is appealing in spite of its limitations, because it can be applied in a broadly comparative manner. Computed as an absolute value, the net shift from the poll percentage to the final result is conceptually similar to a Pedersen index, which is sometimes used to measure electoral change over time (Pedersen 1983). It is thus an approximation of the level of volatility generated by the campaign, as well as an indication of the overall magnitude and direction of opinion change. In some of the cases shown in Table 8.1, it is also possible to utilize more precise indicators of the process of opinion formation and change, particularly in those instances where there has been extensive public opinion polling over the course of a campaign or where rolling cross-sectional surveys or panels have been conducted.⁴

Theoretical issues

Zaller's (1992) model of opinion formation is particularly suited to the study of public opinion and voting behavior in referendums. As he argues, any process of opinion formation proceeds from an interaction of information and predisposition. When strongly held predispositions are merely reinforced by the campaign, referendums begin to take on some of the characteristics of elections, in which factors such as party identification or ideological orientation typically play a crucial role. But when parties are internally divided, ideological alignments are unclear, or when an issue is new and unfamiliar, voters might be expected to draw more of their information from the campaign discourse. Under these circumstances, the outcome of the contest becomes more unpredictable. However, as our knowledge of referendum campaigns increases, many of the

Table 8.1 National and significant sub-national referendums in twelve countries, 1986–2006

| <i>Country/province</i> | <i>Date</i> | <i>Subject</i> | <i>% yes</i> | <i>% turnout</i> |
|-------------------------|-------------|------------------------------|--------------|------------------|
| Austria | 1994 06 12 | EU membership | 67 | 81 |
| Canada | 1992 10 26 | Constitutional agreement | 45 | 75 |
| (Quebec) | 1995 10 30 | Sovereignty | 49 | 94 |
| Denmark | 1992 06 02 | Maastricht Treaty | 49 | 83 |
| | 1993 05 18 | Edinburgh agreement | 57 | 86 |
| | 1998 05 28 | Amsterdam Treaty | 55 | 75 |
| | 2000 09 28 | European currency | 47 | 89 |
| Finland | 1994 10 16 | EU membership | 57 | 71 |
| France | 1992 09 20 | Maastricht Treaty | 51 | 70 |
| | 2000 09 24 | Presidential term | 73 | 30 |
| | 2005 05 29 | EU Constitutional Treaty | 45 | 69 |
| Ireland | 1986 06 26 | Divorce amendment | 37 | 61 |
| | 1987 05 26 | Single European Act | 70 | 44 |
| | 1992 06 18 | Maastricht Treaty | 69 | 57 |
| | 1992 11 25 | Restrict abortion | 35 | 65 |
| | 1992 11 25 | Right to travel | 62 | 65 |
| | 1992 11 25 | Freedom of information | 60 | 65 |
| | 1995 11 24 | Legalize divorce | 50 | 62 |
| | 1996 11 28 | Bail reform | 75 | 29 |
| | 1998 05 22 | Northern Ireland | 94 | 56 |
| | 1998 05 22 | Amsterdam Treaty | 62 | 56 |
| | 1999 06 11 | Local government | 78 | 51 |
| | 2001 06 07 | Nice Treaty (1) | 46 | 35 |
| | 2001 06 07 | International Criminal Court | 64 | 35 |
| | 2001 06 07 | Abolish death penalty | 62 | 35 |
| | 2002 06 03 | Abortion laws | 49 | 43 |
| | 2002 10 19 | Nice Treaty (2) | 63 | 49 |
| | 2004 11 06 | Citizenship | 79 | 54 |
| Netherlands | 2005 06 01 | EU Constitutional Treaty | 38 | 62 |
| Norway | 1994 11 28 | EU membership | 48 | 89 |
| Portugal | 1998 06 29 | Legalize abortion | 49 | 32 |
| | 1998 11 08 | Regionalization | 36 | 48 |
| Spain | 1986 03 12 | NATO membership | 53 | 59 |
| | 2005 02 20 | EU Constitutional Treaty | 77 | 42 |
| Sweden | 1994 11 13 | EU membership | 52 | 83 |
| | 2003 09 14 | European currency | 42 | 83 |
| United Kingdom | | | | |
| (Scotland) | 1979 09 11 | Scottish Parliament | 74 | 60 |
| (Scotland) | 1979 09 11 | Tax powers | 64 | 60 |
| (Wales) | 1979 09 18 | Welsh Assembly | 50 | 50 |

characteristics of that discourse can be predicted, even if the outcome cannot. Some of the cases examined here are also ones in which elites took strong positions at the beginning of the campaign, to which the voters only slowly began to react. The Australian and Canadian constitutional referendums seem to conform to this pattern, as do the French and Dutch referendums on the EU constitution, with elite-driven projects being decisively rejected once the voters had learned enough about them. In such circumstances, the degree of change in opinion over the course of even a short campaign is potentially large, because there is little in the way of stable social or political attitudes that might anchor opinions on the issue of the referendum.

By contrast, where an issue is a familiar one in the political arena, or where parties take clearly competing positions, the voting decision is easier and tends to be made earlier in the campaign. Here, opinion is much firmer and less subject to rapid change or sudden reversal. Voters will often have strong cues based on partisanship or ideology, and can be receptive to arguments presented by familiar and trusted political leaders. In such a campaign, much of the attention is directed toward wavering or 'undecided' voters, in the knowledge that a swing of only a few percentage points might make a crucial difference to the outcome. The 1995 Quebec sovereignty referendum is a good example of a campaign in which the Parti Québécois (PQ) government knew that it could count on the nearly universal support of the partisan voters who had brought it to power, but also needed the votes of others in order to secure a majority for its sovereignty proposal. The Danish (2000) and Swedish (2003) referendums on the euro also provide good examples of this pattern, in which in each case the government believed that it could win the referendum by persuading a relatively small number of undecided voters to support the 'yes' side.

Zaller puts forward several 'axioms' that are designed to describe the process by which individuals convert information to opinion under various circumstances. Three of these, briefly stated, might be summarized as follows (Zaller 1992: 42–51):⁵

- reception: the greater a person's level of cognitive engagement with an issue, the more likely he or she is to be exposed to or 'receive' political messages concerning that issue;
- resistance: people tend to resist arguments that are inconsistent with their political predispositions;
- accessibility: the more recently a consideration has been called to mind or thought about, the less time it takes to retrieve that consideration from memory.

We can readily see how these precepts might apply to some of the cases under consideration here. Factors such as party identification, the linkage of the referendum issue to particular groups, or its identification with established political actors provide possible operational examples of Zaller's predispositions. Opinions about certain types of issues will change less readily than others, and

perhaps even less readily than attitudes toward individual politicians, groups or political parties. For some voters, opinions on Quebec sovereignty or on European integration will reflect strongly held fundamental beliefs about the nation or a sense of political community. For others, however, such attitudes might be less the product of deeply held beliefs than a more transient opinion based on the persuasive arguments of an advertising campaign, apprehensions about the state of the economy, or judgments about the credibility of those delivering the message. Thus, a referendum that involves a cleavage or an ideological issue, and/or in which political parties take well-known and predictably opposite positions, ought to hold the least potential for opinion change over the course of a short campaign. One that involves a new or previously undiscussed issue, or in which parties line up in a non-traditional manner, is likely to produce greater volatility. In the absence of strong predispositions, information becomes more critical to the voting decision. Generally, such information comes from the campaign itself, and more specifically from the actors who are part of that campaign.

In a few jurisdictions, an independent referendum commission or electoral authority may play a role in disseminating neutral or unbiased information, attempting to create what is often called a 'level playing field'. But a campaign, whether it is an election campaign or a referendum, is never merely about 'informing' voters. Fundamentally, it is about winning. Thus, while there may – or may not – be some neutral sources of information available to voters over the course of a campaign, much of the information that they will receive comes directly or indirectly from campaign actors who have a stake in the outcome. We should not be surprised therefore to find that where predispositions are weak, such sources of information can be quite powerful.

In this chapter, I will examine the dynamic of the campaign as it developed in several of the cases mentioned earlier, in particular contrasting the dynamic of opinion formation in two campaigns in which 'predispositions' were particularly weak – the 1992 Canadian constitutional referendum and the 2005 French referendum on the EU Constitutional Treaty – with two others in which opinion was more completely formed prior to the referendum – the 1995 Quebec sovereignty referendum and the 2000 Danish referendum on the euro. I will then proceed to compare briefly the characteristics of opinion formation and change in these four referendum campaigns with some of those in the larger set of cases. What this comparison will show is that the 'playing field' in many referendum campaigns is far from level. In most circumstances, the 'no' side possesses a powerful advantage, while the 'yes' forces tend to face an uphill struggle. How unbalanced the field actually is depends on the nature of the issue at stake, the political context of the campaign, and the resourcefulness and ingenuity of the campaign actors in transmitting their versions of the message to the voters.

The 1992 Canadian constitutional referendum

The origins of the 1992 referendum, the first such nationwide vote since 1942, lay in Canada's long struggle to 'repatriate' the constitution from its British

origins. Constitutional reform took on a new sense of urgency in 1976 with the election of a separatist government in Quebec. The prime minister, Pierre Trudeau, having failed to secure an agreement on a new constitution with the provinces, finally acted to impose a settlement in 1982 without the concurrence of Quebec. But the election of a new Conservative federal government under Brian Mulroney in 1984 and the defeat of the PQ government in Quebec in the 1985 provincial election opened the door to the possibility of new constitutional initiatives. The first of these, the Meech Lake Accord, expired in 1990 when two provinces, Manitoba and Newfoundland, failed to ratify it within the established time limit.

A second attempt to reach a settlement found success in the agreement between the federal government and the provinces reached in August 1992. That agreement is known as the Charlottetown Accord, which, like the Meech Lake document, might have simply been put to Parliament and the provincial legislatures for ratification. But Quebec had already committed itself by law to hold its own referendum either on 'sovereignty' or on a federal constitutional proposal no later than 26 October 1992. The provinces of Alberta and British Columbia had likewise made commitments to hold their own referendums on any new constitutional agreements. The prospect of separate referendums in Quebec and in other provinces, held at different times and following different electoral rules, contained obvious disadvantages from the perspective of the prime minister and premiers who had negotiated the accord. A quick federal vote, held on the same day as the already scheduled Quebec referendum (which was then only two months away) became the only plausible political strategy.

The Charlottetown Accord was much more comprehensive than previous constitutional proposals. It proposed to create a new senate in which all provinces would be equally represented, a variation of the type of reform of the Upper House that had been sought by the western provinces during the constitutional negotiations. It enshrined recognition of Quebec as a 'distinct society', a provision carried over from the failed Meech Lake Accord, and it guaranteed to Quebec in perpetuity a minimum of 25 percent of the representatives in an enlarged House of Commons. The accord also proposed new arrangements for aboriginal self-government, recognizing this as an inherent right, and it set out new divisions of federal and provincial powers in areas such as culture, labour and resource policy by granting additional powers in these areas to the provincial governments. Finally, it proposed to give all provinces a veto over fundamental constitutional changes such as those concerning representation or federal institutions.

The referendum ballot provided only for a simple 'yes' or 'no' on 'the agreement of August 28th'. Because the decision to hold a referendum had been taken so quickly, little thought had been given to matters of organization and strategy, or even to the wording of the question. For a short time, it seemed that a real contest might take place only in Quebec, where an organized opposition was already in place. The Parti Québécois almost immediately announced its intention to campaign for a 'no' vote, but there was little initial opposition elsewhere

in the country. All ten provincial premiers, representing three different political parties, supported the agreement. The three leaders of the main federal parties all announced that they would campaign actively for a 'yes' vote. Leaders of aboriginal groups that had been involved in various phases of the constitutional negotiations indicated that they would support it. As Figure 8.1 shows, the campaign began with a seemingly high level of public support for the agreement.

Gradually, opposition outside of Quebec began to surface. The Reform Party, at the time a much smaller, largely western-based political movement, announced that it would oppose the agreement and campaign against it nationally. At about the same time, several prominent Quebec Liberals came out against the proposals, indicating that the agreement was in more serious trouble than initially thought in Quebec. Within a few weeks, other opposition surfaced – from women's groups, some constitutional lawyers, and finally from former Liberal prime minister Pierre Trudeau, whose views commanded wide attention. Momentum suddenly seemed to shift away from the poorly organized and overconfident architects of the agreement.⁶ The 'yes' side in the campaign was often its own worst enemy, airing advertisements that were widely denounced as 'scare tactics' and reinforcing some of the feelings of manipulation by elites that had hung over the agreement from the very beginning. The various groups and individuals supporting the 'no' vote had little in common with each other, ranging widely across the political spectrum and often holding contradictory views on many other issues. But arrayed against them were the pillars of the Canadian establishment: business, government, academia, and much of the press and media.

Because there was really no long-term basis of public opinion on many of the specific issues arising from the Charlottetown Accord, predispositions as defined by Zaller were low for most voters. A few voters would have been able to make up their minds fairly quickly on the basis of partisan cues or familiarity with one or more of the long-standing issues in the constitutional debates. In addition, there were the cues provided by the parties and by political leaders. Levels of voter interest were high, and turnout, at 75 percent, was 5 percent higher than for the federal election held only a year later. The 'no' side pulled ahead in the polls during the first week of October (see Figure 8.1) and stayed there throughout the remainder of the campaign. With nearly three weeks to go, the contest was effectively over, even though public opinion polls continued to show large numbers of undecided voters right up until the very end of the campaign.

The 1992 constitutional referendum was an unusual event in Canadian politics. While there were partisan divisions in the vote, the contest was not fundamentally a partisan one. Since the leaders of all three of the main federal parties had actively campaigned for a 'yes' vote, many of the normal partisan cues that voters might be expected to respond to were completely absent from the referendum campaign. Although a referendum was not legally required, it is clear that the architects of the Charlottetown agreement ultimately had little choice but to seek some kind of popular mandate for their project. Had those whose task it was to sell this agreement to the Canadian people themselves been more popular,

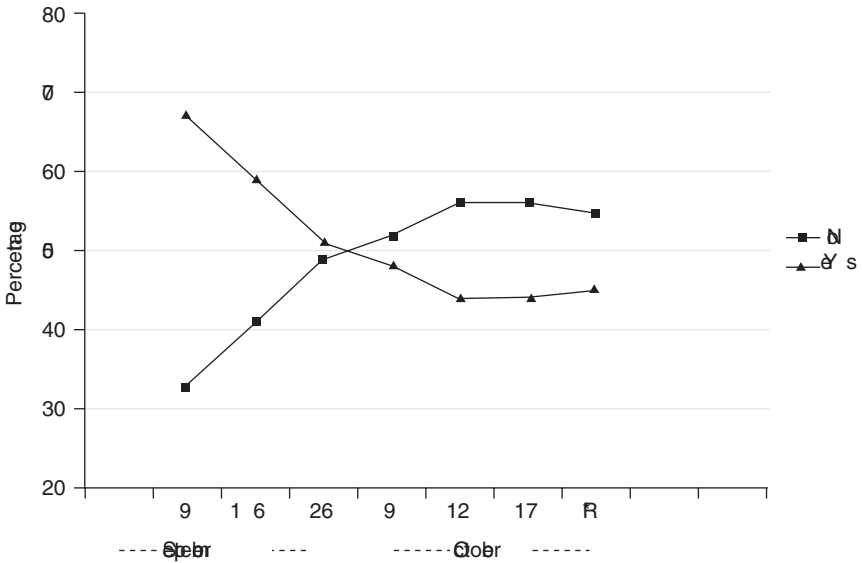


Figure 8.1 Public opinion in the Canadian constitutional referendum, August–October 1992.

the outcome conceivably might have been different (LeDuc and Pammett 1995). The referendum unexpectedly provided Canadian voters with a rare opportunity to pass judgment on the nation’s entire political establishment, together with one of that establishment’s most cherished projects. The extent to which the ‘no’ campaign managed to tap an ‘anti-politics’ or ‘anti-establishment’ streak of opinion became increasingly clear in the final weeks of the campaign. For many, the referendum seemed to represent a battle of the people against the establishment. Seen in this light, it is perhaps as surprising that 45 percent of Canadians ultimately voted *for* the Charlottetown agreement as that it went down to defeat.

The 2005 EU Constitutional Treaty referendums

Zaller’s model suggests that the most volatile referendum campaigns are likely to be those in which there is little partisan, issue or ideological basis on which voters might tend to form an opinion easily. The potential for volatility in such circumstances is very high because there is little in the way of core beliefs or attitudes to anchor the opinions being formed. The 2005 European Constitutional Treaty referendums, particularly those in France and the Netherlands, would appear to fit the latter model quite well. Up until the signing of the Treaty Establishing a Constitution for Europe in Rome on 29 October 2004, debate on the treaty had been conducted almost entirely by elites, and public awareness of its details was very low.

Evidence from previous European referendum campaigns, such as the ones that took place in Ireland, France and Denmark on the Maastricht Treaty in 1992, tells us that the outcome of a referendum in such a setting is highly uncertain. Voters need time and information to form opinions, and are often influenced directly by the discourse of the campaign. On the other hand, the larger European issues, of which the debate on the Constitutional Treaty was a part, were relevant but not in themselves strong enough to predetermine the outcome of a referendum on an issue such as the treaty. Neither are they firmly anchored to partisanship or ideology in most instances, since divisions exist within the major parties over European issues in many EU countries. Context and timing are all-important, and 'second-order' effects are often present. The chances of an unpopular prime minister or president, late in a government's term, winning such a referendum are undoubtedly smaller than if the campaign were led by more credible or popular figures in a more positive setting. Domestic factors such as the state of the national economy may well play a role, even though such factors have little to do with the treaty per se. Second-order effects can easily doom a referendum even if opinion on the underlying issue is favourable.

The referendum in Spain was the first of the four that took place after the signing of the document, and was not subject to many of these effects. The campaign was led by a new government and prime minister that had been in office for less than a year. Both major political parties actively campaigned for a 'yes' vote, and stressed the theme of affirming Spain's place in Europe. The governing party was strongly united in support of the new constitution, and there was no prior history in Spain of divisive debates over European issues. The early and positive nature of the 'yes' campaign as 'First in Europe' gave potential opponents of the constitution little time to organize and few issues around which to frame an opposing argument. It is not surprising that under these favourable conditions the 'yes' side rolled to an easy (77 percent) victory. The low turnout (42 percent) reflected both the relative lack of engagement on the part of the electorate, and the one-sided nature of the contest.

In distinct contrast was the referendum in France, which took place only three months later. While initial public opinion polls, conducted at about the same time as the Spanish referendum (Figure 8.2), suggested that more than 60 percent of French voters would endorse the treaty, opinion on the issue was not yet well formed, and the actual campaign had yet to begin. President Chirac's announcement of the date of the referendum in March appeared to precipitate a significant drop in support for the treaty (Figure 8.2). The unpopularity of the president would prove to be a liability for the 'yes' campaign, of which he was the *de facto* leader. As was the case in the Maastricht referendum of 1992, the campaign effectively pitted the mainstream political parties, Chirac's Union pour un Mouvement Populaire (UMP) and the Socialists (PS), against more marginal forces such as the National Front (FN) and the Communists (PCF). This configuration guaranteed that, as with Maastricht, the treaty would be attacked from both left and right, but on different grounds. Splits within the two major parties also damaged the prospects for ratification of the treaty by providing conflicting

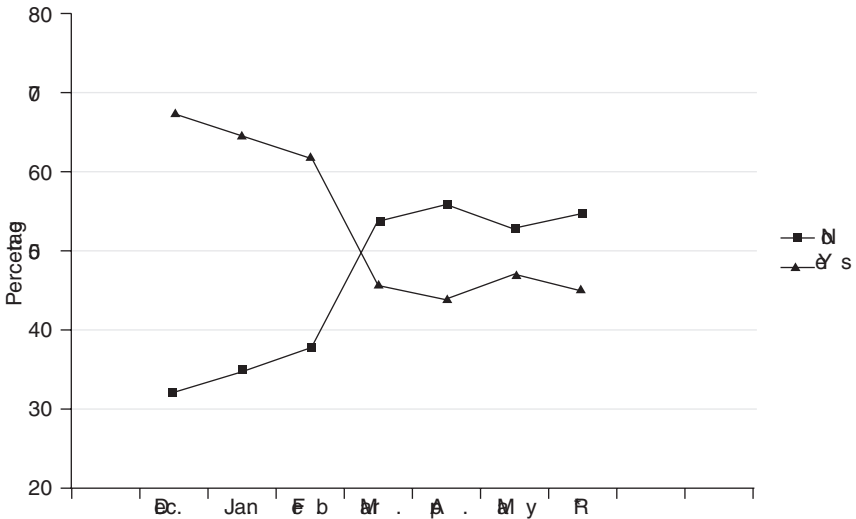


Figure 8.2 Public opinion in the French referendum on the EU Constitutional Treaty, December 2004–May 2005.

cues to large groups of voters. The PS had voted in an internal party referendum to support the constitution, but some of its leading figures nevertheless campaigned on the ‘no’ side. In particular, Laurent Fabius, a former prime minister and potential presidential candidate, emerged as one of the leaders of the ‘no’ campaign, providing it with greater respectability than could be mustered by those at the extremes. Likewise, a faction of the Gaullists refused to follow Chirac’s leadership in support of the treaty and actively campaigned for a ‘no’ vote. The ‘no’ side maintained a lead throughout the early part of the campaign, but, as subsequent public opinion polls would clearly demonstrate, the contest was far from over. Some polls taken in the final week of the campaign showed as many as a third of all voters still undecided.

While the strategy that lay behind Chirac’s decision to hold a referendum may have been clear at the time when it was taken, the outcome later became uncertain because new personalities, issues and arguments were introduced during the course of the campaign. A campaign can in some circumstances introduce a new set of variables, and these are sometimes capable of producing substantial shifts in sentiment, particularly when the factors anchoring opinions on an issue are weak to begin with. Among those that appear to have been a factor in the outcome of the French referendum are the already mentioned unpopularity of the president and prime minister, the state of the French economy, and the strategic calculations of future potential presidential candidates. The fact that a ‘yes’ vote seemed, at least in some minds, to constitute a vote for Chirac may have given some potential ‘yes’ voters pause (Marthaler 2005). Also influential were sets of issues only partially related to the constitutional debates, such as the

implications for France of the 2004 EU enlargement and the possible future prospect of Turkish membership. The relatively low levels of support in France for Turkish membership in the EU made this an issue that was easily injected into the campaign by the far right parties, even though ratification of the Constitutional Treaty in itself held little direct connection to this question.

The intensity of the campaign and the uncertainty of the outcome produced a substantial turnout of 69 percent of French voters – higher than in the most nearly comparable parliamentary election and similar to that found in the referendum on Maastricht in 1992. The margin of victory for the ‘no’ side was slightly greater than had been predicted by the final opinion polls of the campaign. An exit poll analysis suggested that the split among Socialist voters was decisive in the result, with a narrow majority of this group supporting the ‘no’ side in spite of the fact that the party itself had officially endorsed the ‘yes’ side (Marthaler 2005). In this regard, then, the defection of a key figure such as Fabius may have been of critical importance, because of the partisan and ideological cues that it sent to voters on the left of the political spectrum. This positioning was reinforced by the depiction on the left of the treaty as entrenching a ‘neo-liberal’ economic regime in Europe, thereby connecting it to a broad array of other social and economic issues (Ivaldi 2006). The leadership of the president may have helped to hold the support of some Gaullist voters, but it proved to be a liability in gaining the support of other groups in the electorate.

The referendum in the Netherlands took place only two days after the French result, raising the strong possibility of a ‘domino effect’ (Jahn and Storsved 1995). In comparison with that in France, the campaign in the Netherlands was surprisingly low-key. But in the wake of the French result there appeared little possibility of a ‘yes’ victory. As in France, the treaty enjoyed the support of all of the mainstream political parties, and opposition came mainly from the extremes on both the left and the right. But the unpopularity of the governing center-right coalition that had called the referendum almost certainly introduced second-order effects, and the prior outcome of the French referendum at a minimum lowered the stakes for Dutch voters inclined to vote ‘no’. Since the treaty was effectively dead as soon as one country (France) had failed to ratify it, there appeared to be little at stake in the Dutch vote taking place only two days later, making it easier for voters to use the referendum as a means of expressing dissatisfaction with the government, or skepticism regarding other European issues. Dissatisfaction with the euro may also have played a role (Aarts and van der Kolk 2006). Available evidence indicates that voters of nearly all political parties were divided on the issue, but that support for the treaty in the Netherlands, as in France, had somewhat greater problems on the left of the political spectrum. Turnout at 62 percent was respectable, but low compared with that in national elections. While the outcome itself was not a surprise, the size of the ‘no’ vote (62 percent) came as a shock in a country that has traditionally shown strong support for European institutions.

The outcome of the referendums in France and the Netherlands effectively ended the process of ratification in other member countries, and led to the

cancellation of planned referendums in several countries – notably Denmark and Britain. It therefore came as a surprise when Luxembourg opted to proceed with its referendum, which took place a little over a month later on 10 July. This decision was taken by the prime minister, Jean-Claude Juncker, who made the issue a matter of confidence in his government. Indicating that he would resign if the constitution was not approved in the referendum, Juncker placed his own considerable popularity firmly behind the treaty and explicitly introduced second-order effects into the campaign. This made the referendum in Luxembourg a quite different type of contest than in the other countries voting on the Constitutional Treaty. As in the other three countries, all of the major political parties endorsed the treaty, despite the fact that its fate was so closely tied to that of the government. While this strategy produced a clear victory for the ‘yes’ side (57 percent), it undoubtedly left voters confused about what they were voting on, and made the outcome difficult to interpret.

The 1992 Canadian constitutional referendum and the 2005 French and Dutch referendums on the EU Constitutional Treaty display many similarities in terms of the patterns followed by the campaigns, the types of arguments put forward by the ‘yes’ and ‘no’ sides respectively, the relative weakness of predispositions in the form of strong social or partisan anchors of opinion, and most of all in their negative outcomes. These cases demonstrate that those opposed to a proposal do not necessarily have to make a coherent case against it. Often, it is enough merely to raise doubts about it in the minds of voters, question the motives of the proposers, play upon known fears or attempt to link a proposal to other unpopular issues or personalities. While the referendum outcome may be of critical importance to elites, voters do not necessarily perceive the consequences of a ‘no’ vote in the same way.

These characteristics are shared by other referendums that deal with constitutional issues or with matters that are not immediately familiar to the mass public. The first Irish referendum on the Nice Treaty, in 2001, displayed a similar campaign dynamic, as did all three of the 1992 referendums on Maastricht. Australian referendums dealing with constitutional issues typically display many similar patterns (Galligan 1990, 2001). However, it is also useful to draw a contrast with cases that exhibit a very different pattern of opinion formation and change from those found in the Canadian and European constitutional referendums. A distinct contrast is found among those cases of referendums where predispositions are stronger, because of either the presence of clear partisan or ideological correlates, or greater familiarity on the part of voters with the issue(s) of the referendum. The referendums on the euro held in Denmark in 2000 and in Sweden in 2003 display markedly less volatility, as also does the 1995 Quebec sovereignty referendum or the 1997 Scottish referendum on devolution, as well as many of the referendums on EU membership.

The 1995 Quebec sovereignty referendum

A very different electoral context is found in the 1995 Quebec sovereignty referendum, where the ballot question was rooted in long-standing divisions reflected in the polarized structure of the Quebec party system. In the first referendum, in 1980, the sovereignty issue in Quebec was still a new political phenomenon, and that campaign represented an important part of a long learning process for many voters. The Quebec government's strategy of promoting sovereignty together with continuing economic association with Canada at first appeared to be a winning political formula.⁷ But the 1980 referendum proposal nevertheless went down to a rather decisive defeat, in part because the 'no' side was able to effectively shift the terms of the debate over the course of the campaign, arguing instead for 'renewed federalism' as an alternative vision of the Canadian federation. The message of 'renewed federalism' was delivered by a respected and credible federal prime minister, Pierre Trudeau – at that time fairly popular in Quebec. While 'renewed federalism' was not the question on the ballot, the 'no' campaign ultimately persuaded many voters to view the choice in these terms, effectively changing the subject of the discourse.

The relative newness of these issues at that time and the abrupt shift of the campaign discourse meant that the 1980 decision was not a clear-cut or easy one for many Quebec voters. By 1995, however, the positions of both the federal and provincial political parties and their leaders were very different. The federal prime minister, Jean Chrétien, was highly unpopular among Quebec francophones and widely mistrusted. But more importantly, the political context in which the 1995 vote took place was quite different from that in the 1980 referendum. Positions on the sovereignty issue by that time were well known and well entrenched. A Quebec electorate frustrated with the failed constitutional initiatives of the previous fifteen years (including the 1992 constitutional referendum) was much more prepared to listen to the arguments put forward by the 'yes' side during the course of the 1995 campaign. There were simply fewer voters in 1995 who had not already made up their minds on an issue that had by that time become *the* defining cleavage of Quebec politics.⁸ Further, the 'yes' side in 1995 benefited from the campaign role played by Lucien Bouchard, at the time the leader of the Bloc Québécois in the federal parliament, whose personal popularity in Quebec far exceeded that of the federal prime minister (Pammatt and LeDuc 2001). Bouchard, who effectively led the 'yes' campaign, was the most popular politician in Quebec, while the Liberal Party, representing the federalist alternative, had become highly unpopular, along with its leaders, at both the federal and the provincial levels.

As Figure 8.3 shows, the outcome of the 1995 referendum was extremely close, but the 'no' side ultimately prevailed. With a turnout of 94 percent – far higher than is typical in either federal or provincial elections in Quebec – virtually the entire electorate was mobilized. This referendum campaign was, for the 'yes' side in particular, a classic uphill struggle in which gradually winning over small numbers of undecided or wavering voters became the essential campaign tactic. But there were few such voters available to be won over. Survey evidence

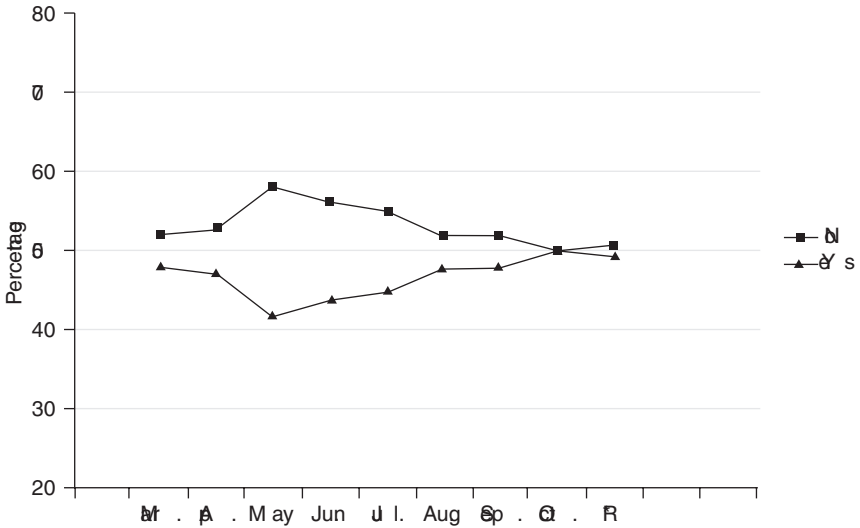


Figure 8.3 Public opinion in the Quebec sovereignty referendum, March–October 1995.

shows that more than three-quarters of the voters had already made up their mind either well in advance of the referendum or at the time that it was called (Pammett and LeDuc 2001). While some of the same campaign tactics can be found in the 1995 Quebec sovereignty referendum as were observed in other cases, in such a highly polarized setting these were much less effective. In Zaller's terms, the relative weights of information and predisposition in this case were simply quite different.

The 2000 Danish referendum on the euro

The referendums on the euro held in Denmark in 2000 and in Sweden in 2003 likewise display markedly less volatility. In the Danish case, in which the 'no' side also prevailed, the contest was much closer over the duration of much of the campaign, and there was considerably less movement in public opinion. In part, this is because the issue of the euro was well known to the public, and because Denmark had held five other referendums on important European issues over the previous thirty years. While the rejection of the Maastricht Treaty in the 1992 referendum sent shock waves throughout Europe, that result and its aftermath also taught Danish voters that the actual costs of voting 'no' in a European referendum were relatively low, despite some of the more extravagant claims made by proponents. Further, Euro-skepticism has been a much stronger force in Danish politics in recent years. One would thus expect predispositions on an issue such as the euro to be much stronger than on other less well-known or well-understood issues. Nevertheless, there are similarities to the other, more volatile cases. In the 2000 referendum, all of the mainstream political parties

supported the ‘yes’ side.⁹ Also lined up in support of the euro were the leaders of the major trade unions, nearly all elements of the business community and most of the nation’s newspapers. On the surface, it appeared that the chances of success in such a setting were fairly good at the time that the date of the referendum was announced (Downs 2001). But the ‘yes’ lead slowly evaporated. Polls in June showed the race at a dead heat (Figure 8.4).

The government’s principal strategy was to try to convince voters that entry into the eurozone was a necessary step to protect the Danish economy. A considerable part of the ‘yes’ campaign therefore stressed the potential economic dangers of continued Danish exclusion from the eurozone: slower economic growth, a weaker currency, higher interest rates and unemployment, etc. The ‘yes’ side sought to separate the euro question from larger European issues, stressing that the euro was an *economic* issue that did not necessarily have any wider political implications. The Danish ‘no’ campaign in contrast was more diverse and wide-ranging. It did not so much have to make a coherent case *against* the euro as to raise doubts and suspicions about the arguments being put forward by the ‘yes’ side. Ranging from far left to far right, ‘no’ campaigners had various reasons for their opposition to Danish entry to Economic and Monetary Union (EMU). Some drew heavily on patriotic and nationalistic themes, or portrayed EU institutions and practices as a threat to Danish democracy. The left parties that opposed the euro tended to stress potential threats to the safeguards of the Danish welfare state. As in several of the cases involving constitutional issues, the proposal to accept the euro could be attacked from both left and right. As in the Canadian constitutional referendum, a ‘no’ vote could also be construed as a rebuke to the political establishment.

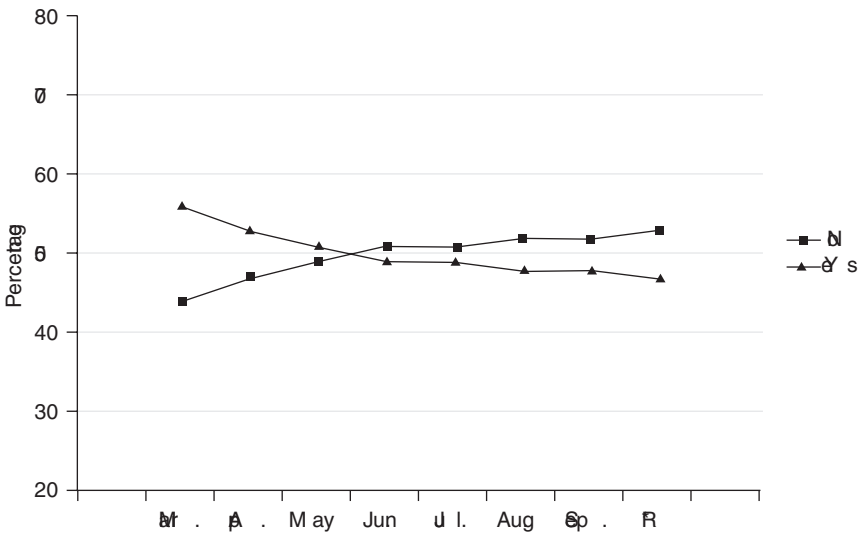


Figure 8.4 Public opinion in the Danish referendum on the euro, March–September 2000.

Comparing cases

The characteristics found in these four examples are shared by many of the other referendums on similar types of issues in our larger set of thirty-nine referendum cases (Table 8.1). While comparable survey or public opinion data are not available for all of the cases shown, the theoretical arguments become more compelling as more cases are brought into the comparison. Figure 8.1 displays the net campaign movement for twenty referendums in the set for which suitable public opinion poll data are available. This permits, at least at an aggregate level, some comparison with the four cases discussed in greater detail above.

As is seen in Figure 8.5, fourteen of the twenty cases compared display movement toward the ‘no’ side over the course of the campaign – with many of these exhibiting the pattern of sharp movement to the negative found in the Canadian constitutional referendum or the French and Dutch referendums on the Constitutional Treaty. Among these are the 1992 referendums on the Maastricht Treaty, the first Irish referendum on the Nice Treaty, the 1997 Welsh devolution referendum and the Irish referendums on divorce (1995) and abortion (1992). Several others display more modest patterns of negative movement similar to that found in the Danish and Swedish referendums on the euro.

Only six of the cases examined display net movement toward the ‘yes’ side over the course of the campaign, and in all of these cases the magnitude of such movement is very modest. In addition to the 1995 Quebec sovereignty referendum discussed earlier, these cases include the second (2002) Irish referendum on the Nice Treaty and all of the 1994 referendums on European Union membership (Austria, Finland, Norway, Sweden). There are a number of reasons underlying these persistent patterns, among which would be included the following.

Second-order effects

The presence of various second-order effects in many of the referendum campaigns discussed here has already been noted. Often these are negative, and ‘no’ campaigners move quickly to tie the referendum issue to an unpopular political leader or attempt to turn the entire campaign into a referendum on the government. Such a campaign tactic is an obvious one when the president or prime minister of the day is as unpopular as Jacques Chirac was at the end of his second presidential term. But there are a few instances in which such secondary effects can also be positive. As is noted earlier, the outcomes of the 2005 EU constitutional referendums in Spain and Luxembourg were different from those in France and the Netherlands, in part because of the directional differences in second-order effects. Nevertheless, the number of cases found in which various kinds of second-order effects worked to the advantage of the ‘no’ side appears far greater.

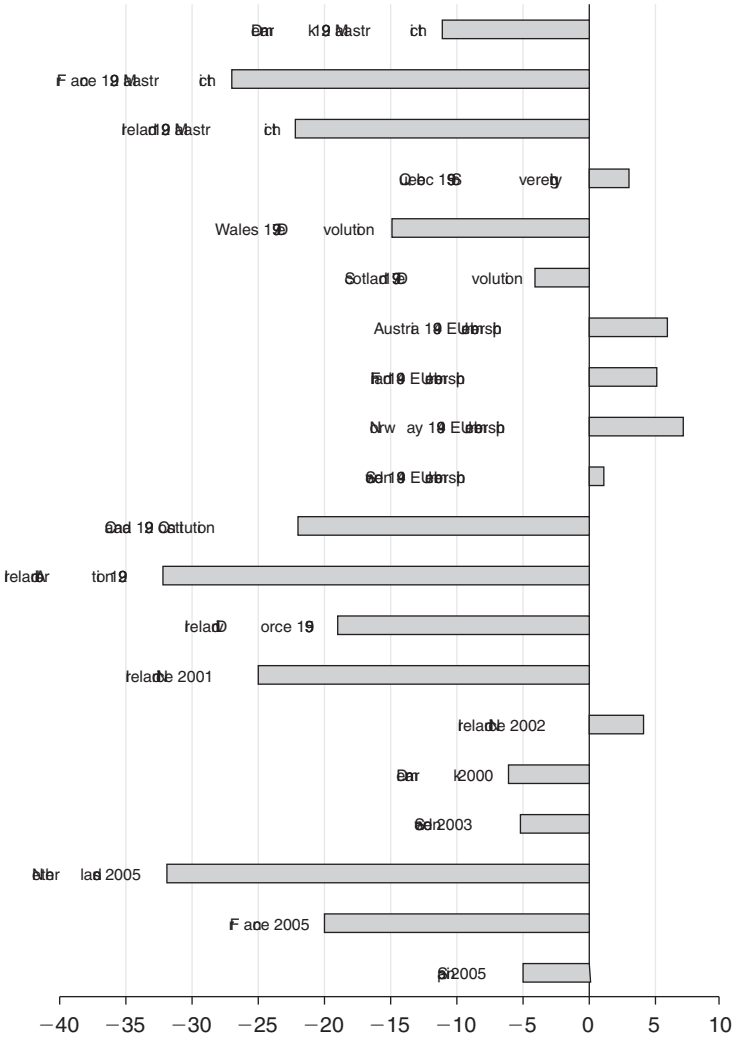


Figure 8.5 Net opinion change in twenty referendum campaigns.

Anti-establishment rhetoric

Because so many referendum campaigns originate as projects undertaken and promoted by political elites, it is often an effective campaign strategy to attempt to turn the referendum into a battle of ‘the people’ against ‘the establishment’. Echoes of this strategy are also prominently found in the 1992 Canadian referendum, the 1997 Welsh referendum on devolution and in many Australian referendums (Galligan 1990, 2001). Such attitudes were also present, albeit in a more subtle form, in the 2006 EU constitution referendums, the earlier votes on the

Maastricht Treaty and the two referendums on the euro. Almost counter-intuitively, the broader the base of support for a ballot proposition, the easier it is to shift the campaign discourse in the direction of anti-establishment or anti-politics sentiment. When the larger political parties, big business, organized labor, academics and the media all line up in support of a proposal, it is not as difficult as at first it might seem to turn the public against it.

Party division

While a political party may formally take a position on a referendum issue, internal divisions within a party often figure prominently in a campaign. In the 1994 referendum on EU membership in Sweden, although the governing Social Democratic Party (SAP) supported EU membership, this did not prevent prominent members of the party, including some cabinet ministers, from campaigning actively for a 'no' vote. In fact, divisions within a governing party over an important issue are frequently one of the reasons for calling a referendum in the first place (Morel 1993, 2001). Similar examples may be found in the EU constitutional referendums, particularly those in France and the Netherlands. This of course does not occur in cases such as the Quebec sovereignty referendum, where the 'yes' and 'no' sides of the issue more clearly reflect the existing partisan alignment. But such cases are relatively rare. More common are those in which several of the mainstream parties attempt to occupy the same political space, or in which parties find themselves internally divided. In the latter case particularly, voters who are accustomed to relying on party cues will be subjected to mixed signals.

Ideological division

Some referendum issues may be ideological in character, but most are not. In particular, those involving constitutional questions, international treaties or institutional matters may have little ideological content. Thus, as is the case with partisanship, voters who are accustomed to receiving clear ideological signals will find it more difficult to form an opinion. This problem is compounded when a proposal is attacked simultaneously from both left and right, as was the case with the EU Constitutional Treaty referendums and the Swedish and Danish referendums on the euro. For campaigners from the right, these proposals represented a threat to national sovereignty, and there was a strong tendency to rely on nationalistic and patriotic campaign themes. From the perspective of the left, however, the very same proposals could be perceived as a threat to the welfare state, or as part of a Europe-wide 'neo-liberal' economic project. There is no need, therefore, for 'no' campaigners necessarily to present a coherent case against any proposal. Different arguments can be directed to different sets of voters. And the more widely a proposal is attacked from opposite directions, the more doubts will be raised in the minds of wavering voters over the course of a short campaign.

Segmentation

In several of the examples discussed here, a referendum question contained within it more than one issue. The Treaty Establishing a Constitution for Europe, for example, contained hundreds of separate articles. No campaigners could thus choose between stressing broad themes, on the one hand, and being more selective in their critiques, on the other. One might choose to single out specific provisions of the treaty such as those dealing with agriculture, social policy or labor mobility, to cite only a few examples. Similarly, the 1992 Canadian constitutional agreement contained a number of specific provisions that were contentious among different groups of voters. The provision for an equal senate, for example, was popular in the western provinces but generated little enthusiasm in Quebec and Ontario. On the other hand, recognition of Quebec as a ‘distinct society’ was essential to winning support for the agreement in Quebec, but raised suspicions elsewhere. While the ‘yes’ campaign urged voters to accept the package as a carefully balanced set of compromises on these difficult issues, ‘no’ campaigners were quick to take it apart. As the campaign progressed, opposition to any one of the proposals could be sufficient to turn some voters against the agreement.

Changing the subject

Some referendum questions are clearer than others; see, for example, the text of the 1980 Quebec referendum question in note 7. But it is not only what appears on the ballot that influences opinion formation in a referendum campaign. The campaign discourse can often be turned in a different direction by introducing new issues or by framing the issue of the referendum in a different way. As is noted earlier, the ‘no’ side in the 1980 Quebec referendum succeeded in reframing the discourse as a choice between ‘renewed federalism’ and ‘separatism’, as against the ‘yes’ campaign’s preferred understanding of the issue as the creation of a new political and economic partnership. There are many other examples in the larger set of cases discussed earlier in which the campaign discourse shifted rather abruptly in a new direction over the course of the campaign. In the 2005 French and Dutch referendums on the EU Constitutional Treaty, unrelated (or only marginally related) issues such as the euro, immigration or future Turkish membership in the EU – none of which had much relevance to provisions of the treaty – became part of the campaign discourse. Another classic example of a referendum campaign in which an issue was completely reframed, to the distinct advantage of the ‘no’ side, was the 1986 Irish referendum on divorce, in which a heated debate on the rights of women arose unexpectedly in the middle of the campaign (Darcy and Laver 1990).

Turnout

Turnout tends to fluctuate more widely in referendums than it does in elections. In general, it tends to be lower, but can sometimes rise to much higher levels

when a particular issue engages wide voter interest or when an intense campaign is waged by interested groups. When turnout is low, the ability to mobilize one's own supporters counts for more. When it rises, it is generally because the issue itself is perceived as an important one for most voters, or because parties or interested groups have been successful in mobilizing voters. Turnout was high in the 1992 Canadian constitutional referendum and in the Quebec sovereignty referendums. But there are also several cases in which turnout was very low in comparison with the levels generally obtained in elections. The Spanish referendum on the EU Constitutional Treaty drew the participation of only 42 percent of the electorate – 35 percentage points lower than in the general election of the previous year. Turnout in both Irish referendums on the Nice Treaty was very low in comparison with national elections, and the low turnout of only 35 percent of voters in the first (2001) referendum was widely blamed for the defeat of the treaty. Polls in the run-up to the referendum had shown a majority of the Irish public in support of the treaty, but the combination of low levels of information regarding its content, a lackluster campaign and widespread lack of interest in the vote combined to defeat it. But turnout cannot be considered in isolation. It is affected by many of the other factors discussed here, including the timing of votes, party mobilization, levels of information and the context of the campaign.

Low information levels

With a few exceptions, voters tend to enter referendum campaigns with relatively weak predispositions and low levels of information. Over the course of a short campaign, they will acquire enough information to allow them to come to a voting decision – a decision that is often reached quite late in the campaign. Public opinion polls typically find as many as a quarter to a third of voters still undecided in the final week of many referendum campaigns. Lupia and McCubbins (1998) argue that voters will utilize 'short cuts' to help them in finding their positions on sometimes complex issues. On an issue such as the European Constitutional Treaty, short cuts may be essential since relatively few voters will immerse themselves in the details of such a complex legal document. But while short cuts may help the voter to come to a voting decision, based on a limited amount of information, they can also act to impede the process of deliberation on an issue. Some types of short cuts may actually encourage voters to close their minds to the political debate going on around them. In the Canadian constitutional referendum, one slogan employed by the 'no' side encouraged voters to 'know more'. But the word play on 'no more' sent an entirely different message: that it was time voters exercised a veto on the constitutional schemes of the elites.

Conclusions

The most volatile referendum campaigns are those in which there is little partisan, issue or ideological basis on which voters might tend to form an opinion

easily. Lacking such information, voters need more time to come to a decision, and that decision becomes highly unpredictable. Such cases often involve elites taking strong positions at the beginning of the campaign, to which the public gradually begins to react. The referendums on the EU Constitutional Treaty, the 1992 Canadian referendum and many other European referendums such as those on the Maastricht and Nice Treaties display such a pattern.

Surveys taken in the aftermath of a referendum campaign regularly show that 'insufficient information' is one of the most common complaints of citizens about the referendum process. Particularly in circumstances such as the Canadian and European constitutional referendums, in which large and complex packages of proposals were put to a vote, information becomes critical. The challenge presented by the European constitution referendums in this regard was indeed formidable. The Treaty Establishing a Constitution for Europe ran to just under 500 pages of complex legal text. Even a summary of the document widely circulated during the campaigns ran to over ninety pages. In the case of the 1992 Canadian constitutional referendum, one of the government's first mistakes was its inability to produce an accurate legal text of the agreement for the first several weeks of the campaign. This allowed opponents of the proposals to accuse the government of having a 'hidden agenda' or of attempting to mislead or misinform the public. While the text of the European Constitutional Treaty was available for inspection during the 2005 referendum campaigns, its length and complexity opened the door to similar claims.

The political advantage in referendum campaigns, particularly those dealing with unfamiliar constitutional questions or large and complex packages of proposals, often seems to rest with the 'no' side. Those opposed to a proposal do not necessarily have to make a coherent case against it. Even some referendum campaigns that have seemingly begun with great optimism have fallen victim to negative tactics over the course of a short, intense campaign. This raises serious questions about the quality of public deliberation in referendum campaigns, and perhaps also about the capacity of direct-democratic devices to fully resolve certain types of political issues. The common arrangement under which constitutional issues are first debated by elites and then turned over to the citizens for decision after a short campaign may not be the most productive approach to public deliberation of an issue. Involvement of citizens earlier in the process, or a lengthier period of deliberation, might make it possible for citizens to be better informed and to participate more fully in the debate, or better equip them to recognize and understand the implications of a 'yes' or 'no' vote. In part, this is why the 'yes' side succeeded in the second referendum on the Nice Treaty after having failed in the first (Garry *et al.* 2006). The longer period over which to deliberate the issue, together with a higher turnout and a more coherent campaign, produced a different outcome. However, such instances are relatively rare. When a proposal in which considerable political capital has been invested by elites is defeated by the voters, it is not always possible for it to enjoy a second chance. A more likely outcome is the creation of a political and legal impasse that is not so easily resolved.

Notes

- 1 The new constitution adopted in 1982 provided only a partial solution to the long-standing problem created by Canada's origins as a British dominion because it failed to receive the assent of Quebec. On Canada's tangled constitutional history, see Russell (1993) and Cook (1994).
- 2 On the evolution of the European Constitutional Treaty, see Magnette and Nicolaidi (2004).
- 3 The matter of when the campaign actually begins is of course somewhat arbitrary, since in some instances the preparation for a referendum vote plays out over a considerable period of time. Here, I rely primarily on the date that the referendum was formally announced or, in the case of ongoing issues such as the Danish and Swedish referendums on the euro, a date sufficiently in advance of the vote as to be relatively free of short-term campaign effects. See LeDuc (2002).
- 4 A rolling cross-sectional survey was conducted at the time of the 1992 Canadian constitutional referendum. See Johnston *et al.* (1996).
- 5 A fourth axiom, relating specifically to the ways in which respondents tend to answer survey questions on certain issues, is omitted here.
- 6 On the dynamic of the campaign, see Johnston *et al.* (1996).
- 7 The text of the 1980 Quebec referendum question was as follows: 'The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations. This agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes, and establish relations abroad – in other words, sovereignty – and at the same time, to maintain with Canada an economic association including a common currency. No change in political status resulting from these negotiations will be effected without approval by the people through another referendum. On these terms, do you agree to give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?'
- 8 On the evolution of the sovereignty issue in Quebec, see Young (1999) and Pinard *et al.* (1997).
- 9 Opposed were two right-wing parties – the Danish People's Party and the Progress Party; one centre-right party – the Christian People's Party; and two left-wing parties – the Socialist People's Party and the Red-Green Alliance.

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9 Intense but useless?

Public debate and voting factors in two referendums in Spain

Joan Font and Elisa Rodríguez

Introduction¹

After a long period without experiencing any referendums, Spanish citizens have recently had opportunities to use them. In 2005, all Spaniards had the right to vote on an advisory referendum to approve the European Constitutional Treaty. In 2006, Catalan citizens and in 2007 citizens from Andalusia had additional opportunities to vote on referendums to approve their new *Estatutos* (regional constitutions).

Spain is a particularly interesting case for the study of voter behavior in referendums for several reasons. First, Spain has a very limited experience of direct democracy, which means an opportunity to test theories built upon the experience of countries with more familiarity with referendums in order to see whether they also work in contexts with a limited experience in popular votes. Second, in the specific case of the EU constitution, Spain had no experience in European issues referendums. Since the country has experienced quite a high level of elite and party consensus on EU issues, there has not been any previous intense public debate on European issues.

In this chapter, we want to use two of these recent referendums to discuss how people vote in referendums. Specifically, we will test the importance of three hypotheses on how they vote. The first states that people vote according to substance, with previous knowledge of the contents of the vote and its implications. The second considers that referendums are just another kind of second-order election, where people vote entirely in the light of what is at stake in the first-order arena. Finally, the third hypothesis postulates that people are often not fully informed, but use political cues to make rational decisions based on limited information on the content of a referendum.

Testing these hypotheses is crucial to the discussion on two of the main questions of this book: the relationship of referendums with deliberation and with civic virtues. How has the campaign contributed to a more meaningful vote? Has it created a richer and more intense public debate or has it basically given predominance to parties' voices so that, ultimately, only partisan considerations have mattered for the vote? Up to what point have citizens been able to form their own opinions on the issues being discussed using relevant substantive information?

The Spanish referendum on the EU constitution and the Catalan referendum on the Estatut will be used to test these hypotheses in a comparative fashion. The role played by public debate during the months leading up to the referendums was extremely different in these two cases. The referendum on the EU constitution was subject to only limited public debate, and the issue never made it to the central arena of the political agenda. By contrast, the debate on the Catalan reform of the Estatut not only absolutely dominated the Catalan political agenda, but also became the most important issue in Spanish politics for most of the legislative term (Fundación Alternativas 2007).

Previous research has shown that campaigns and public debate matter in referendum votes (Bowler and Donovan 1998; Kriesi 2005; LeDuc 2002). Longer and/or more intense public debates could help the voters to make up their minds, make it easier for them to use available information and enhance the use of substantive considerations. Following this logic, one would expect that in the Catalan case substantive explanations would have played a much larger role than in the EU referendum, where information about the treaty was limited and thus difficult to use. This chapter will analyze why people voted 'yes' or 'no' in these two referendums.² The empirical analysis is based on several surveys, especially on two post-referendum surveys conducted by a public survey institution (CIS) on a representative sample of the population a few days after the two votes.³

In the next section, we summarize the political context of the two referendums: the previous state of public opinion toward both issues, the positions of the main political parties in relation to the referendums and the main characteristics of the campaigns. The third section presents theoretical arguments on how information and public debate should affect the vote, and develops the main hypotheses to be tested. The fourth section presents some evidence on how each of the hypotheses performs at the bivariate level. The fifth section uses logistic regression in order to see which of the factors previously discussed plays a major role in understanding the vote in both referendums, distinguishing those voters who were more and less informed about the contents of the debates. The final section has two tasks. First, we discuss the results and their implications for the debate on how people vote in referendums. Second, we move beyond this debate and take up the larger questions developed through the book on the relationship between direct and representative democracy.

Two referendums: previous attitudes, parties and campaigns

Before 2005, Spain had never voted on issues related to the EU. When Spain joined the EU in 1986, enthusiasm about it was so widespread that there was no demand for a referendum. In the 1990s, unanimity on European issues disappeared and when the new European treaties (Maastricht, Nice) were to be ratified, the left coalition IU (the United Left) first demanded a referendum on European affairs. Even though there already were some critics of the EU, and Euro-skepticism had reached Spain in the 1990s, Spanish public opinion continued to be among the most pro-European within the EU. The positive cultural

meanings of Europe in pre-democratic Spain, the strong elite consensus, as well as the economic benefits of EU membership had played a role in preserving continued support for EU membership (Díez Medrano 2003; Sánchez Cuenca 2000; Ruiz Jiménez 2005; Szmolka 2007).

There was no such consensus on the drawbacks and benefits of the EU constitution. In fact, only the Socialist Party (PSOE) in government, and minor parties, gave it unambiguous support. To them, the EU Constitutional Treaty was just another step in the development of the EU, and it represented an adequate compromise between its economic, social and political dimensions. In addition, the government could benefit from the visibility following from Spain being the first country to ratify the constitution by a referendum. For precisely the same reason, the main opposition party, the conservative PP, was more hesitant toward the referendum. In addition, the PP claimed that Spain was losing power in the EU and that national sovereignty was being jeopardized. The party finally recommended a 'yes' vote in the referendum and did some campaigning in its favour, but at the same time it criticized the contents of the treaty and the ratification process.

There were two other critical public discourses toward the EU constitution. The left-wing IU continued its policy of the 1990s of being critical about the emphasis on the economic side of the EU and the lack of a social component, and it decided to recommend a 'no' vote. Among the Basque, Catalan and Galician nationalist parties, criticisms of the EU Constitutional Treaty were also based on the increased importance of stateless cultures in the EU. The two conservative and strongly pro-European parties PNV and CiU engaged in an intense debate, but ended up recommending a positive vote. On the other hand, the left-wing nationalist parties (the ERC, EA, BNG, CHA and the Basque radical left) combined their cultural and social criticisms of the Constitutional Treaty to recommend a negative vote.

The campaign was almost exclusively dominated by parties and political institutions. Other social actors made recommendations in favor of a 'yes' or a 'no' vote, but did not engage in public campaigning. Only the institutional campaign and the free broadcasting time given to parties achieved significant visibility. As a result, the campaign was strongly one-sided. Parties that supported a 'yes' vote represented 95 percent of the Congress seats and were given broadcasting time proportional to their parliamentary weight. The institutional campaign was officially only informative about the treaty's contents, but included an obvious bias in favor of the EU constitution.⁴ The outcome was not a competitive campaign as the few opponents were made less visible by the rules of the game.

In the other case, Catalonia had approved its Estatut through a popular referendum in 1980. In the second half of the 1990s, the Catalan nationalist parties started to demand a revision of the Estatut that would allow an increased level of self-government. In the 2003 regional elections, four of the five parties represented in the Catalan Parliament agreed that a reform was necessary. The 2003 election ended with a coalition government formed by three left-wing parties,

including the Catalan socialists (PSC), the pro-independence ERC and the Catalan left-wing greens (ICV). Reform of the Estatut was one of the new government's main priorities, a task that was facilitated by the 2004 Socialist victory in Spain.

Thus, the first steps of the reform process were supported by the three parties in government as well as by the main opposition party, the CiU. The Catalan Parliament approved its reform proposal in September 2005, the only opposition party being the PP, which held about 10 percent of the seats. However, this was a very ambitious draft, and it provoked a negative reaction at the Spanish level even among the same parties that supported it in Catalonia. This was very clearly the case for the Socialists as there were strong arguments against the project and demands for its revision at the Spanish level. In March 2006, after months of negotiations, the Spanish Congress approved a text that had been substantially modified. The Catalan socialists, the nationalist CiU and the Greens continued to support the proposal, which was also fully supported by the Spanish government. The pro-independence ERC withdrew its support, considering that the proposal did not give enough self-government to Catalonia. As a result, the ERC had to leave the Catalan government so that the government could fully support the project during the months leading up to the referendum. Even with the revisions, the PP continued to consider that the proposal represented a danger to Spain's unity and that it gave Catalonia financial privileges. As a consequence, it recommended a 'no' vote and led an extremely intense and negative campaign.

According to surveys, Catalan public opinion showed widespread support for the reform throughout the process. On the other hand, few Catalans thought that the Estatut was one of Catalonia's most pressing problems. The debate on the Estatut reform dominated Catalan politics during the period 2004–6. It was the most important public debate among political elites as well as in the media. From the final months of 2004 until its final approval by the Spanish Congress in January 2006, the issue began to dominate the Spanish public agenda, too, because the conservative opposition claimed that the project would break Spanish unity. The two years of public debate were extremely intense: different kinds of associations and cultural elites explained their positions and took sides in the course of the public debate. Many substantive issues, such as the criteria of fair distribution of money among regions and the presence of different levels of government in the administration of Barcelona's airport, were discussed. In the final campaign, the Spanish and the Catalan governments – as well as both oppositions – had invested so much political capital in the debate that a vote for or against the proposal was perceived as a vote for or against these governments.

Thus, the two processes of public debate were extremely different. The discussion on the EU constitution never reached beyond the most interested issue publics, whereas the Catalan Estatut reform dominated public debate. These different situations could be observed in the perceived levels of information in the two cases. Only 9 percent of those questioned claimed to have a high or very high level of knowledge about the EU Constitutional Treaty in July 2004, and this number increased to only 13 percent after the referendum (Table 9.1).

Table 9.1 Evolution of knowledge about the Constitutional Treaty (%)

| | Jul. 2004 | Oct. 2004 | Dec. 2004 | Jan. 2005 | Feb. 2005 |
|-----------|-----------|-----------|-----------|-----------|-----------|
| Very high | 0 | 1 | 1 | 1 | 0 |
| High | 9 | 8 | 9 | 8 | 13 |
| Low | 37 | 41 | 45 | 38 | 48 |
| Very low | 23 | 18 | 20 | 21 | 19 |
| None | 29 | 32 | 24 | 32 | 19 |
| No answer | 1 | 1 | 1 | 0 | 1 |
| (n) | (2,487) | (2,494) | (1,600) | (2,495) | (2,495) |

Source: CIS Studies nos. 2570, 2577, 2585, 2589, 2595.

Despite the small size of this increase, the campaign had a clear effect and it contributed to reducing the number of those who knew nothing at all about the EU Constitutional Treaty from 29 percent to 19 percent after the referendum.

In the case of the Estatut, by contrast, almost 40 percent of the Catalan population declared themselves to be well or very well informed about it even seven months before the referendum. About 18 percent of the voters had a high or very high level of knowledge about the Estatut at the beginning of the campaign (CIS survey 2643). Figure 9.1 compares the level of information and attentiveness devoted to the two issues after the respective referendums. All the indicators, from subjective interest to attention devoted to the campaign, to knowledge on the issue and the parties' positions toward it, were significantly larger in the Estatut case.

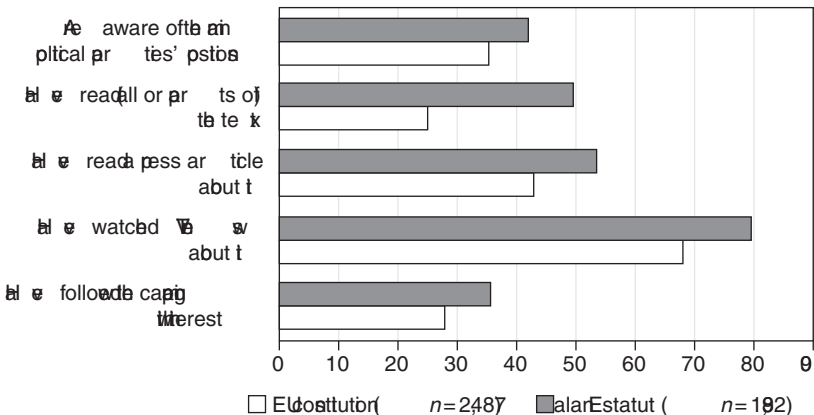


Figure 9.1 Levels of information: European constitution versus Catalan Estatut (source: CIS Studies nos. 2595 and 2648).

Note

For the first category, the wording of the two questions is not identical. For the EU constitution, the percentage results from the addition of respondents who strongly agree and quite agree with the sentence: 'The electoral campaign made me aware of the main political parties' positions.'

On the other hand, the Estatut public debate was probably too long and confusing for some parts of the Catalan public. The first year of the debate was organized around a reform initiated and approved by the Catalan Parliament, whereas during the last six months the discussion centered on the revisions of the reform and on the plan finally approved by the Spanish Parliament. When Catalan people were asked to evaluate the specific contents of the Estatut, respondents were much clearer on their opinions on November 2005 than in May 2006. CIS surveys 2610 and 2643 both asked about the perception of six specific contents of the Estatut. For all of them, the number of 'indifferent' or 'don't know' answers increased. To take just one example, those who were not clear ('indifferent' or 'do not know') about the treatment of Catalonia as a nation increased from 26 percent to 42 percent. Probably because of the changes that were introduced in the proposal and changes in the positions of crucial actors, a longer debate did not produce a more illuminating debate, but a more confusing one.

Both campaigns ended with popular votes where the victory of the 'yes' alternative was not difficult to forecast. The Constitutional Treaty was approved by 76 percent of the voters and the Catalan Estatut also received a very clear majority of 73 percent. Both victories were somewhat tarnished by a large abstention rate (58 percent of the census for the EU, 51 percent for the Catalan case). Data from the post-referendum surveys carried out by CIS reflected this situation, and the data were well adjusted to reality, except for the low number of 'no' voters in the Catalan case and, characteristically for surveys measuring turnout, for both referendums a forecast of a higher turnout than was the case (Table 9.2).

In sum, the two campaigns were very different (Table 9.3). First, as we have seen, the intensity of public debate and, as a result, the level of information

Table 9.2 Comparative results: referendum versus post-referendum surveys

| | <i>European Constitution</i> | | <i>Catalan Estatut</i> | |
|---------|------------------------------|------------------------------------|---------------------------|------------------------------------|
| | <i>Referendum results</i> | <i>Post-referendum survey 2595</i> | <i>Referendum results</i> | <i>Post-referendum survey 2648</i> |
| Yes | 76 | 79 | 73 | 66 |
| No | 17 | 15 | 21 | 15 |
| Turnout | 42.3 | 53 | 49 | 66 |

Table 9.3 Contextual characteristics in two referendums

| | <i>Level information/ debate (see Figure 9.1)</i> | <i>Relevance of opposition (% seats/% votes)</i> | <i>Place in electoral cycle (months to next election)</i> |
|-----------------|---|--|---|
| EU constitution | Low | Low (5/9) | Non-partisan polarization (36) |
| Catalan Estatut | Significant | Significant (25/29) | Partisan polarization (4) |

possessed by voters were substantially different in the two cases. Second, different sides of the debate were unbalanced to different degrees in these two referendums. In the Catalan case, two out of five parties in the Parliament, representing 25 percent of the seats, supported the ‘no’ side, whereas in the EU case the ‘no’ position represented only 5 percent of the seats of the Spanish Parliament, and their arguments had a much lower visibility. Third, party politics had a small role in the EU case but a much larger role in the Catalan referendum, especially because it was clear throughout the referendum campaign that regional elections would take place immediately after the referendum. In this scenario, the referendum debate became almost the first round of the regional election, and it became clear that the referendum result would have an impact on the outcome of the election. This ultimately meant that party arguments (vote ‘yes’ or ‘no’ to support us) became quite crucial throughout the campaign, much more so than in the EU case.

Voters in referendums: main hypotheses

Ever since they began, electoral studies have clearly established that partisanship is an undeniable force behind voting in elections. The empirical debate on the explanatory power of partisanship and rational considerations in terms of voting behavior has not provoked a parallel discussion on the normative consequences of these factors on the quality of elections. Authors have not argued that an election is of a better or a worse quality depending on whether citizens’ vote is based on deeply rooted partisanship or on other factors such as issues or candidates.

The situation is quite different for referendums. Referendums are a special opportunity for citizens to participate in democratic politics. Even if parties may be considered a crucial mediator in them (Budge 1996), a referendum where everyone voted according to party preference could be considered a wasted referendum, since the issue could have been solved in parliament. This perception has provoked a situation where, while partisanship is considered as good a reason as any other to vote in elections, discussion on the role of partisan voted in referendums has had more profound implications. From a normative point of view, substantive voting based on referendum issues seems close to the democratic ideal, while the introduction of partisan considerations would be seen as the second-best alternative (see also the discussion in Chapter 1 of this book).

Garry *et al.* (2005: 201) represent a clear example of this position: ‘In one scenario, these referendums would approximate to deliberative processes that will be decided by people’s views of European integration and of the new constitution. In the other scenario, they will be plebiscites on the performance of national governments.’ Other authors have put forward softer arguments on the democratic implications of both kinds of considerations and have considered them complementary, but have still suggested that one of them is better than the other, as far as the ability of citizens to come to a reasoned judgment on political issues is concerned (Kriesi 2005).

Three main interpretations have been used to analyze how citizens vote in referendums. The first is the option considered ideal by many scholars: citizens vote according to their positions on the main issues that lie behind the ballot vote. They choose depending on their preferences on European integration in EU-related referendums (Garry *et al.* 2005; Svensson 2002) or on their preferred electoral systems (Aimer and Miller 2002), or on any other of the issues involved.

In fact, different authors seeking to test the 'issue-based voting hypothesis' have used two very different sets of variables for this purpose. Some of them have used information that may represent a harder test of the hypothesis, for example pre-existing attitudes on background issues on the basis of which voters build their evaluations of the vote object itself (e.g. Garry *et al.* 2005). Other authors have combined certain pre-existing values and preferences with the evaluations of the referendum propositions themselves.⁵ This practice raises two, highly related, concerns. The first is the need to analyze the extent to which we face an endogenous relationship where the vote and the evaluation of the referendum propositions are only two sides of the same perception. Second, in cases where the information available on the referendum issue is limited, the question of where these evaluations come from is ignored. In other words, evaluations may be based on elite cues or even on rationalizations of the vote, not necessarily on previous attitudes. As a consequence, among the issue-based voting factors it should be possible to distinguish between pre-existing attitudes and evaluations of the referendum object.⁶

The second interpretation above would suggest that referendums are another expression of 'second-order' logic. Thus, voters are assumed to be interested in (or capable of following) only first-order events, and react in any other case according to the implications for this crucial first-order scenario (national politics). In a referendum, voters would vote according to their evaluation of national government, which would be the most (and perhaps the only) important consideration in their mind. If they are satisfied with the national government, they will follow its voting recommendation, whereas when they are dissatisfied, they will vote against it.

Finally, the third position is based on literature that has shown the importance of heuristics on political knowledge and on voting (Popkin 1991; Zaller 1992). In this scenario, voters in referendums have only limited information and use heuristics and cues to avoid the need to be fully informed about all the referendum's debates and implications (Kriesi 2005; Bowler and Donovan 1998). Since political parties have some kind of role in most referendum campaigns, party cues will be the most common among these, although other kinds of elite and media cues can also be present.⁷ However, Binzer (2007) has convincingly shown that party cues can matter in referendums only if citizens have enough information about them. As a consequence, we are interested in exploring how different information levels have conditioned the use of party considerations in these referendums.

The role of the referendum context and of institutional factors in referendum votes has also received some attention (Hug and Sciarini 2000). Garry *et al.*

(2005) showed in their analysis of the Irish referendums that a more intense campaign would produce a vote based on substantive issues. More generally, Franklin (2002) has also argued that the role of partisan considerations will be more limited when voters have more information available about the issue being discussed. However, not all the empirical evidence shows such a mechanical relationship. Thus, Bowler and Donovan (1998) argue that the use of elite cues is especially important among more informed voters, since at least a certain level of information is needed to be aware of elite cues. Following the same line of reasoning, Kriesi (2005) has shown that more intensive campaigns increase the relevance of both substantive *and* heuristic considerations since they play a complementary role.

Accordingly, we want to explore the extent to which the explanatory role of these three sets of variables (issues and evaluations, second-order considerations and party cues) varies in these two quite different political contexts. The next section explores the relationship between each of these sets of variables and the vote for both referendums. We first explore the relationship between contents and the vote and then jointly review the relationship between partisan considerations (evaluations of the national government as well as partisan cues) and the vote.

Contents or parties? The effects on the referendum vote

We have selected a set of variables from the post-referendum surveys mentioned above to operationalize each of the hypotheses. We will start with a broad bivariate analysis in this section and then move to a multivariate regression model in the next section.

Referendum votes would have clearly been substantive if voters had formed their opinions and voting choices on the basis of their pre-existing preferences on European affairs and on how Catalonia and Spain should relate to each other. The post-referendum surveys offer limited information about these subjects, but there are a few attitudes that can be considered for analysis. First of all, national identities can play a crucial role, so that people with European attitudes in one case and people with stronger Catalan identities in the other would have different attitudes toward the proposals being voted on. This was the case in the Catalan referendum but not in the European one, as people with European identities voted negatively in substantial proportions.⁸

Second, both laws had been crafted through negotiation processes dominated by moderate parties, so that criticisms have emerged from both the extreme right and the extreme left. Thus, we consider the possibility that people who hold more extreme ideological views may tend to vote negatively because they see the proposals as compromises too far from their own views.⁹ In fact, this is the case, as the proportion of affirmative votes does become lower among the voters of the far right and the far left. Support for the EU constitution was above 80 percent among centrist voters, but it was just slightly above 50 percent for voters on the far left and about 40 percent for those on the far right. In the Catalan

case, support was even lower on the far right, reaching only slightly more than 20 percent.

Third, in the European referendum the perception of the EU being beneficial for Spain has always been a strong reason for supporting European integration. In this case, again, those who think that the EU has had a positive (economic) effect have effectively voted more positively in the referendum in substantial proportions.

However, since information on previous attitudes is limited in the surveys, we will also use the best proxy available: evaluations of the referendum's object – that is, the Constitutional Treaty or the Estatut. Both surveys asked respondents whether they agreed with several statements concerning the projects, each of which tried to summarize one of the main existing discourses in favor of or against the treaty or the Estatut (agreements). In both cases, there were five sentences summarizing the main arguments of the 'yes' and the 'no' sides. In both cases (Figures 9.2 and 9.3), there is a strong relationship between these opinions and the vote. Most people have voted consistently with their views of the respective proposals, even though some of the supporters recognize limitations in the texts, and some of the critics accept that they may have positive aspects.

In both cases, together with the previous attitudes the three sentences that were important in the actual debate¹⁰ will be used in the following section to test the role of substantive voting in a multivariate model.

Did people vote against the EU Constitutional Treaty only to punish the government? The usual variable for testing the presence of 'second-order' effects is the evaluation of the performance of the national government (Garry *et al.* 2005; Markowski and Tucker 2005). Voters who are satisfied with the performance of the government may vote in line with the governing party's wishes only to show their satisfaction, and those who strongly oppose the government will tend to

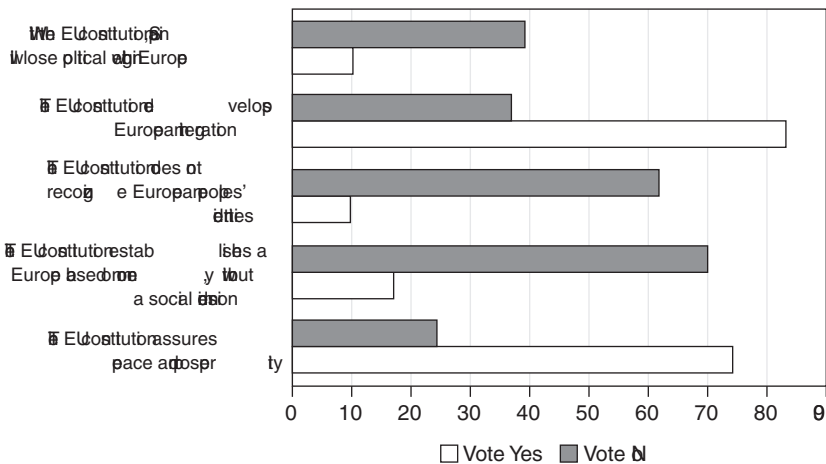


Figure 9.2 Evaluations of the Constitutional Treaty: differences between 'yes' and 'no' voters (% strongly and quite agree) (source: CIS Study no. 2595).

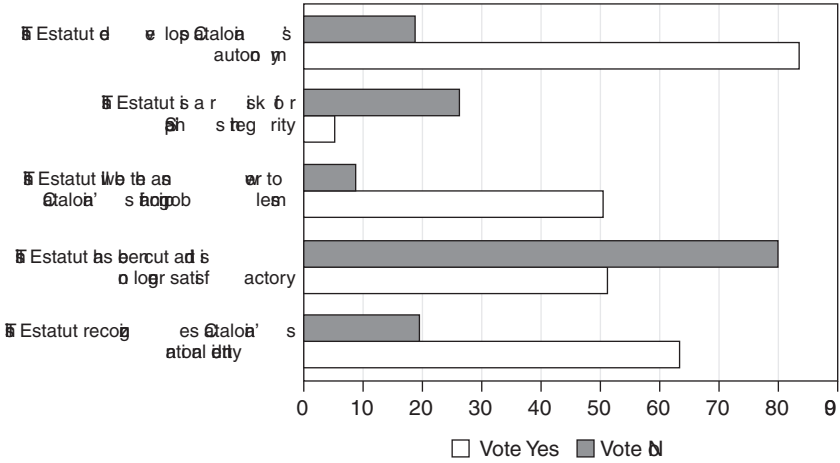


Figure 9.3 Evaluations of the Catalan Estatut: differences between ‘yes’ and ‘no’ voters (% strongly and quite agree) (source: CIS Study no. 2678).

vote against just to punish it. Figures 9.4 and 9.5 show that in both referendums, the two variables are clearly related. Satisfaction with the national government affects the vote, and the percentage of ‘yes’ voters diminishes progressively as satisfaction declines.

Voters might not have simply used the referendum to express their domestic political preferences, but rather may have followed party cues to make things easier. The operationalization of the role of party cues is based on voting in the previous national election, in March 2004, in the case of the EU referendum. All parties were then classified into two categories, pro-‘yes’ parties and pro-‘no’ parties.¹¹ In Catalonia, the selection of an adequate variable is more difficult

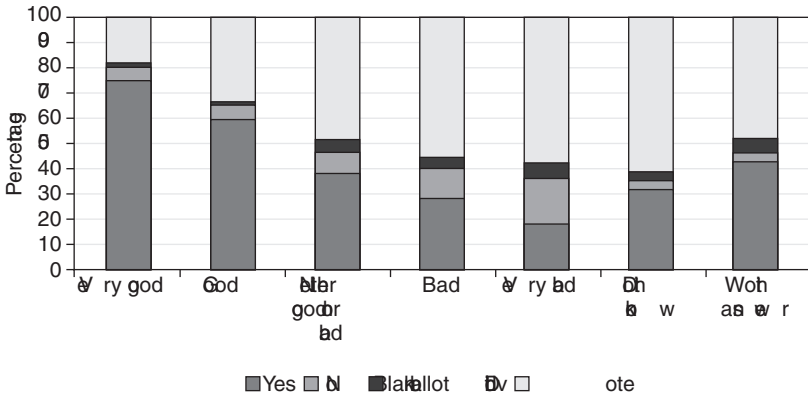


Figure 9.4 Satisfaction with the government and vote in the EU constitution referendum (percentages) (source: CIS Study no. 2595).

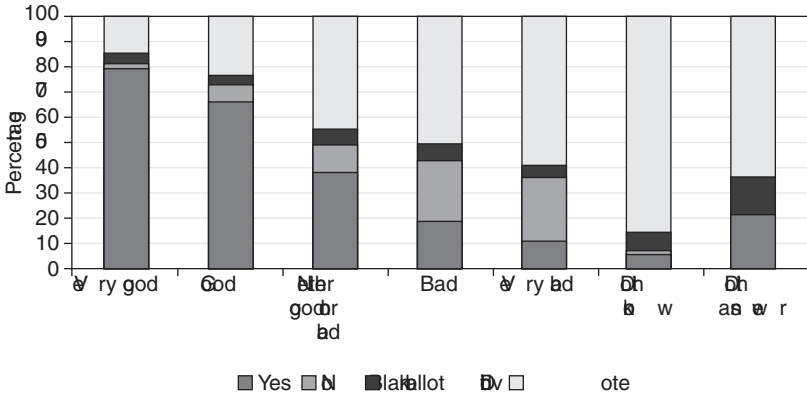


Figure 9.5 Satisfaction with the government and vote in the Estatut referendum (percentages) (source: CIS Study no. 2648).

since voting in national and regional elections is quite different and neither of these elections has proven to be the ‘true identity’ vote (see Montero and Font 1991; Pérez Nievas and Fraile 2000). Thus, for the descriptive purpose in this section we use vote in national elections, but in the next section we will move to a variable combining voting options in both elections.

Figures 9.6 and 9.7 show clearly the development of public opinion, apparently following party cues as the campaigns developed. Parties progressively dif-fused their positions and voters tended to reconcile their own preferences with those of their favorite party. Thus, in the EU case PSOE and PP voters declared that they would vote in favor in the referendum in similar proportions in October and in February, whereas voters of those left-wing parties that recommended a

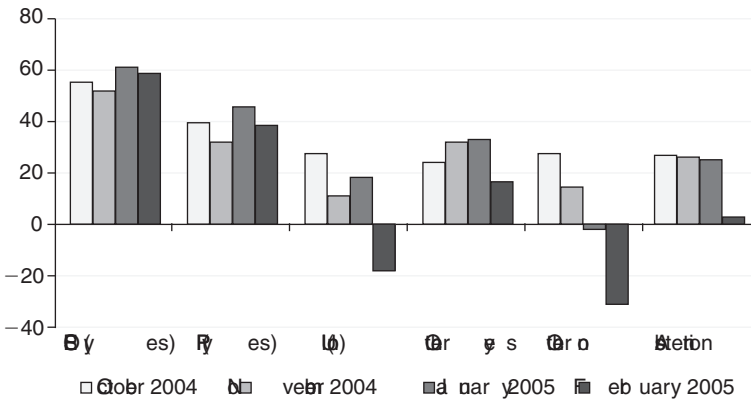


Figure 9.6 Difference between ‘yes’ and ‘no’ vote in the EU referendum by electorates (considering their vote in the 2004 general election) (source: CIS Studies nos. 2577, 2582, 2589 and 2595).

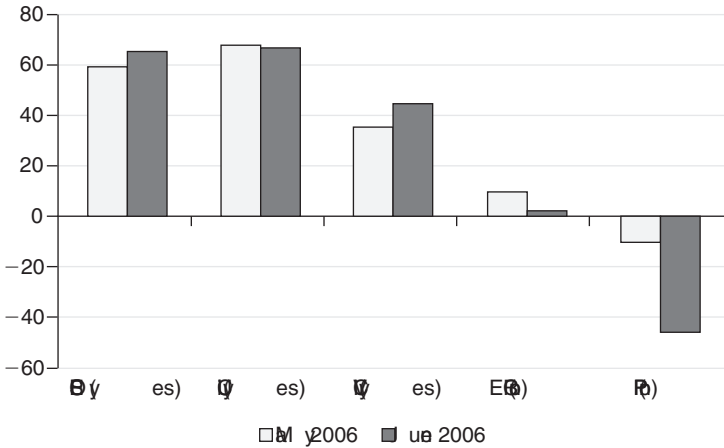


Figure 9.7 Difference between ‘yes’ and ‘no’ vote in the Estatut referendum by electorates (considering vote in 2004 general election) (source: CIS Studies nos. 2643 and 2648).

‘no’ vote were inclined to vote in favor in October but changed their minds a few months later when they heard the arguments of the party they tended to trust. These changes in voting intention support quite clearly the hypothesis that party recommendations were crucial to the final result, especially for understanding the increase of negative votes that occurred during the campaign.

A similar development occurred in the Catalan case, where most voters moved in a direction closer to their party’s recommendations, especially in the case of negative voters. The ERC was able to convince a large proportion of its voters of the importance of voting against the text, and the PP achieved a quite dramatic change in the attitudes of its followers. On the opposite side, the ICV too was able to persuade a larger proportion of its supporters to vote in favor of the proposal.

Multivariate analysis: operationalization and results

Most of the variables analyzed in the previous section show some relationships with the positive or negative vote in both referendums. What happens when we consider all of them together and try to approximate the relative importance of each of these sets of variables? The dependent variables of the logistic regressions will be the same (voting ‘yes’/‘no’, non-voters excluded), and variables used to measure each of the three hypotheses will be similar in both data sets.

The regressions include the variables used in the previous section. The three most controversial evaluations of the proposals are incorporated.¹² Previous attitudes are measured through the three variables previously mentioned: identities,¹³ extremism,¹⁴ and perception of EU benefits in the European case.¹⁵ The

potential second-order effects are measured through the questions about satisfaction with government.¹⁶ As a proxy for party cues, we use voting in the previous general election in the EU case, while in the Catalan case we have created a new variable merging vote both in the previous national and in the previous regional election. Because of the specific characteristics of dual voting in Catalonia (see the previous section), we have considered both preceding elections in order to create a new vote variable.¹⁷ Finally, we have considered three demographic variables as control variables in both cases: age,¹⁸ sex and education.¹⁹

Table 9.4 shows the result of both models. The first clear result is that all three hypotheses receive some confirmation in both referendums. There are clear contents effects, second-order effects and consequences of party recommendations, since most of the variables of each group show significant results and most of them are in the direction predicted by the theory. The role of substantive contents is quite clear for the three sentences evaluating the proposals in both cases, and some of the previous attitudes (benefits of the EU, feeling more Spanish than Catalan and extremism in the European case) are also significant in explaining the vote. Party cues and satisfaction with the governments also play a clear role in both cases, with effects that are significant and in the expected direction.

The three sets of attitudes do not radically change their explanatory power in two very different referendums. Despite the quite diverse nature of the campaigns and information levels, political considerations continue to play a similar role in both scenarios. Does that mean that information and deliberation have no role at all in understanding how people vote in referendums? One possible research strategy for exploring an answer to this question is to distinguish between the voting logics of more or less informed voters. This is appropriate especially because Binzer (2007) has shown that we cannot take any indicator of party cues and assume that voters have been able to use them effectively only because they have been exposed to their existence. In this case, the evolution of the correlation between voting in national elections and voting intention in the referendums over time (see Figures 9.6 and 9.7) is a clear indication that party cues mattered in these two scenarios, but the questionnaires allow for an additional test of the relationship between cues and voter's level of information.

Table 9.5 replicates the previous analysis, dividing the sample between those who claim that they had read most or a part of the texts being voted on and the rest of the population. Results are more complex than previous research has suggested. There are substantive and political variables that are more important for one or another group of voters. People who have read texts have been able to connect their previous attitudes with their vote slightly better. This is the case with regard to the perception of benefits from the EU and with national identities in the Catalan case. However, extremism is relevant in the EU case only for those who know less about the text. The relationship between specific evaluations of the text and the vote tends to be again higher for those who have shown more interest in the propositions. Although this pattern is perfectly clear in the EU case there is a clear exception in the Estatut referendum, where the idea that Spain's unity is at risk is more important for those who have not read the text.

Table 9.4 Voting factors in two referendums (logistic regression)

| | EU Constitution | | Estatut | |
|---|-----------------|------------|----------|------------|
| | Coeff. | Odds ratio | Coeff | Odds ratio |
| Demographics | | | | |
| Age (younger than 35) | -1.211*** | 0.298 | -0.515 | 0.598 |
| Educational level (attended college) | -0.655* | 0.520 | -0.183 | 0.833 |
| Sex (male) | -0.382 | 0.682 | -0.404 | 0.668 |
| Issue voting | | | | |
| <i>Constitutional Treaty does not recognize European peoples' identity (strongly agree: reference category)</i> | | | | |
| Quite agree | 1.979** | 7.232 | | |
| Don't agree | 3.106*** | 22.336 | | |
| DK/indifferent | 2.680*** | 14.582 | | |
| <i>Constitutional Treaty establishes a Europe based on money, without a social dimension (strongly agree: reference category)</i> | | | | |
| Quite agree | 0.902 | 2.465 | | |
| Don't agree | 2.188*** | 8.917 | | |
| DK/indifferent | 1.512* | 4.535 | | |
| <i>Estatut is a risk for Spain's integrity (strongly agree: reference category)</i> | | | | |
| Quite Agree | | | 2.090* | 8.085 |
| Don't agree | | | 2.684*** | 14.650 |
| Indifferent (neither agree nor disagree) | | | 1.590 | 4.904 |
| <i>Estatut has been cut and it is no longer satisfactory (strongly agree: reference category)</i> | | | | |
| Quite agree | | | 0.677* | 1.968 |
| Don't agree | | | 0.929* | 2.531 |
| Indifferent (neither agree nor disagree) | | | 1.189** | 3.283 |
| <i>Constitutional Treaty develops European integration (strongly agree: reference category)</i> | | | | |
| Quite agree | | | | |
| | | | -1.327* | 0.265 |

| | | | | |
|---|-----------|-------|-----------|-------|
| Don't agree | -3.247*** | 0.039 | -0.758 | 0.468 |
| DK/indifferent | -2.265*** | 0.104 | -3.665*** | 0.026 |
| <i>Estatut develops Catalonia's autonomy (strongly agree: reference category)</i> | | | -2.221*** | 0.109 |
| Quite agree | | | | |
| Don't agree | | | | |
| Indifferent (neither agree nor disagree) | | | | |
| <i>European sentiment (mostly European: reference category)</i> | | | | |
| Both Spanish and European | 0.222 | 1.248 | | |
| Other national allegiances | -0.189 | 0.828 | | |
| <i>National identity (both Spanish and Catalan: reference category)</i> | | | | |
| Mostly Spanish | | | -1.491*** | 0.225 |
| Mostly Catalan | | | -0.390 | 0.677 |
| <i>Benefit from EU (EU has been beneficial for Spain: reference category)</i> | | | | |
| EU has not been beneficial for Spain | -2.168*** | 0.114 | | |
| Indifferent/neither good nor bad | -0.725* | 0.484 | | |
| <i>Extremism</i> | | | | |
| | -0.829* | 0.436 | -0.221 | 0.471 |
| Party Cues | | | | |
| <i>Vote for a party supporting the treaty/Estatut (yes: reference category)</i> | | | | |
| Vote for a party not supporting the treaty/Estatut | -2.103*** | 0.122 | -2.790*** | 0.061 |
| Didn't vote/no answer | -0.360 | 0.698 | -1.476*** | 0.229 |
| Vote for different parties (supporting and not supporting the Estatut) | | | -1.050* | 0.350 |
| Second-order effects | | | | |
| <i>Satisfaction with Spanish government (dissatisfied: reference category)</i> | | | | |
| Satisfied | 1.734*** | 5.666 | 1.102** | 3.009 |
| Indifferent | 1.243*** | 3.466 | 1.004** | 2.729 |
| N | 1,238 | | 1,053 | |
| | 94.1 | | 92.2 | |
| Percentage of predicted cases | | | | |
| Nagelkerke's R ² | 0.682 | | 0.676 | |
| Chisq/P | 631.887 | | 560.813 | |
| | (21 df) | | (20 df) | |
| -2loglikelihood | 459.782 | | 433.335 | |

Table 9.5 Voting factors in two groups of voters according to level of information

| | EU Constitution | | Estatut | |
|--|--------------------|-----------------------|--------------------|-----------------------|
| | Have read the text | Haven't read the text | Have read the text | Haven't read the text |
| Demographics | | | | |
| Age | -1.716** | -1.191*** | -0.701* | -0.440 |
| Educational level | 0.615 | -1.013** | -0.039 | -0.497 |
| Sex | -0.594 | -0.266 | -0.106 | -1.129* |
| Issue voting | | | | |
| <i>Constitutional Treaty does not recognize European peoples' identity</i> | | | | |
| Quite agree | 3.680* | 1.728* | | |
| Don't agree | 4.610** | 3.034*** | | |
| DK/indifferent | 4.403** | 2.725*** | | |
| <i>Constitutional Treaty establishes a Europe based on money, without a social dimension</i> | | | | |
| Quite agree | 1.123 | 0.926 | | |
| Don't agree | 2.656** | 2.088* | | |
| Indifferent | 1.858 | 1.391 | | |
| <i>Estatut is a risk for Spain's integrity</i> | | | | |
| Quite agree | | | 1.131 | 4.307** |
| Don't agree | | | 1.857* | 4.737** |
| Indifferent | | | 0.711 | 3.277* |
| <i>Estatut has been cut and it is no longer satisfactory</i> | | | | |
| Quite agree | | | 0.567 | 0.571 |
| Don't agree | | | 0.956 | 0.621 |
| Indifferent | | | 0.452 | 2.031** |
| <i>Constitutional Treaty develops European integration</i> | | | | |
| Quite agree | -2.646* | -1.025 | | |
| Don't agree | -6.162*** | -2.436*** | | |
| DK/indifferent | -3.578* | -2.0** | | |

Estatut develops Catalonia's autonomy

Quite agree -2.396 -0.314
 Don't agree -5.526*** -3.262***
 Indifferent -3.268* -2.902**

European sentiment

Spanish and European 0.824 0.422
 Other 1.074 -0.198

National identity

Mostly Spanish -1.913* -1.282
 Mostly Catalan 0.432 -0.042

Benefit from EU

Not beneficial -3.360*** -2.037***
 Indifferent -1.548* -0.647
 Extremism -0.443 -1.304**

Party cues

Vote for a party supporting

Vote for a party not supporting -1.808* -2.469*** -2.730*** -3.977***
 Didn't vote/no answer -0.202 -0.569 -1.679*** -1.679*
 Vote for different parties -0.998 -0.998 -1.338*

Second-order effects

Satisfaction with Spanish government

Satisfied 2.840*** 1.383*** 1.289** 1.191
 Indifferent 1.908** 1.179** 1.235* 1.069

N 405 826 656 392

Percentage of predicted cases

Nagelkerke's R^2 94.1 93.6 92.7 92.3

Chisq/P

294.927 349.671 372.052 206.481
 (21 df) (21 df) (20 df) (20 df)
 118.579 317.001 264.012 142.435

-2loglikelihood

Notes

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ – not significant.

Finally, political variables have more consistent effects in the two cases. Party cues are more important for those who have not read the texts, whereas second-order arguments increase their explanatory power among those who have studied the texts. As a result, we see some differences between these groups of voters, which in most (but not all) cases are consistent with expectations: substantive voting is more likely among informed voters. On the other hand, in our two cases information is not a precondition to be able to use party cues, since they are clearly more relevant for less informed citizens. The interpretations of these results will be discussed more thoroughly in the following section.

Discussion: what matters in referendum voting?

Previous research has pointed to three sets of variables that are likely to affect referendum votes: preferences on previously existing related issues, party and other elite cues, and second-order considerations. In the Spanish referendums on the EU Constitutional Treaty and the Catalan Estatut, there is evidence that these sets of variables had an effect on the referendum's outcome.

Substantive voting has played a clear role in both cases. A richer set of variables measuring previously existing attitudes would be crucial to a full understanding of how opinions about the proposals have been formed in contexts with different levels of information available. In any case, one of these previous values, the evaluation of the benefits of the EU for Spain, has played a clear role for all groups of voters, and national identities have also had an effect in the Catalan case. Probably, for those who are less well informed, previously existing prejudices have also been relevant. If one controls for all the evaluations of the projects, people with more extreme attitudes have voted more negatively (and the opposite is true for moderates) on the EU constitution. The same is true for the perceived risk that the Estatut would break Spain's unity, a consideration that was basically relevant for those who know less about the contents of the proposal. However, in most cases the relationship between information and substantive voting has worked as expected. Those who have more information can better connect their judgments and their vote, so that substantive considerations become more crucial in their vote.

Party politics matters in all referendums. In both cases, voters had in mind what their favorite party had recommended and the potential political effects of their votes. Second-order considerations and party cues played a role for more and less informed voters. Party recommendations appeared to be less important for those who had more information. Either the information needed to incorporate party cues is not as important as Binzer (2007) has claimed, or these cues were particularly easy to capture in strongly party-centered campaigns. On the other hand, the second-order hypothesis has turned out to be even more important for informed voters. This means again that we need to reconsider the traditional interpretations of second-order voting, according to which it is a strategy to make political life simpler for those less interested in politics. The second-order voting seems in fact to involve a special kind of strategic voting – that is,

voting with a thought to the implications for other arenas, which does not fit well with voting logics of less informed voters. Our results represent an invitation to analyze further who practices this second-order logic and how, what happens in different electoral arenas, and what the implications are of understanding the role of information in voting logics.

In general, the most surprising result of the chapter is that, in spite of two extremely diverse campaigns, the explanatory factors did not play clearly different roles. Campaigns with more and less plural public debate, with high and low visibility of the issue in the public agenda and with a long and a short period of public discussion did not change the role played by each of the main factors in the explanation of the vote. Does that mean that the association suggested by the literature between a more intense campaign and a larger role for substantive issues in the vote should be revised? The results presented here suggest that this hypothesis at least requires more discussion and qualification.

In the case of these two processes, a longer and more intense campaign had clear benefits, as can be seen in the relevant figures. People were more informed about the proposal and followed the campaign more closely in the Catalan case. In spite of that, partisan considerations continued to play a very decisive role in the Catalan vote, probably because of two factors. First, the characteristics of the campaign (extremely long, very polarized at some points and with frequent and substantial changes in the text) may have not been the ideal deliberative setting for citizens to obtain more information and form more stable preferences. Second, the issue became so central in the public agenda that parties had too much to win or to lose. Either because they put partisan considerations more clearly into the campaign or because citizens realized that the future of the progressive majorities that governed in Catalonia and in Spain depended on the result of the process, party-related arguments continued to play a very important role. The place of the referendum in the electoral cycle may also have played a role, with the Catalan referendum being very close and its result tied to the next election.

Implications: referendum voting as a deliberative scenario

What do all these results tell us about the role of referendums as a democratic procedure? If we go back to the questions raised in Chapter 1, can we consider that referendum campaigns have any similarity to a deliberative process? Clearly, if the answer to this question has to use the thresholds claimed by some of the normative theories on deliberative democracy, the answer should be negative. On the other hand, we saw that a certain public debate existed, that this debate helped part of the citizenry to become more informed about the EU constitution and that many Catalan citizens were able to express their views about quite specific aspects of the text being discussed. The relevance of the public debate for opinion building also shows negative effects, its increasing complexity producing a more confused public opinion in the Catalan case. Even though the debate was excessively dominated by parties and majority voices were

dominant, the campaign gave some visibility to minorities and helped critical views to be heard, so that the negative vote increased during both campaigns.

On the other hand, another argument raised in Chapter 1 has become very central: the interaction between referendums and elections. Mechanisms of direct citizen participation do not exist in a different, independent world isolated from political power disputes, but rather have strong two-way interactions with the typical processes of representative democracy (Font 2005). Power-related strategic considerations condition the use of referendums by elites, but the political implications of referendum results are also perceived and incorporated by voters themselves into their voting decisions. Election-conditioned voting in referendums does not mean the death of any substantive meaning for direct democracy, but is an empirical reality that will be present in almost any referendum.

Does that mean that citizens cannot form autonomous opinions on referendum contents? Our results showed that most citizens were able to express detailed opinions about the contents of both texts and that these opinions were strongly connected with the vote. Undoubtedly, the dynamics of opinion formation throughout the campaign should be more fully explored in order for us to understand how perceptions of the texts were formed. In any case, in a situation like this, the distinction between party cues and issue voting is an intellectual construct rather than a real process. The process of opinion formation was probably more like a back and forth system. In one case, people used party cues to realize how their previous values and preferences on European issues were related to the EU constitution; in the other case, they used them to check whether or not their preferences on Catalonia's relationship with Spain were reflected in the Estatut text.

Finally, this chapter suggests that if we care about the content of referendum voting, the debate on what kind of context contributes to a more successful and informative public space should be continued. Longer, more plural or more intense debates may play a positive role in some but not in all circumstances, and they may not be the only factor to be considered in the build-up of a deliberative scenario.

Notes

- 1 A previous version of this chapter was presented at the ECPR Joint Sessions in Helsinki. We should like to thank all the workshop members, and especially the two editors of the volume for their thoughtful comments on the text. The chapter has also benefited from suggestions by Mariona Ferrer, Marta Fraile, Mónica Méndez and Inmaculada Szmolka.
- 2 Thus, we leave aside the decision on whether to vote or to abstain. According to Anduiza (2005), the main cause of abstention in the EU referendum was lack of interest. However, Anduiza also shows that pro-government voters turned out at higher levels than others, which was also the case in the Catalan referendum.
- 3 The EU constitution post-referendum survey included 2,494 personal interviews that were conducted between 26 February and 4 March on a representative sample of the Spanish population (study number 2595). The Catalan Estatut survey included 1,982 personal interviews that were conducted between 27 June and 6 July on a representa-

tive sample of the Catalan population (study number 2648). For a full description of the questionnaire, sample and technical characteristics of the surveys, see www.cis.es.

- 4 The campaign consisted of advertisements featuring celebrities (journalists, artists, and well-known athletes) and articles on the EU constitution. The bias appeared because the campaign focused on uncontroversial and positive aspects of the EU constitution (social rights, promotion of peace, etc.).
- 5 For example, Denver (2002) combines national identity (a previous identity) and opinions on devolution (the referendum content). Higley and McAllister (2002) also combine both kinds of variables.
- 6 In previous work (Font and Rodríguez 2006), we have argued that the use of previously formed opinions is the theoretically consistent way to judge the role of substantive considerations.
- 7 Boix and Alt (1991) have shown the importance of partisan considerations on the vote in a previous Spanish referendum.
- 8 See Font and Rodríguez (2006) for the full empirical details and the theoretical arguments.
- 9 LeDuc (2002) has shown the important association between self-placement on the left–right scale and referendum votes.
- 10 In both cases, we use the two most important arguments used by the critics, as well as one of the sentences summarizing the arguments in favor. The arguments in favor were all very highly correlated, and factor analysis shows clearly that these arguments belong to a common dimension.
- 11 See the second section for the specific classification of parties.
- 12 Degree of agreement with these sentences: ‘The European constitution develops European integration’, ‘The European constitution does not recognize European people’s identities’ and ‘The European constitution establishes a Europe based on money, without a social dimension’ in the first case. For the second case, the sentences were ‘This Estatuto represents an important step in the self-government of Catalonia’, ‘This Estatuto represents a risk for the unity of Spain’ and ‘This Estatuto has been substantially modified and does not satisfy Catalonia’s objectives’.
- 13 In the EU case we use the question: ‘Today you feel basically...’ We make use of three response categories: those who answered ‘Mostly European’, those who replied ‘Both Spanish and European’ and a final category for those who answered ‘Only Spanish’ or ‘None of the above’, since both of them share a common lack of European identity. In the Estatut referendum we use the following question: ‘With which of the following sentences do you more identify?’ We make use of three categories: those who answered ‘Only Catalan’ or ‘Mostly Catalan’, those who answered ‘Both Spanish and Catalan’ and those who answered ‘Only Spanish’ or ‘Mostly Spanish’.
- 14 We divided respondents into two groups: those who place themselves on the far right or far left (1–2 or 9–10) formed one group and all the others formed another group.
- 15 ‘In your opinion, would you say that belonging to the EU has been mostly beneficial or mostly negative for our country?’ We grouped the answers into three response categories: for those in the first category, the EU has been ‘beneficial’, for those in the second category it has been ‘negative’, and those with intermediate response categories (‘indifferent’ and ‘neither good nor bad’) form the third category.
- 16 ‘How would you qualify the activity of the present [national] government?’ We have recorded the answers into three categories: negative (‘bad’ and ‘very bad’), indifferent (‘neither good nor bad’ and ‘don’t know’) and positive (‘good’ and ‘very good’).
- 17 It includes three categories of voters: (1) those who have voted for a party supporting the Estatut in both (regional and national) elections, (2) those who have voted for a party opposed to the Estatut in both elections, and (3) those who have voted for different parties in each of the elections, one for and one against the Estatut.

- 18 Young people tend to adopt critical attitudes more easily, and in a scenario of strong elite consensus it is plausible to expect negative votes among young people. We have chosen simply to consider it as a dummy, with people younger than 35 and the rest.
- 19 The most important difference in European attitudes mentioned by the literature differentiates university-educated people (more pro-European) and the rest. As a result, we use the variable as a dummy for differentiating people who have attended university from the rest.

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10 Checks and balances in Swiss direct democracy

Fritz Sager and Marc Bühlmann

Introduction

Fritz Scharpf (1970, 1999) distinguishes two basic forms of a political system's legitimacy, namely input legitimacy and output legitimacy. While input legitimacy relates to the participation of the people in democratic decision making, output legitimacy relates to the decisions resulting from these processes. The two forms of legitimacy interact, but they are not to be conceived of as two sides of an equation – that is, achievements on the one side do not compensate for deficits on the other. However, democratic procedures become an empty ritual when they do not result in policy decisions in favour of the general well-being of the electorate – that is, output legitimacy (Scharpf 1999).

Despite these basic insights regarding democracy and legitimacy, research on the interrelation between representative and direct-democratic institutions focuses mainly on the input side of the democratic polity (Gerber and Hug 2001; Haskell 2001; Hug and Sciarini 2000; Kriesi 2005; Papadopoulos 2001; Smith 2001, 2002; Sciarini and Trechsel 1996; Trechsel and Sciarini 1998). In this chapter, we choose to do otherwise. Hence, we address the question of whether direct democracy undermines or supplements representative democracy by shifting the focus from the thus far dominant perspectives on politics, such as voter turnout, influence seeking, party behaviour and opportunity structures to the question of policy preferences and actual decision outcomes – that is, the output side of the political system.

From the theory, we can derive two competing hypotheses with regard to policy preference expression by elections and popular vote. First, normatively in line with the minimalist and realist *liberal type of democracy* we can assume that voters are self-interested and have stable policy preferences or they are rationally ignorant and therefore follow cues such as party recommendations or opinion leaders. For these reasons, they express their preferences in a congruent manner in both elections and popular votes. In this view, the use of referendums is at best unnecessary and at worst distorts parliamentary procedures. Thus, referendums not only weaken accountability, but also may compromise responsiveness built on representation through elections.

Second, normatively in line with the *radical type of democracy*, it may be assumed that individual preferences are endogenous rather than exogenous, thus

denying the view that collective action refers merely to the aggregation of individual rational choices. From this perspective, we can expect a macro effect of checks and balances in institutional arrangements that combine representative and direct democratic elements. According to this view, referendums can help to increase accountability as well as responsiveness: the opportunity to articulate preferences on different single issues helps to attenuate possible misrepresentation resulting from elections. Furthermore, the representatives can be held even more accountable when there is a possibility of ‘correcting’ decisions on issues that do not match the citizens’ preferences.

We will test these two competing assumptions by analysing the relationship between the citizenry’s policy preferences expressed in elections and those expressed in referendum votes. We will do so at the macro level using data from both national elections and national referendum votes in Switzerland from 1971 to 2005. The chapter proceeds as follows: in the next section, we will embed our assumptions within normative democracy theory and derive hypotheses not only concerning the interrelation of direct and representative democracy in terms of responsiveness to policy preferences, but also relating to the explanation of the observed interrelation – that is, the size of the gap between party support in referendums and in elections. Subsequently, we will present our empirical and methodological approach and the respective data before we discuss the results of our analysis. We conclude our contribution with general considerations regarding the mapping of policy preferences in semi-direct democracy and with a discussion of the implications of this study for future research.

Two normative types of democracy and two theoretical approaches

Countless definitions of what democracy should be and what democracy is can be found in the literature on democratic theory (Dahl 1956; Schumpeter 1962; Sartori 1962; Bobbio 1987). Drawing on recent overviews of democratic theory (Held 2006; Schmidt 2000), we can observe a division between two different points of views according to the two elements of the literal Greek notion of democracy: the role of the people (*demos*) and the way of governing (*kratein*) – the liberal and the radical type of democracy.

From the first perspective, the *liberal type of democracy* (Dahl 1971) in its realist and minimalist form (Sartori 1962; Schumpeter 1962) is seen as a means of protecting citizens from arbitrary rule. Political participation serves to express and aggregate interests, but, most importantly, to generate a skilled representative elite capable of making public decisions, and to protect individual liberty. The people are seen as the final arbiter for deciding which of the most powerful interests will govern for a predetermined period of time. We consider this point of view as being ‘government for the people’, to use Lincoln’s dictum. The *demos* is seen as passive and governed by representatives. The liberal type embraces ideas of classical republicanism in its protective version brought forward by, for example, Machiavelli (2003), Hobbes (2002), Locke (1988) or

Montesquieu (1989), the classical liberal model of democracy (based on Tocqueville (2000) as well as on the authors of the Federalist Papers), and its more modern developments in the form of the elitist (e.g. Weber 1988 or Schumpeter 1962) or the pluralist models of democracy (Dahl 1956, 1971).

Kriesi's (2005) 'realist theory of democracy', which claims that the elite dominate public opinion formation as citizens either are not interested or follow the elite's voting recommendations, is also in line with this view. In both cases, direct democratic votes make no substantial difference to merely representative decision making. Hence, we expect to find expression of congruent policy preferences in both referendum votes and elections, be it due to abstention from the ballot or trust in the elite. This expectation can be theorised with reference to public choice theory where democracy is a free market in which the public well-being is no more than the aggregate of individuals' aspirations. In this model, rational voters express their political preferences in a congruent manner in both elections and votes either because they have stable preferences or because rational voters will follow the parties' recommendations. Departing from the assumption that the majority of voters belong to Converse's (1964) 'perfectly stable group', we expect voting behaviour at the ballot box to be in line with the electoral decision.¹ Consequently, we should not find any gap between the electoral strength of the supporting parties and the actual popular support for the issue at the ballot box, as supporters of a given party will vote for this party in the election and follow its recommendations when voting on a specific bill. With regard to the bills put to the vote, this translates into our first descriptive hypothesis:

H1: There is no gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box.

If hypothesis H1 is supported in our test case, one can reasonably conclude that referendums are not necessary because direct democracy is redundant and neither strengthens responsiveness nor increases accountability. This corresponds to the normative model of minimalist liberal democracy, as described earlier in the chapter.

However, if we do have direct democracy, as is the case in Switzerland, with regard to the actual expression of policy preferences we can derive several causal hypotheses regarding the interrelation between electoral and voting behaviour.

H1.1: The greater the election success of a given party, the greater its success will be in popular votes in the subsequent legislative term.

However, the elite may not behave as expected – that is, the policy preferences expressed in the election may not translate into the elite's actual decision

making. The elite will be punished in the next election for such behaviour – that is, the election is the best corrective for mis-mapping the citizenry's expressed policy preferences in their decisions. With regard to our case in which popular votes take place, we can thus derive a second hypothesis:

H1.2 The greater the success of a given party in popular votes in a given legislative term, the greater its success will be at the next election.

A second perspective can be labelled as the *radical type of democracy* (Cohen and Fung 2004; Warren 1996). Here, argument-based political participation is valued for its own sake. Involvement in politics fosters political efficacy and knowledge, and generates a concern for collective problems. Democracy, from this perspective, is seen as a means of self-realisation. Furthermore, opportunities allowing citizens to deal with political issues in more depth and in deliberative ways are needed. In order that nobody has mastery over anyone else, citizens must enjoy at least political equality. In the purest form, 'the people' is seen as the final instance for all – or at least the most important – political decisions. The *demos* governs actively. Following Lincoln, we would speak of 'government by the people'. The radical type is rooted in the classical Athenian democracy (Fenske *et al.* 1994: 37; Held 2006: 11–28), the developmental form of classical republicanism (according to Marsiglio of Padua 1956 or Rousseau 1968), ideas of direct democracy (Held 2006: 96–122; Schmidt 2000: 165–74) as well as participatory democracy (in line with Barber 1984 or Pateman 1970), and the discussions on deliberative democracy (Habermas 1992; Fishkin 1991; Offe and Preuss 1991; Warren 1993, 1996).

In order to demarcate these approaches from populism as 'an ideology that considers society ultimately separated into two homogeneous and antagonistic groups, "the pure people" versus "the corrupt elite", and which argues that politics should be an expression of the *volonté générale* of the people' (Mudde 2004: 543; see also Haskell 2001), we follow Mouffe (2000) in contending that real-life democracies combine elements of both liberal and populist traditions:

They provide constitutional guarantees for individual rights and at the same time allow for democratic rule by the people or their representatives, whereby this democratic rule often includes the possibility of democratic constitutional reform. Constitutional democracies thus seem to embody a delicately balanced compromise between the apparently incompatible logics of the liberal and the democratic [in our terms the radical] pillar, which supposedly keep each other in check.

(Abts and Rummens 2007: 410)

Again, we can theorise this normative approach with recourse to neo-institutionalist theory, this time sociological neo-institutionalism (Hall and

Taylor 1996; March and Olsen 1989). The input-oriented perspective on democracy implies that the people will vote differently in elections and popular votes, depending on the situation. We derive our second descriptive hypothesis directly contesting H1:

H2: There is a gap between the electoral strength of the parties supporting a given bill and the success of this bill at the ballot box.

Thus, from a radical democratic point of view which denies that political action equates only with the aggregation of individual rational choices, we can expect a macro effect of checks and balances in institutional arrangements that combine representative and direct democratic elements. Following this line of thought, we expect mutual control, in that direct democracy serves as an institutionalised corrective to electoral outcomes, not only strengthening responsiveness, but also increasing the accountability of representatives.

Contending the logic of balance of powers, we expect gaps between election and vote outcomes that can be explained at least partly by electoral success. Hence, parties that were successful in an election are punished in the popular votes following this election. From an institutional design perspective, this balance mechanism can be considered to be intentional. The balance effect of direct democracy can arise in two ways: the same voters do not vote in a congruent manner in elections and referendums (i.e. Converse's 1964 'random group' of voters predominates) or voters deliberately change their minds (Hill and Kriesi 2001); or the citizens participating in elections are not the same ones who participate in referendum votes (Bühlmann *et al.* 2003). Both phenomena will lead to diverging electoral and voting behaviour, and can thus be expected to cause a corrective macro effect resulting in a balance between election and vote outcomes. We derive the following hypothesis:

H2.1: The greater the election success of a given party, the lower its success will be in popular votes in the subsequent legislative term.

If H2.1 finds corroborative evidence, we can conclude that direct democracy is a sensible institutional means of bringing about a balance of power in a democracy's institutional design, as it serves its purpose in line with the normative model of radical democracy.

Direct democracy according to the radical type first and foremost displays a function of checks in terms of elite control; or, in the terminology of Gallagher and Uleri (1996), it should be decision controlling rather than decision promoting. This control can take on a horizontal or a vertical form – horizontal meaning that a decision already taken is being re-evaluated, vertical meaning that the

people can launch new topics and feed them into the decision-making process. At the Swiss federal level, there are various direct democratic instruments that can be attributed to the two different forms of control. The mandatory referendum, on the one hand, can be attributed to horizontal control, as it relates to all constitutional amendments as well as the ratification of treaties involving membership in organisations of collective security or supranational bodies. That is, decisions taken in Parliament are put to vote in an institutionalised manner, irrespective of whether the people express their wish to decide on these bills.

On the other hand, both the rejective referendum and the popular initiative reflect the people's desire to vote on an issue and hence must be attributed to the vertical form of control. The rejective referendum takes place if 50,000 citizens or eight cantons demand a vote on a parliamentary decision regarding laws, certain federal ordinances or permanent international treaties. The popular initiative, then, relates to a partial amendment or a total revision of the constitution – that is, it launches new topics not yet dealt with in Parliament. The popular initiative requires the signatures of 100,000 citizens. Parliament can react to initiatives by formulating a counter-proposal. Thus, vertical control is more creative than horizontal control, and hence to a lesser degree relates to the notion of checks developed above as a macro effect. Correspondingly we derive the following hypothesis:

H2.2 The gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box is greater in the case of horizontal control (mandatory referendums) than in the case of vertical control (rejective referendums, counter-proposals and popular initiatives).

The control of the elite by means of direct democracy is, of necessity, focused on concrete issues. These issues can be considered more or less important. Research on voting behaviour shows the attributed importance of a bill to be a key determinant of turnout and voting outcome. Kriesi (2005: 111ff.), for example, finds evidence for the mobilisation effect of high salience: the more salient a vote is, the higher the turnout; the campaign is more intense, the individuals are (or become) more familiar with the issues and for this reason the probability of participation increases. Vatter *et al.* (2000) as well as Bühlmann *et al.* (2006) show that the importance an individual attributes to a bill also influences his or her vote. We can derive the view that control is most important in bills that are considered by the citizenry to be very important. We formulate the corresponding hypothesis:

H2.3 The gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box is greater the more importance is attributed to a given bill.

Research design, operationalisation and data

We will test the hypotheses by analysing the relationship between the citizenry's policy preferences expressed in elections and those expressed in referendums. We will do so at the macro level using data from both national elections and national votes in Switzerland from 1971 to 2005. We consider Switzerland to be an ideal venue for this endeavour because of its institutional design, which combines representative democracy with very extensive direct democratic elements. If we assume that a party enters an election with at least some sort of policy programme, its gains in the election in comparison to the previous election can be seen as a measure of the electorate's policy preference in favour of the party's programme. In turn, the Swiss citizenry can also express their policy preferences directly. We will use the parties' voting recommendations in order to establish the degree to which the citizenry vote coherently with the policy preferences expressed in the election. In concrete terms, we compare the aggregated electoral strength of the parties supporting a bill in a given vote with the final popular support in this vote. The gap in a given bill is calculated as:

$$\text{GAP} = \left(\sum_0^n ES_i \right) - R$$

where ES_i is the electoral strength of party i at the national elections held before the ballot takes place; party i recommends a 'yes' (an acceptance of the bill); n denotes the number of parties within the 'yes' coalition (all of which recommend an acceptance of the ballot); and R is the final result of the ballot – that is, the share of the voters who accepted the bill.

The gap theoretically takes on a value between -100 , meaning that no party recommends acceptance but the whole of the voting population accepts the bill, and $+100$, which means that all parties recommend acceptance but the entire voting population rejects the bill. A value of 0 indicates perfect congruence between the representative's recommendation and the people's choice. The gap for a given bill is the subject of the main hypotheses H1 and H2, as well as the dependent variable in H2.2 and H2.3.

H2.2 refers to the different direct democratic instruments and does not require any supplementary operationalisation. Table 10.1 presents the number of bills by year and instrument, as well as the observed gaps.

H2.3 deals with the perceived importance of a bill, which is measured in three ways following Joye and Papadopoulos (1994). First, we use the number of empty ballot papers in order to identify the most mobilising bill in so-called multi-pack votes – that is, ballots in which more than one bill is put to the vote. The respective 'motor' bill is defined as the bill with the fewest empty ballot papers. If the vote concerns only one bill, then this bill is designated to be the most mobilising, i.e. the motor bill.² Pursuant to H2.3, we expect a larger gap for motor bills than for any other kind of bill. Second, we use voter turnout as a measure of the perceived importance of a bill – that is, we expect the gap to be larger, the higher the turnout. Third, we combine the two measures and analyse the voter turnout for motor bills only.

The hypotheses H1.1, H1.2 and H2.1, then, have a different focus in that they relate not to the bills as such, but to the parties' success in elections and at the ballot box.

The electoral success (*ES*) of a given party is calculated as:

$$ES_{iL_j} = ES_{iE_j} - ES_{iE_{j-1}}$$

where ES_{iL_j} stands for the electoral success of party i in legislative term L_j , ES_{iE_j} denotes the electoral strength (share of votes) of party i in election j (at the beginning of legislative term L_j) and $ES_{iE_{j-1}}$ is the electoral strength of party i in election $j - 1$ (the last election before election E_j).

Negative values of *ES* indicate a loss of electoral strength, whereas positive values denote a gain in electoral strength. Table 10.2 presents the electoral strengths of the parties considered in this study. We excluded parties that were not present at all elections, parties that were of very low electoral strength, and parties that made no recommendations regarding votes – all of which resulted in too many missing factors for the analysis.³

The ballot success (*BS*) of a given party is calculated as:

$$BS_{iL_j} = \frac{\sum_{k=1}^K S_{BkL_j}}{nB_{L_j}}$$

where here BS_{iL_j} represents the ballot success of party i in legislative term L_j (a term of four years); S_{BkL_j} denotes a success of a party at ballot k in legislative term L_j – that is, the bill was accepted by the voting population and party i recommended acceptance of this bill, or the bill was rejected by the voting population and party i recommended rejection; K is the total number of ballots in which party i was successful; and nB_{L_j} denotes the total number of bills within legislative term L_j .

BS theoretically takes on a value between 0 and 100, where 0 indicates a party with no success, meaning that all bills for which this party recommended acceptance were rejected and vice versa, and 100 indicates full success for a party, which means that all bills recommended for acceptance by this party were accepted by the people and all bills recommended for rejection by this party were rejected by the people. Table 10.3 presents the ballot success of the parties considered.

We view our study as an initial research step, and consequently we are keeping a low profile in terms of methods. We will employ both descriptive and bivariate statistics, as well as tests of mean differences in order to test our hypotheses.

Table 10.1 Number of bills by year and by instrument: mean gap and mean absolute gap

| <i>Year</i> | <i>Popular initiative</i> | <i>Mandatory referendum</i> | <i>Rejective referendum</i> | <i>Counter-proposal</i> | <i>Total</i> | <i>Mean gap¹</i> | <i>Mean absolute gap²</i> |
|-------------|---------------------------|-----------------------------|-----------------------------|-------------------------|--------------|-----------------------------|--------------------------------------|
| 1972 | 3 | 4 | 0 | 2 | 9 | 2.2 | 14.5 |
| 1973 | 0 | 8 | 0 | 0 | 8 | 23.6 | 23.6 |
| 1974 | 2 | 2 | 0 | 1 | 5 | 3.8 | 19.2 |
| 1975 | 0 | 6 | 3 | 0 | 9 | 15.4 | 17.1 |
| 1976 | 4 | 4 | 2 | 1 | 11 | 13.8 | 20.3 |
| 1977 | 7 | 5 | 2 | 2 | 16 | 0.7 | 15.6 |
| 1978 | 3 | 2 | 9 | 0 | 14 | 5.0 | 17.5 |
| 1979 | 2 | 2 | 1 | 1 | 6 | 14.8 | 18.8 |
| 1980 | 1 | 4 | 1 | 0 | 6 | 13.4 | 19.2 |
| 1981 | 1 | 1 | 0 | 2 | 4 | 17.1 | 17.1 |
| 1982 | 1 | 0 | 2 | 1 | 4 | 9.7 | 19.8 |
| 1983 | 0 | 4 | 0 | 0 | 4 | 23.1 | 23.1 |
| 1984 | 6 | 3 | 0 | 1 | 10 | 5.5 | 12.8 |
| 1985 | 3 | 6 | 2 | 1 | 12 | 13.4 | 19.0 |
| 1986 | 3 | 1 | 1 | 2 | 7 | 19.2 | 19.2 |
| 1987 | 2 | 1 | 4 | 0 | 7 | 4.0 | 13.2 |
| 1988 | 4 | 1 | 0 | 0 | 5 | -9.4 | 12.6 |
| 1989 | 3 | 0 | 0 | 0 | 3 | -28.5 | 28.5 |
| 1990 | 6 | 1 | 3 | 0 | 10 | -0.3 | 8.4 |

| | | | | | | | |
|--------------|------------|-----------|-----------|-----------|------------|------------|-------------|
| 1991 | 1 | 2 | 1 | 0 | 4 | 13.5 | 14.5 |
| 1992 | 3 | 2 | 10 | 1 | 16 | 8.4 | 17.7 |
| 1993 | 6 | 7 | 3 | 0 | 16 | 4.9 | 12.9 |
| 1994 | 2 | 6 | 5 | 0 | 13 | 11.6 | 16.3 |
| 1995 | 1 | 1 | 4 | 1 | 7 | 15.2 | 20.5 |
| 1996 | 1 | 5 | 2 | 1 | 9 | 8.8 | 14.5 |
| 1997 | 3 | 1 | 1 | 0 | 5 | -0.2 | 9.1 |
| 1998 | 5 | 3 | 2 | 0 | 10 | 2.2 | 8.3 |
| 1999 | 1 | 3 | 6 | 0 | 10 | 3.3 | 11.5 |
| 2000 | 11 | 2 | 2 | 1 | 16 | -2.9 | 9.8 |
| 2001 | 7 | 2 | 2 | 0 | 11 | 2.2 | 14.9 |
| 2002 | 5 | 0 | 3 | 1 | 9 | -2.4 | 15.7 |
| 2003 | 7 | 1 | 3 | 0 | 11 | -4.1 | 9.4 |
| 2004 | 2 | 7 | 3 | 1 | 13 | 12.6 | 19.0 |
| 2005 | 0 | 1 | 4 | 0 | 5 | -55.0 | 55.0 |
| Total | 106 | 98 | 81 | 20 | 305 | 5.5 | 16.2 |

Notes

1. Values from -100 to +100, indicating the direction of the gap.

2. Absolute values (from 0 to 100), indicating the absolute gap.

Table 10.2 Most relevant parties and election results (in brackets: electoral success, ES)

| <i>Election year</i> | <i>SP</i> | <i>FDP</i> | <i>CVP</i> | <i>SVP</i> | <i>LP</i> | <i>GP</i> | <i>EVP</i> | <i>EDU</i> | <i>SD</i> | <i>PdA</i> |
|----------------------|----------------|----------------|----------------|----------------|---------------|---------------|---------------|--------------|---------------|---------------|
| 1971 | 22.9 | 21.8 | 20.3 | 11.1 | 2.2 | | 2.1 | | 3.2 | 2.6 |
| 1975 | 24.9 (2.0) | 22.2 (0.4) | 21.1 (0.8) | 9.9 (-1.2) | 2.4 (0.2) | 0.1 (0.1) | 2.0 (-0.1) | 0.3 (0.3) | 2.5 (-0.7) | 2.4 (-0.2) |
| 1979 | 24.4 (-0.5) | 24 (1.8) | 21.3 (0.2) | 11.6 (1.7) | 2.8 (0.4) | 0.6 (0.5) | 2.2 (0.2) | 0.3 (0.0) | 1.3 (-1.2) | 2.1 (-0.3) |
| 1983 | 22.8 (-1.6) | 23.3 (-0.7) | 20.2 (-1.1) | 11.1 (-0.5) | 2.8 (0.0) | 1.9 (1.3) | 2.1 (-0.1) | 0.4 (0.1) | 2.9 (1.6) | 0.9 (-1.2) |
| 1987 | 18.4 (-4.4) | 22.9 (-0.4) | 19.6 (-0.6) | 11 (-0.1) | 2.7 (-0.1) | 4.9 (3.0) | 1.9 (-0.2) | 0.9 (0.5) | 2.5 (-0.4) | 0.8 (-0.1) |
| 1991 | 18.5 (0.1) | 21.0 (-1.9) | 18.0 (-1.6) | 11.9 (0.9) | 3.0 (0.3) | 6.1 (1.2) | 1.9 (0) | 1.0 (0.1) | 3.4 (0.9) | 0.8 (0.0) |
| 1995 | 21.8 (3.3) | 20.2 (-0.8) | 16.8 (-1.2) | 14.9 (3.0) | 2.7 (-0.3) | 5.0 (-1.1) | 1.8 (-0.1) | 1.3 (0.3) | 3.1 (-0.3) | 1.2 (0.4) |
| 1999 | 22.5 (0.7) | 19.9 (-0.3) | 15.9 (-0.9) | 22.5 (7.6) | 2.3 (-0.4) | 5.0 (0.0) | 1.8 (0.0) | 1.3 (0.0) | 1.8 (-1.3) | 1.0 (-0.2) |
| 2003 | 23.3 (0.8) | 17.3 (-2.6) | 14.4 (-1.5) | 26.7 (4.2) | 2.2 (-0.1) | 7.4 (2.4) | 2.3 (0.5) | 1.3 (0.0) | 1.0 (-0.8) | 0.7 (-0.3) |

Table 10.3 Ballot success of the parties considered

| <i>Legislature</i> | <i>SP</i> | <i>FDP</i> | <i>CVP</i> | <i>SVP</i> | <i>LP</i> | <i>GP</i> | <i>EVP</i> | <i>EDU</i> | <i>SD</i> | <i>PdA</i> |
|--------------------|-----------|------------|------------|------------|-----------|-----------|------------|------------|-----------|------------|
| 1971–5 | 67.9 | 85.7 | 85.7 | 85.7 | 96.4 | – | 78.6 | – | 46.4 | 53.6 |
| 1975–9 | 46.0 | 78.0 | 78.0 | 78.0 | 68.0 | – | 70.0 | – | 56.0 | 42.0 |
| 1979–83 | 62.5 | 68.8 | 75.0 | 75.0 | 62.5 | – | 75.0 | – | 50.0 | 37.5 |
| 1983–7 | 48.6 | 80.0 | 80.0 | 80.0 | 74.3 | 28.6 | 71.4 | – | 65.7 | 37.1 |
| 1987–91 | 32.0 | 84.0 | 84.0 | 80.0 | 76.0 | 44.0 | 64.0 | – | 40.0 | 40.0 |
| 1991–5 | 53.8 | 75.0 | 75.0 | 75.0 | 61.5 | 51.9 | 73.1 | – | 53.8 | 36.5 |
| 1995–9 | 58.8 | 85.3 | 91.2 | 70.6 | 76.5 | 55.9 | 76.5 | – | 52.9 | 44.1 |
| 1999–2003 | 36.2 | 95.7 | 87.2 | 78.7 | 93.6 | 31.9 | 53.2 | 40.4 | 53.2 | 27.7 |

Note

A dash indicates that no recommendations were made for all bills.

Results

Figure 10.1 presents the gaps between the electoral strength of supporting parties and democratic support at the ballot box for all bills between 1971 and 2005. As can be seen from the figure, there clearly is a gap – that is, a difference between the electoral strength of all parties recommending acceptance of a bill and the actual acceptance rate of this bill in the vote. There are both positive and negative values. A positive value means that the sum of the electoral strength of all parties within the ‘yes’ coalition is greater than the popular acceptance. A negat-

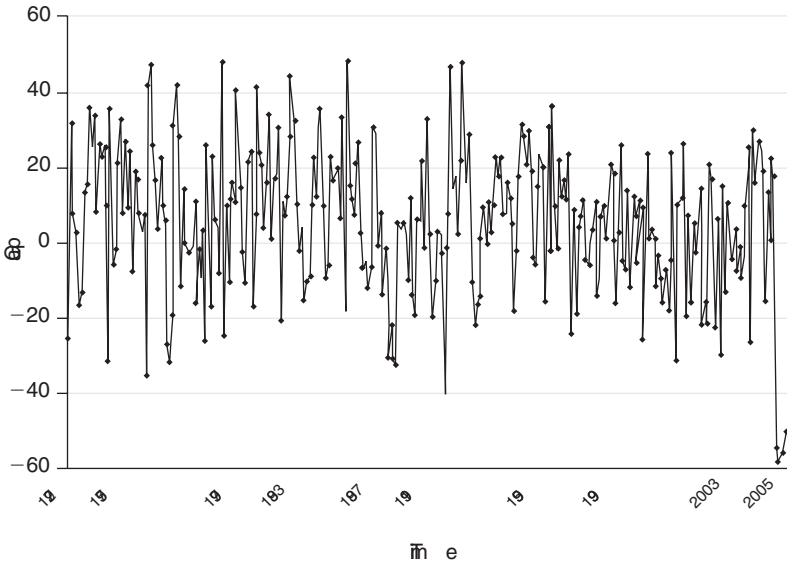


Figure 10.1 Gaps between the electoral strength of supporting parties and democratic support at the ballot box for all bills, 1971–2005.

ive value, on the other hand, means that the acceptance in the popular vote is higher than the sum of the electoral strength of all parties within the ‘yes’ coalition. Table 10.1 shows both mean gap and mean absolute gap for every year. The overall mean for our research period is 5.5; the mean absolute gap is 16.2. These results indicate that there in fact is a clear gap between aggregated electoral preferences and aggregated issue preferences, which corroborates hypothesis H2. This hypothesis states that democracy can be seen as a means of institutionalised control, while hypothesis H1, assuming that voters’ choices at referendums are in accord with their electoral decisions, is rejected. This can also be interpreted as a first sign that direct democracy indeed does have a positive impact on responsiveness and accountability.

To what extent does ballot success correlate with election success? H1.1 states that the greater the election success of a given party, the greater its success in popular votes in the subsequent legislative term will be, while H2.1 claims the opposite. Considering all elections from 1971 to 2003, we find the interrelation depicted in Figure 10.2 resulting in a bivariate correlation with Pearson’s r of -0.03 (sig. 0.78; $N = 70$). Even though the result points in the direction expected in H2.1, both hypotheses must be rejected in this first test, since the coefficient is not significant. However, looking at Figure 10.2 we see two outliers that distort the result. The two cases relate to the Social Democratic Party’s loss of 4.4 per cent in 1987 and the Swiss People’s Party’s gain of 7.6 per cent in 1999. Both cases are strong historical outliers, as Figure 10.2 clearly shows. When the two outliers are

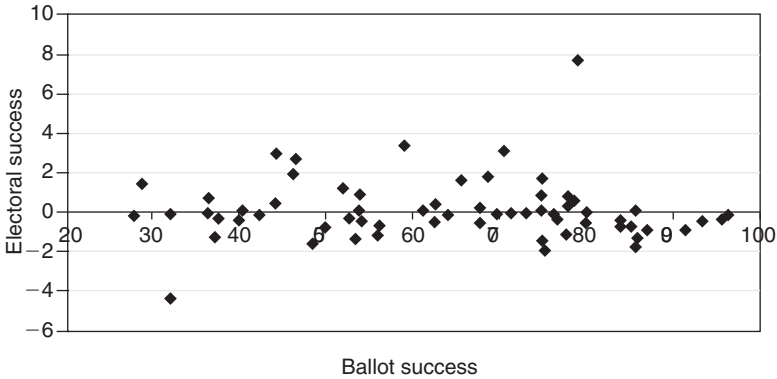


Figure 10.2 Parties' electoral success and ballot success, 1971–2005.

Note
 Pearson's $r = -0.03$ (sig.: 0.78).

omitted (Figure 10.3), Pearson's r amounts to -0.23 , significant at the 0.05 level ($N = 68$). This result corroborates H2.1. Correspondingly, H1.1 is rejected.

Hypothesis H1.2 claims that a party's ballot success has an effect on its success in an upcoming election. The correlation between all parties' ballot success scores in a legislative term with their election success scores in the next following elections between 1975 and 2003 amounts to a Pearson's r of -0.03 (sig: 0.79, $N = 60$). This result does not support H1.2, not only because it is not significant, but also because the coefficient points in the opposite direction to the hypothesis. Again we face the problem of the two outliers. When we omit these, however, Pearson's r decreases to -0.16 and remains insignificant (sig.: 0.23; $N = 58$). Correspondingly, H1.2 is rejected.

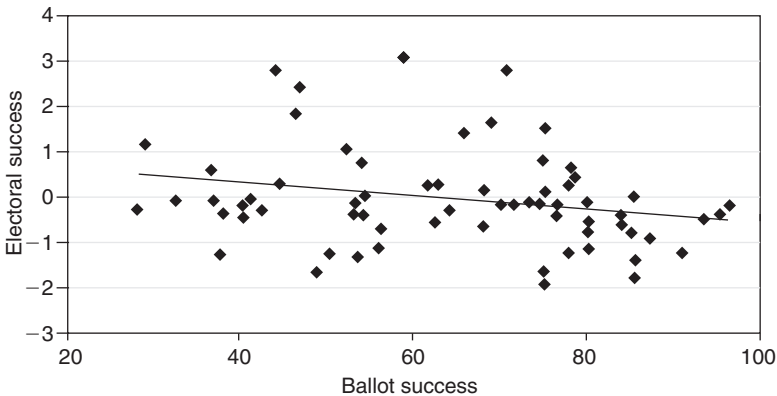


Figure 10.3 Parties' electoral success and ballot success, 1971–2005, without outliers.

Note
 Pearson's $r = -0.23$ (sig.: 0.05).

So far, the analysis clearly supports the hypotheses that stand in line with the normative radical type of democracy. All hypotheses derived from the minimalist liberal type of democracy have been ruled out, as in fact a gap can be seen and parties' election success is punished and not rewarded in popular votes. Also, elections do not serve as a controlling mechanism for parties that fail to map public policy preferences during the legislative terms.

We aim to explain the size of this gap in two further hypotheses. With respect to the legal form of direct democracy, H2.2 claims that the overall gap between the electoral strength of the parties supporting a given bill and the success of this bill at the ballot box is greater in the case of horizontal control (mandatory referendums) than in the case of vertical control (rejective referendums, counter-proposals and popular initiatives).

Table 10.4 collates the mean gap scores for the various direct democratic instruments. We initially find a gap with all forms of direct democracy in Switzerland. The smallest mean absolute gap is found in popular initiatives. Interestingly enough, the mean actual gap shows that popular initiatives are better supported at the ballot box than by the elite – that is, the electoral strength of the supporting coalition is smaller than the popular support in the actual vote. The highest mean absolute gap is found with the rejective referendum and the highest mean gap with the counter-proposal, both of which are vertical forms of control. This picture may tend to tentatively support H2.2. However, if we aggregate the scores of vertical control instruments and contrast these with the scores of the mandatory referendum as the only horizontal control instrument, we find only a slightly larger mean absolute gap for horizontal control, as reported in Table 10.5. Correspondingly, H2.2 is rejected.

H2.3 examines the bills as such and states that the gap between electoral strength of the parties supporting a given bill and the success of this bill at the

Table 10.4 Mean gap by direct democratic instrument

| | N | Mean gap | Mean abs. gap |
|----------------------|-----|----------|---------------|
| Popular initiative | 106 | -8.65 | 12.52 |
| Mandatory referendum | 98 | 14.36 | 17.87 |
| Rejective referendum | 81 | 10.73 | 19.04 |
| Counter-proposal | 20 | 15.41 | 15.56 |
| Total | 305 | 5.47 | 16.17 |

Table 10.5 Comparison of mean differences between vertical (initiative, rejective referendum, counter-proposal) and horizontal control (mandatory referendum)

| | Mean (abs. gap) | Levene test | T-test |
|--------------------|---------------------|-------------|-------------------|
| Vertical control | 15.35 ($n = 187$) | F: 0.09 | T: 1.67 (df: 283) |
| Horizontal control | 17.87 ($n = 98$) | Sig: 0.76 | Sig: 0.09 |
| Mean difference | 2.52 | | SE (diff): 1.51 |

ballot box is greater the more importance is attributed to this bill. We have defined three ways to measure the attributed importance. As to the first measure, i.e. the motor bills, we identify 203 non-motor bills as opposed to 102 motor bills. As Table 10.6 shows, the mean absolute gap for motor bills is significantly larger than that for non-motor bills. This means that the political elite are further away from the people's policy preferences in important bills or, inversely, that those bills in which the political elite do not respond to popular policy preferences have most importance attributed to them. To a certain degree, this finding is in line with the finding established above, which is that popular initiatives are better supported at the ballot box than by the elite. The willingness for policy change seems to be more developed in the citizenry than among its representatives.

With regard to our second measure, the turnout, the analysis of all 305 bills results in a correlation of Pearson's $r = 0.10$ (sig.: 0.09) – that is, the higher the voter turnout, the larger the gap. This correlation is even stronger when we apply our third measure, namely the combination of turnout and motor bills. For the relevant 102 cases, Pearson's r amounts to 0.22 on the 0.03 level of significance. The analyses with all three measures thus support hypothesis H2.3, which therefore is confirmed.

Table 10.7 offers a synoptic overview of the results of our hypothesis test.

Conclusion and a tentative research agenda

The aim of this chapter was to address the question of whether direct democracy undermines or supplements representative democracy. In order to do so, we shifted the focus from the politics perspective to the question of policy preferences and actual decision outcomes. Analysing national elections and national votes in Switzerland from 1971 to 2005, we found a clear gap between the citizenry's policy preferences expressed in elections and those expressed in popular votes. This indicates that direct democracy serves as a means of administering checks. The gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box can be explained by the importance attributed to a given bill. However, this cannot be conclusively explained by the difference between the vertical and the horizontal forms of control. Additional to this function of checks, we also detected a clear function of balance of power – that is, parties are punished for electoral success in subsequent votes. The inverse correlation – that is, an impact of ballot box success on success in upcoming elections – was not observed.

Table 10.6 Comparison of mean differences between motor bills and non-motor bills

| | <i>Mean</i> | <i>Levene test</i> | <i>T-test</i> |
|--------------------------|---------------------|--------------------|--------------------|
| Abs. gap non-motor bills | 14.72 ($n = 203$) | F: 0.99 | T: -3.02 (df: 303) |
| Abs. gap motor bills | 19.06 ($n = 102$) | Sig: 0.32 | Sig: 0.00 |
| Mean difference | -4.34 | | SE (diff): 1.44 |

Table 10.7 Hypothesis test

| <i>Hypothesis</i> | <i>Result</i> |
|--|---------------|
| H1: There is no gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box. | Rejected |
| H1.1: The greater the election success of a given party, the greater its success in popular votes in the subsequent legislative term will be. | Rejected |
| H1.2: The greater the success of a given party in popular votes in a given legislative term, the greater its success in the next election will be. | Rejected |
| H2: There is a gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box. | Confirmed |
| H2.1: The greater the election success of a given party, the lower its success in popular votes in the subsequent legislative term will be. | Confirmed |
| H2.2: The gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box is larger in the case of horizontal control (mandatory referendums) than in the case of vertical control (rejective referendums, counterproposals and popular initiatives). | Rejected |
| H2.3: The gap between electoral strength of the parties supporting a given bill and the success of this bill at the ballot box is larger the more importance is attributed to a given bill. | Confirmed |

The impact of referendums on representative democracy

What do our results add to the research questions raised in Chapter 1? Overall, we can reach a positive conclusion concerning the impact of referendums: direct democracy supplements representative democracy rather than undermining it. Our results suggest that referendums can be important means of strengthening the quality of democracy, primarily in terms of responsiveness and accountability.

According to Powell (2004: 91), ‘democratic responsiveness is what occurs when the democratic process induces the government to form and implement policies that the citizens want’. Our analysed gap underlines the fact that preferences represented by elected representatives do not match preferences of citizens very well when it comes to specific issues. The gap is even greater when important issues are at stake. Our results suggest that the elected representatives do not always formulate policies that the citizens want, if these policies are not induced by referendums. In other words: referendums are not redundant, as the liberal model of democracy claims, but can serve as important instruments for correcting misrepresentation in specific political issues. Our results thus suggest that referendums could help to solve the so-called Ostrogorski paradox (Ostrogorski 1903; Nurmi 1997, 1998): that a voter chooses a party that corresponds on most issues with his or her preferences. Our results suggest that only for few voters does the party platform match perfectly with individual preferences. Thus, at least for some issues, party representation due to electoral choices does not

match with the issue preferences of the voters. In direct democratic systems this mismatch can be solved on an issue-by-issue basis.

As for the impact of referendums on accountability, we can distinguish between three different forms of accountability. First, in representative democracy the elected political elite are held accountable through elections. Governments creating policies that do not match the preferences of the citizens are replaced. Second, referendum votes can be a more subtle means of achieving accountability. Representatives are held accountable on an issue-by-issue basis. Our results showing that elected preferences and real preferences for specific issues seldom match perfectly suggest that this immediate accountability test in many cases seems appropriate. Our results even imply a third meaning of accountability: high election success for a party is balanced by lesser success in popular votes in the subsequent legislative term. In other words, the power of parties with high impact on parliamentary decisions is attenuated through referendums that act as an *ex post* accountability *check* – or, in the terms of Warren (1996), as an institutionalised opportunity for discursive challenge.

At first sight, our results do not contribute to the discussion on the impact of referendums on deliberation and civic virtues. Of course, with our results we can neither show whether direct democracy ‘cultivates the autonomy of individuals’ (Warren 1996: 254), nor demonstrate that referendums provide opportunities for deliberation. However, our results suggest that preferences are not stable and exogenous, but can change from elections to popular votes. Even if we do not show that deliberation and/or increasing autonomy takes place, we can conclude that referendums can be opportunities that allow for changing preferences to a greater extent than elections alone do. Referendums offer a possibility for discursive challenge. We cannot be certain whether they really open the floor for more rationality but we can be sure that this is not the case in the absence of direct democracy.

A tentative research agenda

In general, the analysis of the interrelation between electoral gains and success in popular votes between 1971 and 2005 in Switzerland corroborates the hypothesis of direct democracy as a means of institutionalised checks and balances.

The idea that direct democracy is supplementary to representative democracy is by no means new, but can already be found in ideas of the developing republicanism in the thirteenth century (Held 2006: 29). This normative analysis, however, is confirmed only for our test case of Switzerland. Here, our results in fact indicate that direct democracy serves both as an inhibitor of and as an enabler of representative decision making: inhibitor in that direct democracy prevents extreme decisions by electoral winners; enabler in that direct democracy helps parties to adopt extreme positions in order to meet unsatisfied policy preferences and hence find new voters in elections. However, these interpretations cannot claim validity beyond our test case. The gap may well be due to the fact that voters are aware of the opportunity structures of preference formulation.

The awareness of the limitations of our findings offers a range of suggestions for future research that we will present in the form of a tentative research agenda. We see potential for future research regarding policy preference mapping in representative and direct democratic structures both at the international level and at the level of our particular test case, Switzerland. With regard to the international level, a comparison of the gap between election and ballot preferences in different countries in the case of a concrete issue, such as referendums on EU issues in European countries, could shed light on the question of the extent to which the gap is a matter of awareness of opportunity structures.

With respect to the Swiss case, our study provides only descriptive and bivariate statistical evidence. Consequently, the gap needs to be investigated in more depth. Possible strands of research relate to the contents of the bills, to the Swiss member states, i.e. the cantons, and to individual choice. As for the first strand, the present analysis does not distinguish between the bills in terms of contents. However, it is entirely possible that different policies trigger different politics (Lowi 1972) and, hence, that the macro effects observed in our study differ from one policy to the other. Correspondingly, future research should investigate in these differences.

As for the second strand, the present chapter neglects the fact that Switzerland is organised in a very decentralised way. Federalism affects both national politics and the party system. This leads to voting recommendations by cantonal parties that differ from those of the national party. The gap might be investigated in more detail if these differing recommendations, as well as the differing cantonal electoral strengths of the parties, were included in the analysis.

The third strand relates to the inclusion of individual data. On the one hand, our finding of a greater gap in important bills implies a mature citizenry, immune to its elites' sweet talk, temptations and tentative demagoguery. Such autonomous behaviour may be due to the existence of more information and more reflection when it comes to important issues. On the other hand, the opposite is expected for unimportant bills, where the people are much more willing to follow the parties' voting recommendations (Kriesi 2005). This relates to Matsusaka's (2005: 198) point that

the argument that voters are incompetent and uninformed would seem to cut against democracy in general, rather than against direct democracy alone. Few voters bother to read the actual text of the measures they vote on, but few voters read the official party platforms or study the policy plans on the websites of candidates for office either.

These assumptions must, however, be tested at the micro level. The gap would have to be explained by individual behaviour. In a further step, then, a multilevel design would allow for testing whether individual behaviour differs between important and unimportant bills.

Notes

- 1 It is important to stress that we do not assume stable policy preferences only. Indeed, even if people had stable preferences on issues, they could still use the referendum as a corrective with regard to the representatives. This problem with representation has been discussed by some social choice theorists, who show that the system of representation, in itself, may bring about misrepresentations of preferences on individual issues (the so-called Ostrogorski paradox; see, for example, Nurmi 1997, 1998). This is because in representative democracy, voters vote for parties or candidates who represent positions on multiple issues, and rational voters have to choose a party or candidate that represents their position on most issues (of course, saliency has significance here, too). Therefore, people with stable preferences could also vote perfectly rationally against their favourite party's recommendation in referendums. In line with the minimalist and realist theory of democracy, we therefore assume that voters follow the recommendations of their parties for all issues.
- 2 There are two arguments for this operationalisation: first, as there is only one bill, it is automatically the mobilising one; second, a bill can be presented alone because the elite considers this one bill too important to be decided upon together with other bills (as might be the case, say, for a total revision of the federal constitution).
- 3 Thus, the following parties are excluded: the LdU, FPS, POCH, CSP, PSA, FGA, REP, LEGA and Sol.

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Conclusions

Theo Schiller

The introductory chapter outlined the main questions on the relationship between referendums and representative democracy – that is, how referendums influence responsiveness, accountability and deliberation; and which of the two scenarios put forward in Table 1.1 has greater relevance. These concluding remarks summarize the lessons from the various chapters of the book, and some links are made to the previous literature on referendums. First, the institutional and structural context of referendums is outlined, including variations of representative democracy and referendums. Second, various types of referendums are analysed in order to answer the question of whether they might have different impacts in their interaction with the representative system. Some observations are made on the process of public deliberation in referendum campaigns. Finally, a few ideas for future research will be mentioned.

Institutions and structural contexts

In order to understand the relationship between referendums and representative democracy, it is necessary to keep in mind the basics of both terms. The idea of referendums supplementing or undermining of representative democracy always implies interactions of political actors within the framework of particular institutions. Representative democracy as a political system is not one unitary model, but contains various institutions and actors, the most central ones being elected officials, voters and political parties, which can interact in certain ways. There are, however, some system variations which include different institutional patterns, actors and interactions. The simple model is a parliamentary system of government where, based on party competition, a government is formed by a parliamentary majority with a minority in opposition. Two-party or multi-party systems also need to be distinguished. Furthermore, institutional varieties include a two-chamber legislature, with an elected second chamber or a representation of federal states. Compared to the parliamentary model, another institutional distinction can be made between presidential or semi-presidential systems. The structure of actors and patterns of interactions within these rather different systems of representative democracy have to be taken into account. In addition, as the system context of representative democracy, different patterns of

party competition or cooperation may emerge, as conceived in the models of majoritarian and consensus democracy.

Referendums also encompass institutional variety. Chapter 1 outlined the three main types of referendums: mandatory referendums, referendums initiated by government authorities (pre-regulated or *ad hoc*) and referendums initiated by citizens. These types of referendums share the common feature of citizens having the right to vote on specific political issues, but vary with respect to who can initiate the procedure and the strategic interests involved. Modifications may follow from institutional variations in the representative system; for example, in a presidential system the president may call a referendum in order to support or to circumvent a parliamentary majority. To the extent that these referendum types are institutionalized and regulated, like mandatory and citizen-initiated referendums, the political process of institutionalization also deserves attention, particularly when it comes to the relationship between referendums and the set of representative institutions.

Quite often, it is possible to find some regulation on subjects or issues of referendums. Some jurisdictions make referendums mandatory for certain issues (e.g. constitutional amendments, sovereignty issues, territorial changes); others exclude issues from referendum procedures (e.g. the budget, taxes, human rights and amnesties, but also constitutions). Broader typologies of issues that are often or typically dealt with in referendums include 'governance' issues, minority rights, moral issues and ordinary legislation (Morel 2001; LeDuc 2003; Qvortrup 2005).

The number of countries with institutions and/or practices of direct democracy is still limited, though rising. This increase has sometimes been attributed to post-materialist values and the 'New Politics' of the past few decades, which has indeed inspired many referendum issues. The adherents of New Politics are not always, however, strong supporters of referendum institutions. As Tor Bjørklund in Chapter 7 found on the basis of Norwegian data, support for referendums in local politics has been stronger among disenchanted voters than among those with leanings towards New Politics.

Country patterns of referendum types vary, with some polities providing several or all referendum types, whereas in others only one or two types are relevant. Switzerland, with the broadest variety of referendum types and making the most extensive use of different types of referendums, offers the great advantage that different referendum instruments can be analysed comparatively within the framework of one political system. In the perspective of initiators, the success rates of different referendum procedures vary greatly, and the same can be said of government success in different referendum settings (Kriesi 2005). The Swiss example suggests that it is important to compare different referendum types with each other, in addition to comparing countries that practise only specific procedures.

Referendum procedures bring new elements into the political system, which is otherwise shaped by the institutions of representative democracy. As a basic feature, issue voting as an additional type of vote is made available for the elec-

torate, additional issues can be proposed, different political actors can enter the political process, different patterns of preferences may be articulated, and public campaigns to influence issue voting apart from electoral voting will be conducted. This political arena surely is not completely different from representative democracy, since overlapping structures of political actors, particularly of the party system, give rise to a party-mediated rather than an 'unmediated' political process (Budge 1996). There is some debate as to whether non-governmental parties and/or civil society groups can really gain better access to the referendum arena and whether these groups can have some influence on the voters. Also, it has been asked whether citizens' or voters' preferences in this arena deviate from the patterns registered in the electoral arena, and whether voters in the referendum arena also follow the position or recommendation of the parties they prefer in elections.

In looking for possible impacts of referendums on representative democracy, a distinction should be made between short-term effects, and long-term consequences for the structure of the representative arena. Can referendums add up to influence the balance of representative institutions, the composition and structure of the party system, the pattern of relevant issues in the polity, or even the value structure of the political community? Such questions may generally relate to all kinds of referendums and their impact on representative democracy. However, processes of interaction and impacts may vary according to the types of referendums and the different actors who can initiate them. The type of governmental control, the reactions open to various actors, and the qualitative aspects of the political process are different in mandatory referendums, citizen-initiated referendums and referendums initiated by governmental authorities.

Mandatory referendums

Mandatory referendums are not often the focus of empirical analysis, perhaps because the bulk of referendum events fall into the categories of citizen-initiated procedures and referendums called by governmental authorities. In fact, the procedures of mandatory referendums do not materialize very frequently. In Switzerland, mandatory referendums on constitutional amendments (at the national level) belong to the broad variety of direct-democratic institutions, while in many countries the procedure does not exist at all. In a few polities, however, it is the most central type of referendum. Ireland and Australia are the best-known examples of such procedure, as is Denmark under specific conditions. The literature more often focuses on the analysis of constitutional issues than on the procedural aspects of mandatory referendums (e.g. LeDuc 2003; Qvortrup 2005).

Mandatory referendums are pre-regulated procedures required for constitutional amendments or other issues of special importance, such as issues related to the territorial integrity of a country. Constitutional changes can also include accession to supranational organizations like the European Union as well as changes in the constitutional structure of the EU contained in new treaty agreements. As an institution based on the principle of the constitution-making

sovereignty of the people, the aim of mandatory referendums is primarily to guarantee constitutional stability and a broad popular consensus on the basic laws. Since one of the basic functions of constitutions is setting the rules for the institutional system of representative democracy, the interaction between mandatory (constitutional) referendums and representative democracy is specific: a procedure of 'guarded self-regulation' of the representative system. Although in most cases the right to initiate a proposal submitted to a mandatory referendum is restricted to governmental actors, with only a few jurisdictions also allowing citizens' initiatives for constitutional issues, these actors have to seek popular approval in a referendum.

In normative terms, mandatory referendums thus contain an institutionalized obligation to responsiveness and accountability for governmental majorities when they want to propose constitutional amendments, as well as requirements of transparency and popular discussion on the contents and consequences of amendments. Empirical accounts of the practice of mandatory referendums have shown that political processes vary widely in terms of success and political outcome. There are many cases of 'no' votes in referendums, particularly all votes in Australia, where a double majority is required (Galligan 2001; LeDuc 2003: 68–74), and also several referendums on European integration (Qvortrup 2005: 62–77). A very different picture can be seen in Switzerland, where – despite a double majority requirement – only one-third of proposals have not succeeded in mandatory referendums. Swiss governmental majorities seem to have been responsive and cautious enough not to present too many risky proposals to the voters.

Bill Kissane (Chapter 2) provides a case study of Ireland, a country that uses mandatory referendums rather often. Kissane highlights the process by which this instrument became institutionalized, as well as the main factors explaining the frequent use of mandatory referendums and the choices taken by core governmental actors initiating these referendums. The story of the institutionalizing of instruments of direct democracy in Ireland before 1937 also included a citizens' initiative and a rejective (citizen-demanded) referendum, but these have never been used. Since the 1937 constitution, only the mandatory referendum on constitutional amendments has survived as a constitutional safeguard. Since 1970, quite a large number of such referendums have dealt with a variety of constitutional issues that could be proposed successfully to the voters only when political elites practised consensus politics. Referendums and public discussions on fundamental values of society may have brought short-term polarization but long-term stability of the political community. This applies also to issues of European integration.

Outside of Ireland, European integration issues have been frequently dealt with in Denmark, where a 'conditional' mandatory referendum is held if a five-sixths majority, required on questions of sovereignty, is not reached in a parliamentary vote. The high majority threshold, combined with the referendum alternative, has fostered elite consensus strategies that have given rise to optional referendums even when Parliament could have taken a decision (Sitter, Chapter 5; see also Svensson 1996; LeDuc 2003: 88–97.)

Although it may be more difficult to get constitutional changes approved by mandatory referendums, there are normative reasons for such a constitutional safeguard of the stability of a constitution. It should also be kept in mind that the requirement of qualified parliamentary majorities for constitutional changes serves the same purpose. A broad consensus on changes in the rules of the game or central values may support rather than undermine representative democracy. Consensus politics of elites that is not only practised in parliamentary bargaining, but also expressed and argued publicly in front of the voters, should also contribute to the strengthening of democratic sovereignty.

Citizen-initiated referendums: popular initiative, rejective and abrogative referendum

There are two types of citizen-initiated referendums: the popular initiative (citizens' initiative) and citizen-demanded referendums, with sub-types of rejective and abrogative referendums. Typically, these initiatives originate from outside the core of the representative system – that is, from opposition and minor parties, interest groups, civil society, etc. – and therefore they do not seem government controlled. Popular initiatives are used to articulate and promote new policy proposals, whereas rejective and abrogative referendums have a policy-controlling quality. Outside Switzerland, at least one of these instruments is available, for example in some East European countries, in Italy, Uruguay and New Zealand as well as in many US states and the regional states (*Länder*) of Germany.

These referendum procedures may interfere with governmental agenda control, and weaken or strengthen the responsiveness of governments and political parties. Citizen-initiated referendums are sometimes said to impair effective, innovative and coherent policies, as well as to serve special interest groups. But citizen-initiated referendums can also contribute to transparent and deliberative political processes and to governmental accountability, although these types of referendums can also arguably weaken these qualities when decision-making power is being transferred to a referendum vote. In the long term, strategic adaptation and other structural impacts may develop.

Potential effects may vary according systems contexts, institutional sub-types and regulations of these referendum procedures. Liberal requirements for initiation in terms of signature quorums, etc., as in Switzerland or in US states, may invite frequent use and significant impacts. Rather restrictive quorum requirements for the validity of votes, however, as in Italy, Lithuania and most German *Länder*, can substantially reduce the decision-making power of referendums and the impacts on representative institutions. Institutional options and potential reactions of the core governmental actors may also influence the outcome.

Popular initiatives substitute responsiveness lacking among political elites by articulating issues and proposing innovative or neglected policy options with the threat of a referendum vote. The legislative majorities' reactions depend on institutional and political factors. In some jurisdictions, the procedure may restrain representative mechanisms, as in 'direct initiatives' in several US states, where

the initiative leads to the ballot vote and the governmental authorities can only provide political comments on it. Other institutional designs offer more options for response and interaction, as in Switzerland, where the government can reject the proposal, offer a counter-proposal that is also put to the voters, or suggest a compromise. This 'indirect' initiative model may contribute to the responsiveness of representative actors.

Since the 1970s, there have been significant increases in usage of the Swiss 'people's initiatives' (only for constitutional amendments and for new general policy proposals) and of initiative instruments in US states (Kriesi 2005; Bowler *et al.* 1998). In addition to increased usage, the patterns of interaction and success are also relevant when analysing the impacts on the representative systems. In Switzerland, for example, less than 10 per cent of (constitutional) initiatives have succeeded in a valid referendum vote. In California, only about one-third of initiatives (including also ordinary legislation) have gained a majority vote (Gerber 1998). Therefore, the impact of referendums in the standard processes of representative politics seems to have been rather limited, and governmental or legislative majorities can obviously strongly influence the outcomes of referendums.

Popular initiatives appear to serve as an instrument through which minorities can appeal to governing majorities to be responsive with regard to structural policy deficits. Even if they are rejected by the voters, popular initiatives often induce long-term policy effects for more gradual reforms of certain policies. This can be one reason why initiators, despite many defeats at the ballot, still regard it as meaningful to propose new ideas via initiative procedures (for the United States, see Gerber 1998, discussing 'secondary gains'). Such an innovative function from a minority position seems possible only by enhancing governmental responsiveness and by initiating public discussion.

The previous analysis also gives evidence for the thesis that referendum processes are not 'unmediated', but very much influenced by parties and other major organized groups (Budge 1996, 2001). Yet referendum processes do not just lead to a duplication of party policy positions and party loyalties of voters. For Switzerland, Sager and Bühlmann (Chapter 10) found a 'preference gap' – that is, differences between voters' party preferences in elections and their preferences as expressed in the referendum vote. For initiatives and other forms of direct democracy, this indicates a function of institutionalized control by the citizens.

In US states, which can be characterized as presidential systems, it has been shown that the use of popular initiatives is more frequent in states where lower requirements ease access to the ballot, where governments are divided between the governor and the legislature, and where interest groups are stronger and parties weaker (Banducci 1998: 109–31). With the success rate for initiatives being about one-third, rather positive effects on responsiveness have been reported, as well as 'responsible government' in financial matters (Donovan and Bowler 1998). One special feature of popular initiative is the high number of successful initiatives on 'governance issues', such as term limits and regulations regarding electoral campaign financing, which regulate party competition and representative democracy.

There are two versions of citizen-demanded referendums: the rejective referendum, for example the ‘facultative referendum’ in Switzerland or Slovenia, and the abrogative referendum as a vote to abolish an existing law, as in Italy. In such referendums, voters can exert control against policies promoted by the legislative majority. The standard reaction of government majorities to a rejective referendum is to defend the bill passed without options for compromise. In the Swiss practice, only some 7 per cent of bills have been challenged, and of these about half were rejected and half sustained. At the ballot, government majorities have been less successful than in the other referendum types. The fact that the share of challenged bills has fallen substantially since the 1980s shows a long-term reaction – that is, the anticipation of the risk of a referendum. This has led to a substantial increase in responsiveness as well as to the integration of as many groups as possible into a consensus model of politics (Kriesi 2005; Budge 1996: 95–100). Strategic adaptation and a new system balance between referendums and representation seem to have been the outcome.

In the case of abrogative referendums on existing laws, governmental defence of the existing law may be a typical but not an automatic reaction, since the law could, for example, be passed by a former majority or regarded as outdated. In Italy, the abrogative referendum, with around sixty ballot votes, served as an important function of social and cultural innovation in the 1970s and 1980s, and had a decisive role in transforming the frozen party system in the early 1990s (Uleri 2002; Budge 1996: 101–4). The Italian experience indicates that consensus politics is not necessarily a response to abrogative referendums.

In Switzerland, US states and (to some extent) Italy, citizen-initiated referendums have been used as a routine procedure, and have been rather well integrated into the institutional context of representative democracy (Marxer and Pállinger, Chapter 3). Some jurisdictions that have only recently adopted these types of instruments show rather mixed records of usage. In East European countries such as Lithuania, Latvia and Hungary, citizen-initiated referendums have been intertwined with the dramatic processes of economic and political system transformation, which does not yet allow the ‘standard’ effects on the newly developed representative system to be summarized. In general, in so far as regulations or other conditions allow for only occasional use of citizen-initiated referendums, no strong impacts on systems of representative democracy can be expected.

Referendums initiated by governmental authorities

The third major type of referendums consists of referendums initiated by governmental authorities such as governing parties or majorities, sometimes called ‘government-initiated referendums’. These kinds of referendums have increased in number since the 1980s and have attracted growing interest in the literature (Morel 2001). These referendums are regarded as government-controlled and policy-promoting instruments, and government or governmental parties, which are the main actors in the process, cause the possible effects of such referendums on representative democracy.

When governments and parliamentary majorities call referendums, they delegate representative decision-making power, and surely look for compensatory gains. It seems rather unlikely that governments and parliamentary majorities would call for referendums that carry a high risk of undermining representative democracy. However, governing majorities may decide to call for referendums if referendums can supplement the system, or when governments expect neutral effects while trying to make specific gains for their own position. It can also happen that governmental actors miscalculate potential gains and risks, and thereby produce unintended consequences for their own position and possibly for the representative system. In the overall picture, governmental parties may look for gains within the system of party competition, which may not always coincide with system stability. It should be kept in mind that ‘representative’ party strategies can also undermine the system of representative democracy.

There have been many accounts of the motivations of political actors in calling referendums (Budge 1996; Morel 2001; Qvortrup 2005; and see Rahat’s elaborated typology, Chapter 6). There are typologies of motivations and goals, as well as policy issues involved. Also, party strategies and impacts on the competitive position of political actors are analysed, as well as the intended and unintended consequences of referendums for representative institutions. These dimensions include the main criteria when assessing the impact of referendums on democratic qualities (responsiveness, accountability and deliberation) set out in Chapter 1.

One set of motivations may be related to types of policy issues (see the typology in Morel 2001). Here, subjects of European integration indeed rank rather high since they imply a transformation of the political/constitutional system. Even if only a few countries require mandatory referendums on EU issues, the quasi-constitutional quality of EU treaty changes has led to government-initiated referendums that have been described as ‘politically obligatory’ (Morel 2001). Another issue-related factor is the intensity of conflict involved in the issue; for example, nuclear power projects can be characterized by intense conflicts. Third, the goal may be a long-term and legitimate resolution of a certain issue. Unintended effects may result from an unexpected ‘no’ vote that will have a long-term binding consequence, as the vote cannot be repeated for a long time.

The second set of motivations for a government (majority) to initiate a referendum has to do with strategic interests in party competition, for example recruiting public support for a decision from a weak party position (e.g. minority governments), upholding the unity of a party or a coalition, neutralizing an issue against electoral politics and claiming credit for a decision for future elections.

On the level of the democratic system, the use of referendums may affect such general system features as basic freedoms, political equality, balance of power, transparency and effectiveness. Calling a referendum has some implications for responsiveness, even when this is not the main intention, and the referendum allows citizens to express their views and preferences. Yet it remains ‘granted responsiveness’, a reaction to pressure to act more responsively, especially when critical issues are already on the political agenda. In terms of

accountability, the situation seems even more ambivalent. On the one hand, governments (majorities) put issues on the spot and support actively a specific position, and are obliged to provide public arguments on the issue. On the other hand, governments may blame others for defeating an issue, or an issue may be removed from the next electoral agenda.

Analyses of government-initiated referendums often refer to referendums on European integration. Theses concerning the rise of government-initiated referendums in general and the tendency towards 'politically obligatory' referendums also originated from this area (Morel 2001). There are reasons, indeed, to assume that accession to the EU, at least, has the quality of a major constitutional change and therefore it will call for a vote of the people as sovereign. But party competition strategies are involved also here.

Analysing the referendums on European integration in the Nordic countries, Nick Sitter (Chapter 5) finds a trend towards institutionalization of this procedure. Although parties with a pro-European stance have tried to avoid referendums, on several occasions those parties nevertheless felt obliged to call for a popular vote. The majority of cases have dealt with membership in the EC/EU or European Monetary Union, whereas only Denmark, with special constitutional requirements, has held referendums on four out of six treaty changes. Thus, beyond EU membership a rather small number of cases support the institutionalization thesis, and Sitter has good arguments for assuming that 'political parties in representative democracies enjoy considerable power to structure political conflicts and to determine the appropriate arena for decision making'.

A more general approach to governments' and parties' motivations for advocating referendums is provided by Gideon Rahat (Chapter 6), who introduces strategic gains typology and sub-types of avoidance, addition and contradiction. Rahat uses the case of Israel to analyse, first, why and for what subjects parties advocated the instrument of direct democracy and, second, why a majority decision to use the 'phantom' has so far never materialized. Rahat regards the parties' calculations as part of the instrumental and cynical political game that makes citizens lose trust in politics and politicians; in this way, referendums can further contribute to the weakening of traditional representative democracy. For potential positive effects of referendums, Rahat recommends that the initiation of referendums should not be left in the hands of the elite, but should rather be prescribed constitutionally, like the mandatory referendum and the popular initiative.

A different mixture of general and country-specific considerations is presented by Ank Michels (Chapter 7). Focusing on the political and party system of the Netherlands, Michels not only reviews arguments for and against referendums, but also relates them to four basic models of democracy: representative, deliberative, associative and participatory democracy. The patterns of a public discourse by opinion leaders show little support for referendums, perhaps not surprisingly in the Dutch case, whereas the decision of the governing parties to call a referendum on the EU Constitutional Treaty in 2005 is difficult to understand and seems to remain a singular occasion. This event will most likely

reinforce the negative mainstream of Dutch political elites against referendums as an ad hoc government instrument as well as an institutionalized procedure.

When governments (majorities) initiate referendums, they cannot avoid being somehow responsive by giving citizens the opportunity for issue voting. Short-term consequences will depend on the outcome: referendum success may strengthen the majority parties and the voters as decision makers, and also settle the issue concerned for a long time. A defeat will not invite any repeat of the operation, if the 'government-controlled' procedure did not fulfil expectations.

In government-initiated referendums, the motivation of governments or majorities to call a referendum normally is not to strengthen accountability, but this dimension may sometimes be an implicit feature. A special dimension is involved in European treaty referendums, where two levels of accountability emerge: the national and the European one. Since there is no effective institutional procedure of accountability on the European level, such referendum opportunities may well be used by voters to express their overall discontent with EU politics, and possibly with their national government. Generally, many 'no' votes in government-initiated referendums also indicate the limits of governmental control, and the government's capacity to manipulate referendum campaigns. Nevertheless, some obligation to call referendums for issues of similar importance may result as a long-term effect.

Responsiveness, accountability and deliberation

In comparing referendum types, some differences can be seen with regard to responsiveness. Popular initiatives will generally support a responsive political process since proponents other than core governmental actors can bring issues to the agenda with the threat of a referendum vote. In the long run, such initiatives and issues will have to be anticipated by political elites. Mandatory referendums and government-initiated referendums have a rather limited effect on responsiveness since governing majorities have to calculate only what kinds of policy proposals are to be presented for a public vote, which includes reflecting voters' preferences and the positions of other, possibly opposing, parties or groups.

With regard to accountability, the transparency of decision making can be supported particularly by rejective referendums on laws passed by parliament. Although focusing on individual policy issues, the votes can also imply a more general judgement on a government's performance. Mandatory and government-initiated referendums are not motivated by the increase of accountability, but they allow voters to respond to an individual proposal as well as to overall governmental policies. Sometimes governments claim their ballot success to be a more general expression of confidence and of public legitimation.

The effects of referendums on responsiveness and accountability seem to depend on the different institutional types of referendums, as discussed earlier, whereas the deliberation processes look rather similar under each of these procedural conditions. In any case, a referendum vote takes place, and the main political actors, including government parties, participate in public campaigns on

the issues. In the literature on this dimension of the political process, the problem of the information level and decision-making competence of voters is always prominent (Smith and Tolbert 2004; Kriesi 2005). In addition, many analysts have pointed out that political elites, parties, etc. play a major role in influencing the orientation and behaviour of voters (Budge 1996; Lupia and Johnston 2001; Kriesi 2005). One question is how far voters in a referendum practise authentic issue voting or whether instead they replicate party voting. A second is the extent to which a public referendum campaign can support the provision of information and deliberation opportunities. If voters only follow elite recommendations and party cues, a referendum might become rather meaningless by duplicating positions of representative actors (Budge 1996).

Lawrence LeDuc (Chapter 8) provides a broad account of the dynamics of public opinion development in the course of referendum campaigns, very often leading to a 'no' majority in the referendum vote. LeDuc's list of factors includes second-order effects, anti-establishment rhetoric, party or ideological division, segmentation of issues, changing subjects, turnout and lack of information. LeDuc finds the most volatile referendum campaigns to be those where little partisan, issue or ideological basis is available for voters to form an opinion easily. If subjects are very complex, as in European or Canadian constitutional referendums, and campaign periods are rather short, a lack of information and of opportunities for deliberation may support diverse 'no' motivations. So, negative referendum results may occur more frequently than expected.

Joan Font and Elisa Rodríguez (Chapter 9) analyse two government-initiated referendums in Spain that dealt with similar problems. In the Spanish referendum of 2005 on the EU Constitutional Treaty and the Catalan referendum on the new regional statute of 2006, Font and Rodríguez's question was how the campaigns contributed to a more meaningful vote, and whether they created a rich and intense public debate or, alternatively, basically reproduced the predominance of parties' voices and party considerations. Font and Rodríguez found that party cues are more relevant for less informed citizens, whereas substantive voting is more likely among informed voters. More information on the substance and more interest in following a campaign closely have been possible in a longer and more intense campaign, like the one on the Catalan statute. Longer campaigns seem to contribute more to a deliberative scenario, but not entirely, as second-order considerations may still play a role.

The relation between party orientation and more autonomous trends of opinion formation has also been analysed by Fritz Sager and Marc Bühlmann on the basis of long-term Swiss data. Sager and Bühlmann found significant preference gaps between the electoral party choices of Swiss voters and their issue preferences in referendum voting as related to the parties' issue recommendations. This means that voters have substantial capacity to accept information and recommendations independently of their preferred party, perhaps supported by processes of public deliberation.

Final remarks

We have looked at the relationship between referendums and representative democracy as a process of interaction that includes not only the motivations of governmental, party and civil society actors, but also unintended consequences and structural effects. Different referendum types induce different patterns of interaction: in citizen-initiated procedures, initiatives come from minority parties or civil society groups, whereas in mandatory and government-initiated referendums, core governmental actors start an interaction process between the referendum arena of issue voting and the representative arena. Since effects most likely depend on the frequency of usage, it is also useful to distinguish single or occasional referendum events, and numerous or regular referendum occasions. Single events have only exceptional or short-term effects, while numerous or even regular referendums may lead to cumulative and long-term structural impacts. It is possible to summarize some effects on the basis of the various chapters of this book, particularly the fact that citizen-initiated referendums support responsiveness and, to a certain degree, popular control and accountability. Mandatory referendums can serve as constitutional safeguards, whereas referendums initiated by governmental authorities (ad hoc or pre-regulated) occur only rarely, and clear impact patterns cannot be identified for them. A tendency for frequent 'no' votes may indicate miscalculations on the part of initiating governments but does not necessarily mean that representative democracy is being undermined.

Long-term and structural impacts originate from regular referendums initiated by citizens, and in a very few cases from mandatory referendums. Quite often, these impacts are related to strategic adaptations of political elites, mainly by practising responsive and anticipatory mechanisms and consensus politics. A political culture of public deliberation in referendum campaigns can also develop only in a long-term process. Closely connected, the formation of civic virtues obviously needs recurring opportunities for participation. In these areas, more research is required (e.g. Smith and Tolbert 2004). More general, reciprocal effects of referendum types and different structures of representative systems could also be an interesting subject for future research. A broader analytical approach might also explicitly integrate criteria such as stability, effectiveness or innovative capacities of a democratic system and a more elaborated perspective on democratic qualities on the basis of the principles of political equality and effective participation.

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Index

- abortion referendum 28, 154
abrogative referendums 5–6, 9, 37, 38, 44–6, 48, 51, 120, 213
abstention 182n2
‘abstentionism’ 46
Abts, K. 189
accession bill: Ireland 25–7
accession referendums: Nordic States 79–80, 86–8
accountability: and democratic ideals 7, 68–70; impact of referendums 9–10, 61, 112, 187, 201–2, 216–17; mechanisms of 3–4
ad hoc referendums (optional) 5, 45; *see also* optional referendums
addition motive 99, 102, 103, 112
advisory referendums 12n2, 45, 58
agrarian parties 83, 84, 86
Ahern, Bertie 29, 30, 32
Aho, Esko 87
alienation: from politics 3, 112, 131
American Political Science Review 117
Amsterdam Treaty 29, 79, 89
Anglo-Irish minority 22
Anglo-Irish Treaty 19
anti-establishment rhetoric 155–6; *see also* elite-challenging participation
anti-government voting 171–2
apartisans 127–31
apoliticals 127
Arieli-Horowitz, D. 99
Associative Democracy 64
associative democracy 64, 70
Athenian democracy 1, 189
Australia: constitutional referendums 150; mandatory referendums 6, 209
Austria: accession referendum 88; government-initiated referendums 6; nuclear power issue 110, 124
avoidance motive 99, 102, 103, 104–6, 110, 112
Barak, Ehud 105, 106
Barnes, Samuel 122
Belfast peace agreement (1998) 29, 31
Ben-Gurion, David 107
Binzer, S. 169, 180
bivariate analysis: post-referendum surveys 170–4
Blair, Tony 111
Bloc Québécois 151
Bogdanor, V. 21, 124
Bond Acts 42
Bouchard, Lucien 151
Bowler, S. 132, 170
British electoral system 24
Buch, R. 89
Butler, David 117–18, 124
California: direct democracy 41–4, 118; direct-democratic instruments 39–40, 51–2; majoritarian democracy 36; popular initiative 37
campaign discourse: shift of 157
Canada: Charlottetown Accord 139, 144–6; constitutional reform 110, 139, 143–6, 150, 158, 159; referendums 6
Capitalism, Socialism and Democracy 63
Carlsson, Ingvar 87
Catalan referendum 162–8, 176–9
Catholic Church 28
CDA (Christen Democratisch Appèl, Christian Democrats) 58, 60, 61, 67, 68
Centre Democrats (Denmark) 89
Centre Party (Finland) 87, 90, 91
Centre Party (Norway) 84, 85, 86, 88
Centre Party (Sweden) 88
Charlottetown Accord 139, 144–6

- checks and balances 35, 44, 69, 187, 190, 202
 Chirac, Jacques 147, 148, 154
 Chrétien, Jean 151
 Christen Democratisch Appèl (CDA, Christian Democrats) *see* CDA
 ChristenUnie 62
 Christian Democrats (Denmark) 84, 85, 90
 Christian People's Party (Denmark) 89
 Christian People's Party (Norway) 84, 88, 92
 citizen-initiated referendums 6, 119–20, 211–12; *see also* popular initiatives
 citizenship 1, 3
 CiU 164, 165
 civic virtues 10
 civil servants 68
 civil society 27, 209
 coalition unity 105
 cognitive mobilisation 127, 128
 cognitive partisans 127, 129
 Communists (France) 147
 Communists (Sweden and Finland) 88
 concept: of referendum 119–21
 congruence 188
 Connolly, James 18
 consensus principle 35, 43
 Conservatives (Denmark) 89
 Conservatives (Finland) 91
 Conservatives (Norway) 86
 constitution (1848): Switzerland 48
 constitution (1879): California 42
 constitution (1909): State of Washington 18
 constitution (1922): Ireland 17, 18, 19, 21
 constitution (1937): Ireland 21–2
 constitutional-consensual democratic system 36, 46
 constitutional-majoritarian democratic system 36, 43, 44, 48
 constitutional principle 35
 constitutional referendums 5, 17–18, 22–6, 42, 45, 48, 57, 77, 78, 143–6, 162, 191, 209–11
 constitutional safeguards: referendums as 22–6
 Constitutional Treaty *see* EU
 Constitutional Treaty
 constitutions: adoption by referendums 23–4; amendments 17, 18, 20, 21, 22–4, 25–6, 42, 57; Nordic states 78–9
 contradiction motive 99, 102, 103, 111, 112
 Converse, P.E. 188
 Cosgrave, William 20
 Costello, John A. 25
 cross-cutting cleavages 123–4
 Cumann na nGaedheal 19
 D66 (Democraten 66) 57, 58, 60, 62, 67, 69
 Dahl, R.A. 1, 63–4
 Dalton, Russell 127, 131
 de Gaulle, Charles 86
 de Valera, Éamon 19, 21, 22, 24, 27–8
 dealignment 124
 decision-controlling referendums 4, 5, 190
 decision-promoting referendums 4–5, 190
 deliberation 7–9, 30–1, 112–13, 159, 181–2, 202, 217
 deliberative democracy 2–3, 64–5, 70
 democracy: deliberative theories *see* deliberative democracy; four models of 63–6; normative ideals 1; types of 34–6, 186–91, 199
 Democraten 66 (D66) *see* D66
 demonstrations 122
 Denmark: Christian Democrats 84, 90; constitutional requirements 77; and EU Constitutional Treaty 90; EU membership application 86, 87; euro referendum 119, 142, 150, 152–3; European integration 78–80; government 89; Liberal party 84, 85; Lisbon Treaty 91–2; Maastricht referendums 86, 88–9; Maastricht Treaty 119; mandatory referendums 77, 78, 209; People's Party 90; pro-European opinion 82; referendum types 6; Single European Act 81; Socialist People's Party 90; Unity List 89, 90
 denominational parties 83
 depillarization 57
 devolution referendums 111
 Dicey, Albert 18, 121
 direct action 122
 direct democracy 4, 6, 18, 34–6, 40–1, 186, 190, 201
 direct-democratic instruments: California 39–40, 51–2; compatibility with democratic systems 39–40; gap scores 199; Italy 37, 39–40, 44–6, 51–2; Liechtenstein 46–8, 51–2; and representative system 40–1; Switzerland 48–50, 51–2, 199; types of 36–9
 disengagement plan 104, 106, 107, 108–9
 divorce law 28–9, 157
 divorce referendum 154

- Donovan, Todd 132, 170
 Downs, A. 9
Du contrat social 65
- EC membership: United Kingdom 103
 Economic and Monetary Union (EMU) *see* EMU
 Edinburgh agreement 89
 EEA (European Economic Area) 88
 EEC (European Economic Community) 25, 86–8
 EFTA Surveillance Authority 88
 Eitan, Miki 104
 elections 18, 63, 64, 182
 electoral activity 122, 128
 Electoral Amendment Act (1959) 25
 electoral purposes: of referendums 105–6
 electoral reform: New Zealand 111
 electoral systems 24, 25
 electoral voting 168
 elite-challenging participation 118–19, 120; *see also* anti-establishment rhetoric
 elite consensus: referendums as 26–31
 elite cues 169, 170
 elites *see* political elites
 empowerment motive 106–7, 111
 EMU (Economic and Monetary Union) 78, 80, 88, 89–90, 94, 153
 enlargement, European 30, 149
 environmentalism 123
 ERC 165, 174
 Erlander, Tage 86
 EU Constitutional Treaty 80, 90–1, 139, 159
 EU Constitutional Treaty referendums 58–60, 77, 119, 146–50, 156, 162–8, 176–9
 EU enlargement 30, 149
 EU membership 86–8, 150, 154
 Euro-scepticism 82–6, 93
 European Economic Area (EEA) *see* EEA
 European Economic Community (EEC) *see* EEC
 European integration: government-initiated referendums 215; grassroots–elite clash 118–19; Ireland 29–30; mandatory referendums 210; motives for referendums 80–1; Nordic states 78–80, 92–4; obligatory referendums 77–8; party strategy 82–6
 extra-parliamentary initiation 113–14
- Fabius, Laurent 148, 149
 facultative referendums 37, 38, 42, 44, 46, 48, 50, 52, 121, 213
- fascism 45
 Fianna Fáil 19, 20, 24, 26, 27, 29, 30
 Figgis, Darrell 19
 Fine Gael 26, 27
 Finland: agrarian party 84, 86; Centre Party 87, 91; Conservatives 91; EEC membership 86–8; EU Constitutional Treaty 91; European integration 78–80, 90; Lisbon Treaty 92; pro-European opinion 82; referendums 6; social democrat party 86; Swedish People's Party 91
 France: constitutional change 110; direct democracy 41; empowerment motive 111; EU constitution 119, 147–9; EU enlargement veto 86; Maastricht Treaty 113; plebiscitary referendums 107; referendums 6; sovereignty 110
 Franklin, M. 170
 Freivalds, Laila 91
 frequency: referendums since 1970s 117–19
- Gallagher, M. 4, 5, 124, 190
 Garry, J. 168, 169–70
 Gaza Strip 104, 109
 generational replacement 129
 Golan Heights: withdrawal from 109
 Gotha Programme 121
 government-initiated referendums 110–12, 213–16; *see also* optional referendums (ad hoc)
 government–opposition competition 83–4
 Green Left (GroenLinks) 58, 60, 62, 67, 69
 Green Party (Germany) 124
 Greens (Finland) 90, 91
 Greens (Spain) 165
 Greens (Sweden) 88, 91
 GroenLinks (Green Left) *see* Green Left
 Group Wilders (Partij voor de Vrijheid) *see* Partij voor de Vrijheid
 Gutmann, A. 3
- Hamilton, Howard 117
 Hansen, K.M. 89
 Hearne, John 21
 Herut party 107–8, 108–9
 heuristic considerations 169, 170
 Hirst, Paul 64
 history: of referendums 117–19
 Hobbes, T. 187
 Hobson, J.A. 18
 Hogan, Patrick 17
 Horgan, J.J. 19

- Iceland 88, 94n1
 ICV 165, 174
 ideological division 156–7
 information 140, 142–3, 158, 159, 163, 165–7, 169, 170, 180, 216–17
 Inglehart, Ronald 121
 initiation: of referendums 4–5, 7, 9
 Initiative Constitutional Amendment 42
 institutionalization 81–2, 94
 institutions: revisions of 68, 70
 integration, European *see* European integration
 interest groups 43–4, 49, 50, 211, 212; *see also* special interest groups
International Encyclopaedia of the Social Sciences 117
 International Social Survey Programme 125, 132
 Ireland: constitution (1922) 17, 18, 19, 21; constitution (1937) 21–2; divorce and abortion referendums 154, 157; EU membership application 86; European referendums 29–31, 77; Lisbon Treaty 119, 139–40; mandatory referendums 6, 209, 210; Nice Treaty 150, 154, 158; referendum as instrument of elite consensus 26–31; referendum as people's veto 17–22; referendums as constitutional safeguards 22–6
 Irish Free State 19
 Israel 99, 103–9
 issue-based voting factors 169, 208–9
 Italy: abrogative referendums 120; democratic system 36; direct democracy 41; direct-democratic instruments 37, 39–40, 44–6, 51–2; frequency of referendums 118; referendum abrogativo 6
 IU (United Left) 163

 Joye, D. 192
 Junker, Jean-Claude 150

 Kaase, Max 122
 Kadima party 104
 Karp, Jeffrey A. 132
 Kriesi, H. 170, 188, 191

 Labour (Ireland) 26, 27
 Labour (New Zealand) 111
 Labour Party (Israel) 105
 Labour Party (Norway) 86
 Labour Party (UK) 103
 Lacy, D. 7

 Latvia 6, 213
 LeDuc, L. 99, 118
 Left Party (Sweden) 91
 left–right scale 122, 125
 Legislative Constitutional Amendments 42
 Legislative Initiative Amendment 42
 Legislative Statute Amendment 42
 legitimacy 4, 30, 31, 71, 81, 98, 100, 103, 106, 110, 112, 140, 186, 214
 Lemass, Sean 24
 liberal democracy 63–4, 186, 187–9, 199
 Liberal Party (Norway) 86, 88, 123
 Liberal Party (Quebec) 151
 liberal values 28–9
 Liberals (Denmark) 84, 85, 89
 Liechtenstein: constitutional-consensual democracy 36; direct democracy 6, 41; direct-democratic instruments 39–40, 46–8, 51–2; EEA 88; popular initiative 37
 Lijphart, A. 40, 81
 Likud party 104, 105, 106, 107
 Lisbon Treaty 29, 30, 77, 91–2, 119, 139–40
 List Pim Fortuyn (LPF) *see* LPF
 literature 117–19
 Lithuania 6, 213
 local government 70
 local referendums: Norway 124–5; support for 128–33
 Locke, J. 187
 Lords veto crisis 18
 LPF (List Pim Fortuyn) 57, 60, 67
 Lupia, A. 158
 Luxembourg 150
 Lynch, Jack 25, 26

 Maastricht Treaty referendums 29, 79, 86, 88, 89, 113, 119, 147, 150, 154
 McCubbins, M. 158
 Machiavelli, N. 187
 majoritarian democracy 36
 majority: principle 35; rule 1–2; tyranny of 40, 50
 mandatory referendums 5, 6, 17, 26, 37, 38, 42, 44, 48, 78, 113–14, 191, 208, 209–11, 216
 Maor, M. 81
 Mapai 107–8
 massive participation 64
 Matsusaka, J.G. 203
 media cues 169
 Meech Lake Accord 144
 Meir, Golda 105

- Meretz 104
 Mill, J.S. 10
 minority rights 19, 22, 27, 35, 38
 minority: initiating referendums 111
 mobilisation typology 127–31, 128
 Montesquieu, Charles-Louis 188
 Morel, L. 100, 102, 107, 110, 112
 motives: for referendums 80–1, 92–3, 98, 99–103, 104–9
 Mouffe, C. 189
 Mulroney, Brian 144
 multivariate analysis: post-referendum surveys 174–80
- National Front 147
 National Party 111
 National Religious Party 105
 Netherlands, the: EU constitution 58–60, 119, 149; first referendum 119; introduction of referendums 56–7, 59; national referendums 57–8; parliament 68–9; political parties 60–3
 New Democrats 84
 New Politics approach: emergence 117; and referendum support 208; and surge in referendums 121–7
 New Zealand 6, 111
 Nice Treaty 29, 30, 80, 89, 150
 Niou, E.M. S. 7
 ‘no’ bias: and European treaties referendums 30
 Noonan, A. 25
 Nordic political parties: and Euro-scepticism 82–6; and referendums 81–2
 Nordic states: accession referendums 86–8; EU Constitutional Treaty 90–1; European integration 78–80, 92–4; Lisbon Treaty 91–2; and treaty ratification 88–9
 Northern Ireland: sovereignty 110
 Norway: Centre Party 84, 85, 86, 88; Christian People’s Party 84, 85, 88; Conservatives 86; demand for referendums 124–5; EEA 88; EU membership 86–8, 92, 119; European integration 78–80; Labour Party 86; Liberal party 84, 86, 88; local referendums 124–5; nineteenth century 120–1; party vote 125–7; petitions 122, 123; polarization 93; pro-European opinion 82; Progress Party 84, 85, 88; referendums 6; Socialist People’s Party 86, 88; support for referendums 128–32, 133
- NRC-Handelsblad* 66
 nuclear power issue 110, 124
- O’Higgins, Kevin 19
 O’Rahilly, Alfred 18
 One Israel 105
 opinion formation 1, 140, 142–3, 155, 181–2, 188, 217
 opinion formation model 140, 146
 opinion leaders 66–71, 186
 opinion polls 82, 140
 optional referendums (ad hoc) 5, 42, 47, 100, 113–14; *see also* government-initiated referendums
 Oslo peace agreement 106
 Ostrogorski paradox 7, 201, 204n1
- Palme, Olof 86
 Papadopoulos, Y. 41, 192
 parliamentary accountability 9–10
 ‘parliamentary government’ 18
 Parti Québécois (PQ) 142, 144
 participation 64, 65, 113, 118–19, 120, 121, 122–3
 ‘participation paradox’ 122
 participatory democracy 65–6
 Partij van de Arbeid (PvdA, Labour Party) *see* PvdA
 Partij voor de Dieren (Party for Animals) 62
 Partij voor de Vrijheid (Group Wilders) 61–2
 partisanship 168, 170
 party-based representative democracy 3
 party-controlled referendums 119
 party cues 169, 172–4, 175, 180, 186, 217
 party division 156
 Party for Animals (Partij voor de Dieren) *see* Partij voor de Dieren
 ‘party government’ 18, 19
 party politics 180
 party strategy: and Euro-scepticism 82–6
 party unity 104–5
 Pateman, C. 65
 peace agreements: Israel and Egypt 108; Israel and Syria 105, 106
 People’s Party (Denmark) 90
 People’s Party (Sweden) 84
 people’s vetos: referendums as 17–22; *see also* rejective referendums
 Persson, Göran 90
 petitions 17, 20, 122, 123
 pillarization, era of 56–7
 PLAC 28
 plebiscitary referendums 107

- PNV 164
 polarization 8–10, 21, 22, 29, 93, 152, 167, 181, 210
 policy preference expression 186, 192
Political Action 122
 political competence 121
 political elites: and citizen-initiated referendums 41; and initiative devices 113–14; motives for referendums 98, 99–103; in the Netherlands 56, 57; and voter behaviour 217
 political equality 1
 political issues, new 122
 political leaders: selection 68
 political mobilisation 127, 128
 political participation 64
 political parties: and Euro-scepticism 82–6; left-wing 120–1; and referendums 81–2, 100–3, 209, 211–15; role of 68; Spain 164
 politicians: attitudes of 68
 polyarchy 1, 63–4
 popular initiatives 17–19, 21, 23, 37–9, 43–4, 46–50, 52, 70, 119–21, 191, 211–12, 216; *see also* citizen-initiated referendums
 popular self-government 2, 7, 18
 popular sovereignty 22, 51
 populist-consensual democratic system 36, 48
 populist-majoritarian democratic system 36, 47
 populist parties 81, 83
 populist principle 35
 post-materialism 117, 122, 123
 Powell, G.B. Jr 201
 PP 164, 165, 173, 174
 PQ (Parti Québécois) *see* Parti Québécois
 PR (proportional representation) *see* proportional representation
 predispositions 140, 142–3, 145, 150, 169; *see also* previous attitudes
Preface to Democratic Theory, A 63
 preference aggregation 2
 prejudice 10
 previous attitudes 170–1, 174; *see also* predispositions
 pro-European opinion 82
 Progress Party (Denmark) 89
 Progress Party (Norway) 84, 88, 125–7
 Progressive Democrats 27
 promotion 107
 proportional representation (PR) 19, 24, 107
 protection 108–9
 PSC 165
 PSOE (Socialist Party) *see* Socialist Party (PSOE)
 public choice theory 188
 public debate 69, 163, 164, 165–8, 181–2
 PvdA (Partij van de Arbeid, Labour Party) 57–8, 60, 61, 67, 69
 Quebec sovereignty referendum 142, 150, 151–2, 158
 Qvortrup, M. 29, 100
Raad van State 60
 Radical Liberals 89
 radical type of democracy 186–7, 199
 Ranney, Austin 117–18, 124
 Rasmussen, Anders Fogh 90
 ratification 29, 30, 79, 88
 Raunio, T. 90
 recalls 12n1
 referendum campaigns: Canadian constitutional reform 143–6; comparison 154–8; Denmark euro adoption 152–3; EU Constitutional Treaty 146–50; Quebec sovereignty 151–2; theory 140–3
Referendums around the World 117–18
 referendums: 1986–2006 141; abrogative *see* abrogative referendums; accession 86–8; ad hoc *see* ad hoc referendums; advisory 12n2, 45, 58; arguments for and against 71–2; concept of 4; constitutional 45; as constitutional safeguards 22–6; decision-controlling 4; decision-promoting 4–5; duality of 81; on European integration *see* European integration; facultative *see* facultative referendums; impact on representative democracy 6–10; increased use of since 1970s 117–19; initiation of 4–5; institutional variety 208; institutionalization of 81–2; as instruments of elite consensus 26–31; legitimacy and 4; mandatory *see* mandatory referendums; motives for 80–1, 92–3, 98, 110–12; optional *see* optional referendums; and participatory democracy 70; party-controlled 119; as people's vetos 17–22; rejective *see* rejective referendums; and representative democracy 6–7; simultaneous 7; types of 119–21, 208; voter-controlled 119–20

- Reform Party 145
 regulatory systems 35, 39
 rejective referendums 5–6, 9, 37, 38, 44,
 46, 48, 57–8, 78, 120, 191, 213; *see also*
 people's vetos
 religious issues 27–8
 reparation payments 108
 representative democracy: characteristics
 of 7; and competence 10; and decision-
 making power 3; and direct democracy
 40–1, 186; impact of referendums 6–10,
 201, 207–8; model of 63–4; and opinion
 makers 67–8, 70–1; party-based 3;
 Westminster model 18
 responsibility 7, 10, 28, 68, 70, 102, 112
 responsiveness 7, 31, 44, 49, 186–90, 201,
 214, 216
 Revisionist Party 107
 Richardson, H.S. 3
 Riker, W. 2
 ritual partisans 127, 128, 129
 Rousseau, J.-J. 1, 65
 Rummens S. 189
- Sartori, G. 64, 83
 Scarrow, Susan 118
 Scharpf, Fritz 186
 Schattschneider, E.E. 77
 Schumpeter, J. 2, 63
 Schumpeterian view 2, 3, 113
 Scotland: devolution referendum 111, 150
 SEA (Single European Act) *see* Single
 European Act
 second-order effects 154, 169, 171, 174–5,
 180–1
 secret ballots 9
 segmentation 157
 self-governing associations 64
 self-rule, protection of 93
 SGP (Staatkundig Gereformeerde Partij,
 orthodox Protestant Party) 60, 62
 Sharon, Ariel 106, 107
 Shas party 105
 Shinuy party 104–5, 106
Silent Revolution, The 121
 simultaneous referendums 7
 Sinai Peninsular: withdrawal from 108
 Single European Act 29, 79, 81, 88, 89
 single-issue participation 121, 122–3
 single-member district system 107
 single transferable vote system (STV) 24
Sinn Féin (journal) 18
 Sinn Féin (political party) 18, 19
 Sinnott, R. 30
- Slovenia 6
 Smith, G. 29, 81
 social choice theory 2
 social democrat parties 83, 84, 85, 86
 Social Democrats (Finland) 91
 Social Democrats (Germany) 121
 Social Democrats (Sweden) 81, 87, 89–90,
 91, 156
 social movements 57, 64, 122
 Socialist Left Party (Norway) 123
 Socialist Party (PSOE) 164, 173
 Socialist Party (the Netherlands) *see* SP
 Socialist People's Party (Denmark) 89, 90
 Socialist People's Party (Norway) 86, 88
 Socialists (France) 147
 sociological neo-institutionalism 189–90
 sovereignty 21, 22, 35, 39, 62, 79, 89, 110,
 151–2
 SP (Socialist Party) 58, 60, 61
 Spain: Catalan referendum 162–8, 176–9;
 EU constitution referendum 147, 158,
 162–8, 176–9; NATO referendum 110
 special interest groups 38, 40, 211, 212;
 see also interest groups
 Staatkundig Gereformeerde Partij, orthodox
 Protestant Party (SGP) *see* SGP
 stable preferences 204n1
 State of Washington: constitution (1909)
 18
 Statutory Initiative 42
 substantive voting 170, 171, 180, 217
 supporters: of referendums 128–33
 supranational decision making 3–4
 surveys 124, 125, 159, 163, 167
 Sweden: agrarian party 84, 85, 86; Centre
 Party 88; Communists 88; EEC
 membership 86–8; EMU 88, 89–90, 94;
 EU Constitutional Treaty 91; EU
 membership 88; euro adoption 142, 150;
 European integration 78–80; Greens 88,
 91; Left Party 91; Lisbon Treaty 92;
 New Democrats 84; nuclear power issue
 110, 124; People's Party 84; pro-
 European opinion 82; referendums 6;
 Social Democrats 81, 86, 87, 91
 Swedish People's Party (Finland) 85, 91
 Swiss model 18
 Switzerland: direct democracy 6, 17, 41;
 direct-democratic instruments 39–40,
 48–50, 51–2; forms of control 191;
 frequency of referendums 118;
 mandatory referendums 209; popular
 initiatives 5, 37, 119, 120, 212; populist-
 consensual democracy 36

- Taffe, D. 29
 Temporary Referendum Act 58
 territorial concessions 108–9
 Thompson, D. 3
 Topf, Robert 122
 totalitarianism 64
 transparency 68
 Treaty of Rome 24
 treaty ratification 88–90
 Trudeau, Pierre 144, 145, 151
 True Finns 85, 91
 trust 130–1, 181; lack of 4, 47, 57, 72, 82, 112, 133, 215
 Turkey: membership of EU 149
 turnout 157–8
 types: of referendum 119–21, 208
- UK (United Kingdom) *see* United Kingdom
 Uleri, P. 4, 5, 190
 UMP (Union pour un Mouvement Populaire) *see* Union pour un Mouvement Populaire
 unconventional political action 122
 Union pour un Mouvement Populaire (UMP) 147
 United Kingdom (UK): EC membership 103; EU membership application 86; euro referendum 111; first referendum 119; nineteenth century 120–1; referendums 6
 United Left (IU) *see* IU
 Unity List (Denmark) 89, 90, 92
 Uruguay 6
- US States: direct democracy 6; popular initiatives 119, 120, 211–12
 USA: state-level referendums 118; support for referendums 132
- values: change in 121–2
 van Aartsen, Jozijs 60
 Vatter, A. 39, 191
 Venezuela 6
 vetos: referendums as 17–22, 38–9, 44–6, 52, 103, 109, 158
 volatility 146, 158–9
 Volkspartij voor Vrijheid en Democratie (VVD, Liberal Party) *see* VVD
 voter-controlled referendums 119–20; *see also* popular initiatives
 Voters: behaviour 162, 168–9, 217; competence 72, 121, 127, 203, 21; realignment 123–4
 voting factors 176–9
 VVD (Volkspartij voor Vrijheid en Democratie, Liberal Party) 57, 58, 60, 61, 67
- Wales: devolution referendum 111, 154
 Warren, M.E. 9, 202
 Westminster model 18
 Wiegel's night 58
 women's rights 28
- Yisrael Ba'aliya (Israel) 105
- Zaller, J.R. 140, 142