EU Referendums in Context: What can

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Abstract

The rising number of referendums on EU matters, such as the Brexit and the Catalonian independence votes, highlight the increasing importance of referendums as a problem-solving mechanism in the EU. We argue that the Swiss case provides essential insights into understanding the dynamics behind referendums, which are often lacking when referendums are called for in the EU. Referendums in EU member states on EU matters differ substantially from the in Swiss context. Nevertheless, proponents of more direct democratic decision-making regularly cite the Swiss example. Our systematic analysis of why referendums are called, how they unfold and their resulting effects in the EU and Switzerland reveals that the EU polity lacks the crucial conditions that embed direct democracy within the wider political and institutional system. The comparative perspective offers fundamental insights into the pre-conditions required for direct democracy to function and its limitations in the EU.

1 Introduction

This symposium explores the problem-solving capacities of multilevel systems (Ege 2019; Tosun, de Francesco *et al.* 2019; Trein, Thomann *et al.* 2019). One aspect of this question is the long-standing problem of the European Union's (EU) alleged democratic deficit. An intensely discussed potential cure in political and academic circles is direct democratic policymaking in the form of referendums as national votes ("EU referendums") or as future EU-wide votes (Hobolt 2006, 2009; Mendez, Mendez *et al.* 2014). Direct democracy is popular among citizens across Europe: a vast majority thinks that referendums are important for democracy (European Social Survey Round 6, 2012). Schuck and de Vreese (2015: 159) state that "in general, citizens in Western representative democracies are supportive of referendums as a supplement to a system in which representatives are elected". However, the Brexit referendum in particular raises concerns about the procedural weaknesses of EU referendums. The Brexit referendum represents an extreme case of EU referendum use with respect to expected and actual problem-solving capacity. First, whereas previous EU referendums in other member states treated questions of accession or the EU's institutional development, the Brexit referendum was the first to ask for a reversal of EU integration. Second, unlike any other EU referendum, the Brexit referendum was branded as a "once in a lifetime" decision-making moment.

Despite these unique features, the example begs our central question: can EU referendums improve the democratic quality of the problem-solving process? We explore this question by comparing EU referendums with the institutional framework and practices of direct democracy in Switzerland. The Swiss case offers a useful reference point because especially practitioners often consider it as a role model for direct democracy in the EU (Kriesi 2005; Vatter, Rousselot *et al.* 2018). In addition, Freitag and Rapp (2013: 440) quote the late Stein

Rokkan that "anyone wishing to study the dynamics of European politics should immerse him or herself in the study of Switzerland" as a "microcosm of Europe". We consider Switzerland a good venue to discuss the problem-solving capacity of referendums in the EU: first, due to Switzerland's highly decentralized federalist system that grants similar autonomy to member states as the EU's multilevel governance structure; second, due to its cultural, linguistic, religious and regional diversity.

We define EU referendums as instances of procedural problem solving, as introduced by Maggetti and Trein (this volume). Referendums represent decisions on specific problems. The decision maker is the people, and they collectively produce the decision via the vote. In the EU, referendums often simultaneously address both technical policy-related problems and wider problems of legitimizing the EU (cf. Papadopoulos 2005). Just as in other political systems, referendums may also serve more and different purposes beyond mere policy decisions. The comparative perspective that we adopt contrasts the problem-solving capacity of the EU referendums with Swiss referendums. Thereby, we aim to generate relevant knowledge for administrative and political practitioners who seek to solve the EU's democracy challenges through direct democracy.

We argue that to understand the merits and challenges of direct democracy in the EU, we must consider the specific institutional contexts in which referendums operate. Two institutional differences between EU referendums and referendums in Switzerland stand out when comparing their institutional contexts and the resulting varying effects on actor motivations and voting outcomes. The first obvious difference is that referendums in the EU take place at the lower system level, that is, in a single member state, even though the decisions will often have EU-wide implications. Except for referendums regarding a state's EU membership, all other EU referendums result in the democratic problem that a minority

of citizens in one state can produce outcomes that affect all EU citizens (Auer 2004). Second, in contrast to referendums in Switzerland, EU referendums are not embedded in the EU's representative democratic processes—and often also not in those of the member state. We argue that due to these specificities, EU referendums cannot unfold the same role in problem-solving and integration as Swiss referendums. Instead, the decisively different institutional contexts imply that EU referendums complicate, rather than facilitate, problem-solving by further polarizing and politicizing decision-making. As a result, voters are driven by the politics dimension, such as ideological beliefs and conflicts, rather than considerations about the policy issues at hand. The EU's institutional context is not able to accommodate the possible adverse policy consequences of popular decisions in the same way the Swiss polity does. Hence, while politicization can render policy decisions more democratically legitimate, the institutional context appears to be counterproductive in the EU.

Our argument builds on existing research that emphasizes the need to analyze EU referendums in light of "theoretical and empirical work on referendums in national domestic contexts" (Hug 2002: 4; see also Schneider and Weitsman 1996) and pledges to consider individual behavioral patterns and comparative institutional aspects (Hug and Sciarini 2000). In this vein, our contribution is twofold. First, while earlier studies predominantly limit their analyses to single-case referendums, we use a comparative perspective and contrast the EU and Swiss cases at the system level. This allows us to go beyond single cases and to investigate the conditions under which referendums can unfold a problem-solving capacity. Second, we extend the perspective of previous research to include the recent round of referendums that took place in a more EU-skeptic environment. This demonstrates that even though we observe an increase in populist politics in both the EU and Switzerland, the problem-solving and polarizing effects of referendums differ substantively. Due to

fundamental differences in their institutional and administrative conditions, it is ill founded to reference Swiss direct democracy when calling for more referendums in the EU. The comparison reveals that the conditions under which referendums operate in multilevel systems determine the consequences that referendums trigger for policies, politics, and the polities. Our goal is to put the quickly growing research agenda on EU referendums back on track at this moment of rising demands for more citizen participation.

2 Institutional Embeddedness of Referendums as Defining Feature

This section offers a brief simplified sketch of the institutional embeddedness of referendums and their related dynamics in Switzerland and the EU. While the wider political system embeds referendums in Switzerland into "regular" policymaking, political representation, and governance institutions, these linkages are absent in the EU. Additionally, Swiss referendums serve as an important trigger for cooperative and consensual decision-making that integrates different interests. It is this integrative momentum that proponents of EU referendums aim to achieve. However, referendums play a very different role in the two political systems.

Switzerland is one of only a few countries that regularly applies direct democratic instruments . Referendums form an integral part of the political-institutional system. At the national level, Swiss citizens are normally asked to the ballot four times a year on very different policy and constitutional issues. However, unlike the popular understanding of Swiss direct democracy as "rule by the voice of the people", Switzerland is a semi-direct democratic system founded on a clear division of labor. Most decisions ultimately depend on three interacting institutions: the people as the sovereign, the parliament as the law-making body, and the government as the executive. The sovereign has the final say in the most

important decisions, namely changes to the constitution. The parliament decides on laws for matters deemed important. The government has authority at the level of ordinances (Sager, Ingold *et al.* 2017; Linder 2012). Hence, direct democracy is an element of the Swiss consensus democracy and is strongly embedded in the checks and balances of (pre-)parliamentary and governmental processes, as well as regional implementation procedures (Vatter, Rousselot *et al.* 2018). The Swiss administration plays a central role in buffering the ramifications of direct democratic votes, especially during policy implementation.

In contrast, EU referendums remain fully detached from other democratic legitimization mechanisms at the EU-level. Current EU treaties do not offer a basis for uniform EU-wide referendums. EU issues can therefore only be subject to national referendums. This means that it is predominantly only national actors who communicate and campaign in a limited state-context. The state-specific democratic purposes for holding a referendum vary widely. While the Irish constitutional court established a mandatory referendum on all EU-decisions that would change the Irish constitution, referendums on EU matters remain optional in the other member states, or are even prohibited, as in the case of Germany. The vast majority of EU referendums are therefore mere plebiscites that the political leadership of a state summons voluntarily in a top-down manner (Vatter 2000), or, in rare cases, through citizen initiatives. The function of EU referendums, as a strategic instrument that belongs to national political elites, contrasts with the Swiss system. In Switzerland, either the constitution prescribes referendums or they are bottom-up affairs initiated by popular initiatives or facultative referendums.

This lack of institutional embeddedness of EU referendums has far-reaching consequences. First, EU referendums are actually national referendums on EU-related issues. This is similar to the United States of America (US) where referendums are also only possible at the state

level. In the US system, people can only vote on state matters (e.g. state legislation on marijuana, minimum wage, gun laws, or health care). Conversely, EU-referendums affect supranational issues. This means that the electorate of one EU state can produce outcomes that may impact on the citizens of all EU member states, even those not involved in the vote (Auer 2004: 580). EU referendums thus fundamentally contradict the democratic principle that all affected parties should participate in a decision (Dahl 1970: 64; Goodin 2007). Second, EU referendums in member states often lack consistent linkages to the standard representative political process. Given that political communication and legitimization remains predominantly national, the EU lacks an overarching political discourse between all affected parties. Moreover, as implementation lies in the hands of the national public administration of each member state, which implies an even greater "nationalization" of referendums, despite their EU-wide effects.

In sum, whereas the Swiss case is commonly often cited as a role model for the use of direct democratic instruments, this attribution neglects the crucial institutional embeddedness of these instruments and their related dynamics. Accordingly, EU referendums may produce substantially different effects than those observable in Switzerland. The next sections elaborate on how the initiation of referendums and voting behavior differ in the two cases and how this affects the potential of referendums as a remedy to the democratic deficit.[1]

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[1] We argue that these differences in the institutional embeddedness are crucial for evaluating and discussing the potential effects of referendums. Conversely, we do not differentiate between different types of referendums, e.g., whether the referendum initiated is top-down or bottom-up, whether it is binding or not, etc. (e.g. Vatter 2000, 2014). Different types of referendums exist in EU member states and in Switzerland. However, we do not seek to analyze or to recommend a specific type of referendum. Instead, we concentrate on the more fundamental question of how referendums interact with the representative democratic system *at the system level,*.

3 Intended and Unintended Effects of Referendums

EU research offers various explanations for political elites – mostly voluntary and top-down – decision to conduct EU referendums (for an overview see Hobolt 2006: 157).[2] Overall, "the pattern of referendums on EU treaties is explained by a combination of domestic-level political factors – electoral pressure over European integration, legal obligations to hold referendums and domestic institutional veto players – and differences between EU treaties" (Prosser 2014: 15; also Oppermann 2013b; Trechsel 2010). Furthermore, research shows diffusion of referendum practices and domino effects across states (Jahn and Storsved 1995) and few patterns of path dependency (Wimmel 2014). Interestingly, the literature provides the same explanations regarding governments' reasons for *not* holding EU referendums (Closa 2007: 1327). Preempting referendums became an overreaching governmental objective after the negative referendum outcomes on the Constitutional Treaty in 2005 (Oppermann 2013a). Even though these studies come to overlapping conclusions, they neither provide a consistent explanation for why states use referendums, nor for the policymaking implications of these referendums. Juxtaposing EU-focused research with insights into the motives behind and the implications of referendums in the Swiss case reveals significant mechanisms that contextualize the findings on the EU.

Motivations Driving the Call for Referendums—Intended Effects

EU research remains inconclusive on the motives behind holding a referendum. Conversely,

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[2] With regard to *citizens'* support of EU-related referendums, research contrasts the cognitive mobilization of political dissatisfaction in the EU (Schuck and de Vreese 2015) with voters' dissatisfaction with the performance of respective government (Rose and Borza 2013).

research on Swiss direct democracy more systematically demonstrates that different actors invoke referendums for very different purposes, with actual policy decision only being one of them (e.g. Linder 2010, 2012; Vatter 2014). First, referendums can induce a *direct effect* (Linder 2010: pp. 103). Direct effects include the introduction of a new law or policy in the case of a yes-vote. However, they may also include the stabilization of the status quo if a proposal is rejected (Stadelmann-Steffen 2011; Tsebelis 1999). Second, popular votes, especially those stemming from the bottom-up, can also invoke more implicit, *indirect effects*, like placing new issues on the political agenda or broadening what was perceived as politically imaginable (Linder 2012: pp. 288). Third, direct democratic instruments can serve as an *electoral campaign element.* By proposing a popular initiative or calling for a referendum, a party can distinguish itself and its positions from other parties and/or attract (media) attention (Linder 2012: 289).

This plurality of motivations for holding referendums raises questions about the hidden motives of actors in EU member states (on the constitutional treaty see e.g. Crum 2007). Insights into Swiss motivation patterns behind holding referendums should prevent researchers from wrongly assuming that EU political elites solely invoke referendums for EU-generic reasons. Instead, researchers should consider that multiple direct and indirect motivations are at work when political elites call for EU referendums (see also Morel 2001 for similar arguments regarding consolidated democracies more generally; Rahat 2009). In EU countries, regular representative policymaking processes can be employed fruitfully for direct effects. In contrast, referendums initiated by political elites are more likely to serve, at least implicitly, an electoral campaign purpose. The decisive difference between Swiss and EU referendums is that political elites who initiate EU referendums compete in closed national electoral campaigns but not EU-wide ones. Similarly, while EU political elites may

intentionally seek to create the indirect effects of placing new issues on the political agenda or broadening what was perceived as politically imaginable, the practical/actual effects resulting from referendums are likely to have a different outcome than in Switzerland because of the difference in system level (national versus EU-wide).

Direct Democracy as a Legitimacy-enhancing Mechanism – Unintended and Intended Effects

It is commonly expected that referendums quasi automatically increase legitimacy, by enhancing the acceptance of the polity through the procedural inclusion of citizens in decision-making, and by enhancing the acceptance of concrete policy decisions that citizens help to co-determine. These two expectations are based on two assumptions about direct democracy. The first assumption is that policy outcomes in a direct-democratic setting are closer to the median voter's preferences (see also Stutzer and Frey 2010) and hence increase policy congruence between the political elite and citizens, particularly when their preferences deviate (Leemann and Wasserfallen 2016). The second assumption is that direct citizen participation promotes the perception of procedural fairness (Stutzer and Frey 2010; Dorn, Fischer *et al.* 2008), ergo the mere possibility to directly participate makes outcomes more acceptable (Bellamy 2018). However, empirical research on more long-standing direct democracies challenges these automatic positive effects (Bühlmann and Sager 2009; Stadelmann-Steffen and Vatter 2012; Trechsel 2010). Moreover, several studies emphasize that direct democracy effects do not materialize in a vacuum but are contingent on and interact with elements of representative democracy, e.g., the role of parties and the political elite (Fatke 2014; Trechsel and Sciarini 1998) or participation and elections (Peters 2016; Freitag and Stadelmann-Steffen 2010). This latter argument also demonstrates that direct democracy is not, in reality, something opposed to or separated from representative

democracy. Instead, direct democracy operates within representative democratic systems, meaning that its consequences depend on the characteristics of the representative democracy.

The Swiss case reveals that direct democratic processes in themselves are not what establish the success of the Swiss half-direct democracy. Instead, what matters is the balance between the direct representation of the people and the representation of federal elements (the cantons). Since 1874, ballot decisions on all popular initiatives must receive the majority of popular votes *and* a majority in at least half of the cantons (Vatter 2014: 403 following). More generally, direct democracy is tightly linked with a consensual decision-making process. This "special conflict resolution model" serves to avoid "the threat of a referendum that hangs like the sword of Damocles over every decision-making process" (Varone 2007: 298; Sager and Zollinger 2011) and helps to integrate a variety of actors and interests into the decision-making process. In addition, a direct-democratic decision is never the final policymaking step in Switzerland. Various actors at different steps of the policymaking process represent politicized interests in policy decisions – beyond the "tyranny of the majority" that characterizes popular votes (Vatter 2000).

At the Swiss federal level, the federal political-administrative nexus transforms the constitutional changes demanded by successful popular initiatives into implementable law (Vatter, Rousselot *et al.* 2018). Moreover, Swiss cantons enjoy major organizational and substantial discretion when implementing centrally-decided policy decisions (Thomann and Sager 2018). Indeed, while cantonal interests play a minor role in the policymaking process at the federal level, they are crucial for the implementation of decisions (Vatter, Rousselot *et al.* 2018). Difficult decisions can thus be adjusted to political realities during implementation. In essence, in the Swiss case, direct democratic instruments link to other mechanisms in the

political system in order to provide the opportunity to correct for decisions that cannot be implemented and to adjust them to political reality. As Vatter et al. highlight, "the process of policy change does not simply 'end' with (…) voter approval of a referendum or initiative. (…) If popular decisions are not or only partially implemented, policy change due to direct democracy occurs far less often than research hitherto suggested. As a side-effect, implementation deficits potentially also have an impact both on citizen attitudes towards democracy and on (future) voting behavior" (Vatter, Rousselot *et al.* 2018: 8-9).

In the EU, referendums typically occur in the different institutional and politico-cultural contexts of a single member state. Referendums are therefore not embedded in the larger EU polity, even if they focus on EU-matters and are likely to have EU-wide implications. In addition, as member states initiate the referendums, they also have to directly respond their outcomes and lack instruments to correct, pre-empt or revise decisions. In consequence, despite the overall similarities that drive EU-Swiss comparisons, regarding the legitimacy-enhancing effect of direct democracy the US case offers a more suited comparative case. In contrast to Switzerland, but similar to the EU, in the US direct democracy only occurs at the state level. Studies show that direct democratic rights in the US have not led to power-sharing (Gross and Kaufmann 2003: 3). Direct democracy actually "gets around" the legislature. By building a parallel, independent way of policymaking, direct democracy may thereby exacerbate the problems of representation that are inherent to majoritarian democracies. Bowler et al. (2007) find that citizens in the US are much less supportive of direct democratic instruments than in Switzerland.

Given that there is a similarly lacking systemic embeddedness of referendums in the overall EU polity, this contrasting effect in the US is likely to reflect mechanisms that are also at work in the EU. The fact that EU referendums are rare events in many countries amplifies

the de-legitimizing effect. These studies thus offer strong indications that EU referendums are much more likely to produce the adverse effects that occur in the US, rather than the more desirable effects as in Switzerland. Prime Minister Cameron exemplified this when he branded the Brexit vote as a "once in a lifetime" experience. This exceptionality, which separates popular votes from standard representative democratic mechanisms, may hinder a legitimacy-enhancing effect. Citizens lack the experience of becoming informed and deciding on referendum decisions, and as a result, there is a high uncertainty about what the government will do with the result. This exceptionality also renders citizens' perceptions of the positive legitimacy-enhancing effect of direct democracy less likely.

Our analysis also suggests that the specific nature of EU referendums affect voter behavior. This conclusion leads us to next section on how EU referendum research can benefit from Swiss-centered research on voting behavior in referendums.

4 Voting in Referendums

How does the use of direct-democratic decision-making affect the outcomes of political processes? As the Brexit-vote highlights, highly polarized referendums limit the validity of prediction models (Qvortrup 2016; Vasilopoulou 2016; but also Glencross 2015). Given the uncertainty of referendum outcomes, policymakers may wish to increase their predictability in order to anticipate citizens' decisions.

In order to provide a background for understanding and predicting referendum outcomes, we summarize the main explanations posited in the literature on EU referendums. While the literature on the role of information, campaigning and deliberation suggests that voting outcomes are essentially determined by the issue positions of the electorate (issue-voting

perspective) (Hobolt and Brouard 2011; de Vreese 2007), comparative EU research on the Maastricht referendums challenged this view in the early 1990s (Franklin, Marsh *et al.* 1994; Franklin, van der Eijk *et al.* 1995). These studies "spurred a still-ongoing debate between two competing approaches to voting behaviour in EU referendums: the 'attitude' school and the 'second-order election' school" (Hobolt 2006: 154-55; see controversy between Franklin 2002; and Svensson 2002). The second-order explanation holds that EU referendums decide on national matters and are thus a plebiscite on the performance of national governments, with potential effects on states' EU bargaining power (Hodson and Maher 2014; also Hobolt 2006: 160).

Empirically, most studies support the issue-voting perspective (Garry, Marsh *et al.* 2005), i.e., that "how voters understood the EU polity, in particular whether membership is beneficial to one's own country, was a crucial factor in all the referendums" (Glencross and Trechsel 2011: 755; similar findings focusing on campaigns and discourse Seidendorf 2010; de Vreese and Boomgaarden 2005). In addition, strategic behavior of governing and opposition parties (Crum 2007), party cues combined with issues (Marsh 2015), and emotional voting (Garry 2014) explain referendum outcomes. Finally, the combined effects of socio-economic reasons, Eurosceptic sentiments and the role of political and governmental elites have moved to the forefront of the academic debate (Startin and Krouwel 2013; Font 2008 similarly stressing the pro/contra position of governmental elites).

We argue that research on direct democratic votes more generally can provide the EU literature with more "traditional" approaches that help to better explain and empirically examine citizens' vote decisions in referendums, and thus referendum outcomes (Hug 2002). For example, as in EU research, Swiss research on direct democratic votes focuses on the role of campaigns and issues (Sciarini and Tresch 2011; Steenbergen 2010; Selb, Kriesi *et al.*

2009; Brady and Johnston 2006; Marquis 2006; Lachat and Sciarini 2002; Lachat 2000). These studies reveal more ambivalent and nuanced results than most EU research. While campaigns may matter in some contexts and for some groups of voters, party affiliation outweighs campaign effects in many situations (Sciarini and Tresch 2011). Voters may rely on heuristics when confronted with complex questions, (Milic, Rousselot *et al.* 2014: 24 following). Kriesi (2005: 138) identifies three heuristics. First, the status quo heuristic, whereby citizens vote "no" and prefer the known status quo to an unclear future. Second, according to the trust heuristic citizens decide in accordance with the government. Third, according to the "quintessential" shortcut or the partisan heuristic, citizens follow the recommendation of the party to which she/he feels closest. This research offers analytical categories for the contingency of campaign effects and highlights interaction effects with party positions; issues that are thus far understudied in EU referendum research. By unveiling the complexity behind voters' decisions, this research suggests a high likelihood that direct-democracy may produce unintended (political) outcomes.

The Brexit decision has fueled concerns about another crucial issue in referendum voting, namely the role of informed and uninformed decision-making. Recent research on citizens' decision-making takes up this issue for direct democratic campaigns (Colombo 2016; Colombo and Kriesi 2017) and regarding the use of scientific evidence as political argument in direct-democratic campaigns (Schlaufer 2016; Stucki 2016a). Stucki (2016a) shows that the use of evidence in referendums can increase the focus of campaigns on policy solutions, while counteracting normative considerations and arguments about politics. Moreover, Schlaufer (2016) demonstrates that using evidence fosters the deliberative quality of campaigns. Direct-democratic campaigns can also serve as an entry point for evidence-based arguments, if the experts take an active role in the respective debates (Stucki 2016b).

Similarly, scholars repeatedly argue that particularly in the US context voters associate direct democratic processes with greater political information, knowledge, and voter interest (Donovan, Tolbert *et al.* 2009; Smith and Tolbert 2004). However, these studies also reveal that the overall share of evidence-based arguments in referendum campaigns is extremely low (Schlaufer, Stucki *et al.* 2018) and that the share of voters who are actually able to justify their decision is small (Colombo 2016). Moreover, this share does not dramatically increase when governments provide information. It is not possible to ignore tendencies of motivated reasoning (Taber and Lodge 2006) and biased information processing (Colombo and Kriesi 2017). These dynamics may be particularly relevant in politicized, once in a lifetime referendums, as EU referendums often are.

In addition to evidence, pre-polls play an important role in shaping discourses and expectations prior to a vote. Analyzing public opinion in direct-democratic debates through a more methodological perspective offers valuable insights into the challenges and potential strategies that increase the predictability of referendum outcomes. Predicting public opinion and referendum outcomes is a challenging and error-prone task. The Brexit vote is the most recent and prominent illustration: public opinion polls predicted a tight race with the remain-side in front. Similarly, pre-poll surveys came under fire in Switzerland after the vote on the initiative "against the construction of minarets" in 2009. Despite pre-poll predictions, 57.5 percent of the voters and a clear majority of the cantons accepted the proposal on the ballot. These two examples raise serious questions about the methodological accuracy and reliability of pre-polls.

In the context of Swiss direct democracy, researchers have recently proposed several solutions for handling these challenges and for improving the quality of the analyses and their interpretations. Based on an analysis of 184 Swiss referendums between 1987 and

2007, Funk (2016) concludes that "surveys are inaccurate for topics on international integration, immigration, gender equality, and votes involving a liberal attitude" (ibid.: 449; see also Morris 2011; Powell 2013) since individuals do not reveal their actual preferences for politically incorrect views in surveys. Sciarini and Goldberg (2016) show that the biased composition of the survey sample is an important source of biased survey results. However, this is not easy to correct because of well-known demographic and socio-economic stratifications. In this vein, Leemann and Wasserfallen (2016) develop novel weighting procedures that reveal valid predictions of voting outcomes based on non-representative samples. Moreover, experimental approaches promise more valid insights into public opinion. Researchers apply choice experiments to consider the different trade-offs that are inherent in many ballot proposals (Häusermann, Kurer *et al.* 2016; Stadelmann-Steffen and Dermont 2018). Providing survey respondents with the specific proposal on the ballot and with randomly varied alternatives allows analytically to identify the crucial aspects or arguments that determine voter behavior. These approaches may eventually help to mediate the social desirability bias (Hainmueller, Hopkins *et al.* 2014: 3), which scholars generally consider to be of particular relevance in EU referendums.

These methodological issues of pre-poll surveys and their analysis is more than just a scientific discussion. Given the high visibility of pre-polls in today's media environment, their potential influence on the campaign and eventually even on voting behaviour, improving the quality of pre-polls is relevant for the quality of the democratic process. Hence, we argue that these methodological insights and experiences should be considered when polling before and after EU referendums. Due to the high levels of polarization and the exceptionality of referendums, polls on EU referendums may be particularly error-prone. Additionally, a better understanding of how campaigns in EU referendums "work" is crucial

from a practitioner's point of view. For policymakers, these insights can help to organize and steer campaigns in a way that increases citizens' level of information about both the issue at stake and the direct-democratic decision process. Eventually, this would increase the democratic quality of the voting process and its outcomes.

5 The Impacts of Referendums – Implications for Policy, Politics, and Polity

We conclude by scrutinizing the more general impacts of referendums on the policies that are put to the vote, on politics and on the polity in general. Reviewing these three spheres directs our attention to the core link between direct and representative democracy in a more generalized way. Table 1 summarizes our main conclusions regarding scope conditions for the problem-solving capacity of referendums in the EU and Swiss contexts (Trein, Thomann *et al.* 2019). It is important to note that in the empirical "reality" systems may combine conducive as well as hindering conditions. For example, one could question whether in Switzerland the debate and campaign is of high quality. Moreover, the country is not immune against unintended effects of direct democratic decisions, and there have been ballot decisions that rested on ideological divides rather than on the issue at such. Thus, whereas Switzerland serves as an illustrative example for advantageous conditions in which problem-solving capacity through direct democracy might be given, day-to-day practice do not always meet these ideal conditions.

Table 1 about here

Despite these inevitable "real-life" limitations that remain a significant feature of direct democracy in practice, the table reveals more systematic differences between the two situations. The two dimensions of the formal institutional set-up and informal practices stick out as most significant for referendums to unfold a legitimacy-enhancing effect. Based on this summary, we can draw further conclusions on how referendums affects the policies, politics and overall polities under specific scope conditions.

First, referendums clearly impact *policies*. Referendums are an instrument of opposition held by the sovereign, which limits the influence of the legislature and the executive. Since referendums require organizational, financial, and political resources, this instrument is not as easily available to anybody as it seems. Instead, well-organized groups, such as vested interests, parties, and businesses have an advantage. This *access bias* influences the selection of policy issues that surface in referendums. In addition, in a semi-direct-democratic system such as Switzerland, the democratic checks and balances imply a *status quo bias* toward existing policies. The effect is very similar to what Hacker and Pierson (2014) describe as "policy as prize": interest groups are much more interested in the long-term returns of policy decisions than in the political influence gained through representation in legislative and executive processes.

Direct democracy must thus not be confused with democratic politics. Instead, direct democracy must be understood as a form of governance that is prone to the same limitations of a purely electoral democracy, as Orren and Skowronek (2017) criticize in their book, *The Policy State*. Representative systems are less volatile than election promises are, and policy change is much harder to achieve than new majorities in the executive tend to suggest. In the policy state, rather than acting as a means of translating the pure popular will into politically binding decisions, referendums reveal the influence of policy-specific

interests in a transparent way. This perspective explains how referendums can be understood as a feature of the "policy state". For referendum votes to really focus on the policy content, a complex set of institutional and motivational pre-conditions need to be met. The national votes on EU-wide concerns in the EU are particularly ill-equipped to meet these conditions.

Second, in addition to being policy-decisions, referendums heavily impact *politics*. Direct democracy typically evokes the expectation that the political process and its outcome will have greater quality, legitimacy and acceptance. However, the legitimacy-enhancing effects of direct democracy only materialize under specific circumstances. Our findings hint at a dilemma that has significant implications for EU referendums. In contrast to Switzerland, which is often referred to as a role model that benefits from the positive impacts of direct democracy, EU referendums lack institutional embeddedness at the EU-level. Additionally, and especially if they are one-shot events, they also lack linkages with the state-level (representative) political system. This disconnect increases the uncertainty regarding the outcome and consequences of these votes. It also renders the EU context fundamentally different from the Swiss context and much more similar to the US example of restricted state-level referendums. As such a context decreases alignment effects and increases the overall politicization of the polity as such, it undermines the legitimacy of decision-making rather than enhancing it.

We therefore conclude that EU referendums are unlikely to have legitimacy-enhancing effects. EU referendums produce politics rather than more legitimate policy-decisions. As such, they are likely to enhance the polarization and the politicization of support for the EU – at the expense of the issue-focused purpose of referendums.[3] In contrast, in Swiss

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[3] This contrasts Papadopoulos' (2005) conclusion that *EU-wide referendums* could be modeled on the Swiss

consensual decision-making, double majority requirements and extensive implementation processes generally buffer this effect. However, and in an interesting parallel to EU member states, we observe that in Switzerland certain EU-related votes are also increasingly politicized and polarized, in particular by right-wing populist parties that mobilize voters based on anti-EU and anti-migration sentiments.

The dialectic of EU referendums is that while they ought to improve the democratic quality of EU decision-making, they actually may have the opposite effect. This is true of both national referendums on EU matters and hypothetical EU-wide referendums. Both forms of EU referendums (at the national or the EU-level) lack the institutional and administrative embeddedness that link direct and representative decision-making. Even though referendums may be embedded in a purely national context,[4] national referendum decisions can only be attained at the expense of a EU-wide legitimizing and/or a EU-wide problem-solving effect because the scope and effect of decisions would otherwise remain purely national. If embedded and institutionalized in national standard procedures, EU related referendums could enhance the democratic legitimacy of EU-related decisions in a respective state – but the effect would be limited to the context in which the referendums are embedded and would not necessarily apply to the entire EU.

 Moreover, direct democratic instruments may raise the question of who the constitutionally designated sovereign is and who decides on the (dis)integration of the multilevel system (Bellamy 2018). In the national context, this has become apparent in the legal quarrel on

example in order to increase their political legitimacy and accountability.

[4] Ireland does have institutionalized mandatory national referendums. Nevertheless, we argue that while this institutionalized process may have a legitimizing effect *at the national level*, it still lacks institutional embeddedness at the EU-level.

whether the Brexit referendum is binding without a vote in Parliament. We repeatedly observe similar bewilderment when rejected ballot proposals are recast into a second referendum, as with the Dutch referendum on the EU Constitutional Treaty, or the Irish Maastricht and Amsterdam referendums. This implies that under the EU's current institutional context, practitioners who want to enhance the EU's legitimacy should not invoke national referendums or strive for EU-wide referendums without a full-fledged institutional reform that ensures that referendums are embedded into EU-representative democratic procedures. Short of this, both EU-wide and national EU referendums are likely to undermine, rather than to promote, the intended democracy-enhancing effect. For the EU, in which implementation is a member state responsibility, this option simply does not exist across 28 states.

Finally, referendums can impact *polity*. Explicit constituent referendums play a fundamental role in EU research, especially since the 2005 referendums on the Constitutional Treaty, which marked a major break in EU integration (Dehousse 2006: 301) and a substantial shift in EU politicization (Hooghe and Marks 2009). Even when seemingly non-constituent issues are put to a popular vote, they almost inevitably affect the polity dimension when they involve a shift of sovereignty from the national level to the EU-level or vice-versa. The Hungarian referendum on EU migration policy is a clear illustration of this. In asking voters if they supported "the European Union to be able to mandate the resettlement of non-Hungarian citizens into Hungary even without the approval of the National Assembly" (October 2, 2016), the referendum fundamentally broke with EU treaties that deem majority decisions in the EU Council to be binding for all member states. In fact, in the Swiss context, direct democratic decisions that go against international treaties and obligations are also repeatedly put on the political agenda. The dilemma lies in the presence of several and

contradictory democratic decisions that often have a constitutional or internationally binding character. The Swiss case aptly demonstrates the difficulty of designing stringent rules of the game that deal with such contradictions – even in a context in which direct democracy is a fundamental element of the political system and culture. In these situations, the ultimate decision is often left to judges or protracted during implementation. While this can be seen as one form of procedural problem-solving in a direct democratic context, it may not appeal to traditional notions of democratic legitimacy.

To conclude, this contribution demonstrates that scholars and practitioners must neither scientifically nor politically consider direct democracy as a simple fix for democratic deficits. Direct democracy not only entails far-reaching consequences beyond actual policy decisions. The direct-democratic integration of citizens into the decision-making process also involves trade-offs, including the possibility of decisions that contradict existing institutions. Additionally, direct democracy itself is also generally prone to populism. We highlight conditions that make direct democratic instruments work. Direct democracy is not just an add-on to parliamentary democracy. To enhance democratic legitimacy, it needs to be carefully crafted as part of representative democracies. While this is an important insight for political actors eager to call for more direct democracy, it is equally relevant for researchers. Only by considering the contextual dependencies and trade-offs caused by EU referendums and by testing expectations and approaches in different direct-democratic contexts can we improve our knowledge on how direct democracy actually works in the EU – and beyond.

References

Auer, A. (2004) 'Referenden und europäische Öffentlichkeit: Nationale Volksabstimmungen über die Verfassung für Europa: Erfahrungen, Rechtsgrundlagen, Perspektiven'. *Zeitschrift für Staats- und Europawissenschaften* Vol. 2: 4, pp. 580-96.

Bellamy, R. (2018) 'Was the Brexit referendum legitimate, and would a second one be so?'. *European Political Science (2018): .* Forthcoming, online at. (Accessed on: 6 June 2018).

Bowler, S., Donovan, T. and Karp, J. A. (2007) 'Enraged or Engaged? Preferences for Direct Citizen Participation in Affluent Democracies'. *Political Research Quarterly* Vol. 60: 3, pp. 351-62.

Brady, H. E. and Johnston, R. (2006) *Capturing Campaign Effects* (Ann Arbor: University of Michigan Press).

Bühlmann, M. and Sager, F. (2009) 'Checks and Balances in Direct Democracy'. In: Setälä, M. and Schiller, T. (eds.) *Referendums and Representative Democracy* (London / New York: Routledge), pp. 186-206.

Closa, C. (2007) 'Why Convene Referendums? Explaining Choices in EU Constitutional Politics'. *Journal of European Public Policy* Vol. 14: 8, pp. 1311-32.

Colombo, C. (2016) 'Justifications and Citizen Competence in Direct Democracy: A Multilevel Analysis'. *British Journal of Political Science* Vol. doi:10.1017/S0007123416000090, pp. 1-20.

Colombo, C. l. and Kriesi, H. (2017) 'Party, Policy – or Both? Partisan-biased Processing of Policy Arguments in Direct Democracy'. *Journal of Elections, Public Opinion and Parties* Vol. 27: 3, pp. 235-53.

Crum, B. (2007) 'Party Stances in the Referendums on the EU Constitution: Causes and Consequences of Competition and Collusion'. *European Union Politics* Vol. 8: 1, pp. 61-82.

Dahl, R. A. (1970) *After the Revolution? Authority in a Good Society* (New Haven: Yale University Press).

de Vreese, C. H. (2007) *The Dynamics of Referendum Campaigns in International Perspective* (London: Palgrave).

de Vreese, C. H. and Boomgaarden, H. G. (2005) 'Projecting EU Referendums: Fear of Immigration and Support for European Integration'. *European Union Politics* Vol. 6: 1, pp. 59-82.

Dehousse, R. (2006) 'The Unmaking of a Constitution: Lessons from the European Referenda'. *Constellations* Vol. 13: 2, pp. 151-64.

Donovan, T., Tolbert, C. J. and Smith, D. A. (2009) 'Political Engagement, Mobilization, and Direct Democracy'. *Public Opinion Quarterly* Vol. 73: 1, pp. 98-118.

Dorn, D., Fischer, J. A. V., Kirchgässner, G. and Sousa-Poza, A. (2008) 'Direct democracy and Life Satisfaction Revisited: New Evidence for Switzerland'. *Journal of Happiness Studies* Vol. 9: 2, pp. 227-55.

Ege, J. (2019) 'Learning from the Commission Case: The Comparative Study of Management Change in International Public Administrations'. *Public Administration* Vol. Forthcoming.

Fatke, M. (2014) 'Allure or Alternative? Direct Democracy and Party Identification'. *Party Politics* Vol. 20: 2, pp. 248–60.

Font, N. (2008) 'The Domestic Politics of the EU in the Constitutional Treaty Referendums'.

Perspectives on European Politics and Society Vol. 9: 3, pp. 301-15.

Franklin, M., Marsh, M. and McLaren, L. (1994) 'Uncorking the bottle: popular opposition to European unification in the wake of Maastricht'. *Journal of Common Market Studies* Vol. 32: 4, pp. 455-72.

Franklin, M., van der Eijk, C. and Marsh, M. (1995) 'Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht'. *West European Politics* Vol. 18: 3, pp. 101-17.

Franklin, M. N. (2002) 'Learning from the Danish Case: A Comment on Palle Svensson's Critique of the Franklin Thesis'. *European Journal of Political Research* Vol. 41: 6, pp. 751-57.

Freitag, M. and Rapp, C. (2013) 'Intolerance Toward Immigrants in Switzerland: Diminished Threat Through Social Contacts? '. *Swiss Political Science Review* Vol. 19: 4, pp. 425-46.

Freitag, M. and Stadelmann-Steffen, I. (2010) 'Stumbling Block or Stepping Stone? The Influence of Direct Democracy on Individual Participation in Parliamentary Elections'. *Electoral Studies* Vol. 29: 3, pp. 472-83.

Funk, P. (2016) 'How Accurate are Surveyed Preferences for Public Policies? Evidence from a Unique Institutional Setup'. *The Review of Economics and Statistics* Vol. 98: 3, pp. 442-54.

Garry, J. (2014) 'Emotions and Voting in EU Referendums'. *European Union Politics* Vol. 15: 2, pp. 235-54.

Garry, J., Marsh, M. and Sinnott, R. (2005) ''Second-order' versus 'Issue-voting' Effects in EU Referendums: Evidence from the Irish Nice Treaty Referendums'. *European Union Politics* Vol. 6: 2, pp. 201-21.

Glencross, A. (2015) 'Why a British Referendum on EU Membership will not solve the Europe Question'. *International Affairs* Vol. 91: 2, pp. 303-17.

Glencross, A. and Trechsel, A. (2011) 'First or Second Order Referendums? Understanding the Votes on the EU Constitutional Treaty in Four EU Member States'. *West European Politics* Vol. 34: 4, pp. 755-72.

Goodin, R. (2007) 'Enfranchising all affected interests, and its alternatives'. *Philosophy and Public Affairs* Vol. 35: 1, pp. 40-68.

Gross, A. and Kaufmann, B. (2003) 'RI Europe Country Index on Citizenlawmaking 2002'. *A Report on Design and Rating of the I & R Requirements and Practices of 32 European States*: Amsterdam.

Hacker, J. S. and Pierson, P. (2014) 'After the "Master Theory": Downs, Schattschneider, and the Rebirth of Policy-Focused Analysis'. *Perspectives on Politics* Vol. 12: 3, pp. 643-62.

Hainmueller, J., Hopkins, D. J. and Yamamoto, T. (2014) 'Causal Inference in Conjoint Analysis: Understanding Multidimensional Choices via Stated Preference Experiments'. *Political Analysis* Vol. 22: 1, pp. 1-30.

Häusermann, S., Kurer, T. and Traber, D. (2016) 'The Politics of Trade-offs: Studying the Dynamics of Welfare State Reform with Conjoint Experiments.'. *Paper presented at the ECPR Joint Sessions* Vol. Pisa: April.

Hobolt, S. B. (2006) 'Direct Democracy and European Integration'. *Journal of European Public Policy* Vol. 13: 1, pp. 153-66.

Hobolt, S. B. (2009) *Europe in Question: Referendums on European Integration* (Oxford: Oxford University Press).

Hobolt, S. B. and Brouard, S. (2011) 'Contesting the European Union? Why the Dutch and the French Rejected the European Constitution'. *Political Research Quarterly* Vol. 634: 2, pp. 309-22.

Hodson, D. and Maher, I. (2014) 'British Brinkmanship and Gaelic Games: EU Treaty Ratification in the UK and Ireland from a Two Level Game Perspective'. *British Journal of Politics and International Relations* Vol. 16: 4, pp. 645-61.

Hooghe, L. and Marks, G. (2009) 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus'. *British Journal of Political Science* Vol. 39: 1, pp. 1-23.

Hug, S. (2002) *Voices of Europe. Citizens, Referendums and European Integration* (Lanham, Md.: Rowman & Little).

Hug, S. and Sciarini, P. (2000) 'Referendums on European Integration: Do Institutions Matter in the Voter's Decision?'. *Comparative Political Studies* Vol. 33: 1, pp. 3-36.

Jahn, D. and Storsved, A. S. (1995) 'Legitimacy Through Referendum? The Nearly Successful Domino-strategy of the EU-Referendums in Austria, Finland, Sweden and Norway'. *West European Politics* Vol. 18: 4, p. 18.

Kriesi, H. (2005) *Direct Democratic Choice: The Swiss Experience* Lexington Books).

Lachat, R. (2000) 'L'influence des campagnes politiques sur le vote. Les cas des élections suisses de 1995'. *Swiss Political Science Review* Vol. 6: 4, pp. 51-73.

Lachat, R. and Sciarini, P. (2002) 'When do Campaigns Matter, and to Whom?'. In: Farrell, D. M. and Schmitt-Beck, R. (eds.) *Do Campaigns Matter? Campaign Effects in Elections and Referendums* (London: Routledge).

Leemann, L. and Wasserfallen, F. (2016) 'The Democratic Effect of Direct Democracy'.

American Political Science Review Vol. 110: 4, pp. 750-62.

Leemann, L. and Wasserfallen, F. (forthcoming) 'Extending the Use and Prediction Precision of Subnational Public Opinion Estimation'. American Journal of Political Science.

Linder, W. (2010) Swiss Democracy. Possible Solutions to Conflict in Multicultural Societies Palgrave Macmillan).

Linder, W. (2012) Schweizerische Demokratie. Institutionen, Prozesse, Perspektiven (third edition) (Bern: Haupt Verlag.).

Marquis, L. (2006) La formation de l'opinion publique en démocratie directe: les référendums sur la politique extérieure suisse 1981-1995 (Zürich: Editions Seismo).

Marsh, M. (2015) 'Voting on Europe, Again and Again: Stability and Change in the Irish Experience with EU Referendums'. Electoral Studies Vol. 38, pp. 170-82.

Mendez, F., Mendez, M. and Triga, V. (2014) Referendums and the European Union: A Comparative Inquiry (Cambridge: Cambridge University Press).

Milic, T., Rousselot, B. and Vatter, A. (2014) Handbuch der Abstimmungsforschung (Zürich: NZZ Libro).

Morel, L. (2001) 'The Rise of Government-initiated Referendums in Consolidated Cemocracies'. In: Mendelsohn, M. and Parkin, A. (eds.) Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns (New York: Palgrave).

Morris, S. (2011) 'Political Correctness'. Journal of Political Economy Vol. 109: 2, pp. 231–65.

Oppermann, K. (2013a) 'The Politics of Avoiding Referendums on the Treaty of Lisbon'. Journal of European Integration Vol. 35: 1, pp. 73-89.

Oppermann, K. (2013b) 'The Politics of Discretionary Government Commitments to European Integration Referendums'. *Journal of European Public Policy* Vol. 20: 5, pp. 684-701.

Orren, K. and Sowronek, S. (2017) *The Policy State. An American Predicament* (Harvard: Harvard University Press).

Papadopoulos, Y. (2005) 'Implementing (and Radicalizing) art. 1-47.4 of the Constitution: Is the Addition of Some (semi-)direct Democracy to the Nascent Consociational European Federation just Swiss Folklore?'. *Journal of European Public Policy* Vol. 12: 3, pp. 448-67.

Peters, Y. (2016) 'Zero-Sum Democracy? The Effects of Direct Democracy on Representative Participation'. *Political Studies* Vol. 64: 3, pp. 593-613.

Powell, R. J. (2013) 'Social Desirability Bias in Polling on Same-Sex Marriage Ballot Measures'. *American Politics Research* Vol. 41: 6, pp. 1052-70.

Prosser, C. (2014) 'Calling European Union Treaty Referendums: Electoral and Institutional Politics'. *Political Studies* Vol. Early View: 30 Nov, p. 18.

Qvortrup, M. (2016) 'Referendums on Membership and European Integration 1972–2015'. *The Political Quarterly* Vol. 87: 1, pp. 61-68.

Rahat, G. (2009) 'Elite Motives for Initiating Referendums: Avoidance, Addition and Contradiction'. In: Setälä, M. and Schiller, T. (eds.) *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation* (Oxon and New York: Routledge/ECPR Studies in European Political Science), pp. 98-116.

Rose, R. and Borza, G. (2013) 'What Determines Demand for European Union Referendums?'. *Journal of European Integration* Vol. 35: 5, pp. 619-33.

Sager, F., Ingold, K. and Balthasar, A. (2017) *Policy-Analyse in der Schweiz. Besonderheiten, Theorien, Beispiele* (Zürich NZZ).

Sager, F. and Zollinger, C. (2011) 'The Swiss Political System in a Comparative Perspective'. In: Trampusch, C. and Mach, A. (eds.) *Switzerland in Europe* (London / New York: Routledge), pp. 27-42.

Schlaufer, C. (2016) 'The Contribution of Evaluations to the Discourse Quality of Newspaper Content'. *Evaluation and Program Planning Advance* Vol. online publication, doi: 10.1016/j.evalprogplan.2016.09.006.

Schlaufer, C., Stucki, I. and Sager, F. (2018) 'The Political Use of Evidence and its Contribution to Democratic Discourse'. *Public Administration Review* Vol. 78: 4, pp. 645-49.

Schneider, G. and Weitsman, P. A. (1996) 'The Punishment Tramp. Integration Referendums as Popularity Contests'. *Comparative Political Studies* Vol. 28: 4, pp. 582-607.

Schuck, A. R. T. and de Vreese, C. H. (2015) 'Public Support for Referendums in Europe: A Cross-national Comparison in 21 Countries'. *Electoral Studies* Vol. 38, p. 149158.

Sciarini, P. and Goldberg, A. C. (2016) 'Turnout Bias in Postelection Surveys: Poltiical Involvement, Survey Participation, and Vote Overreporting'. *Journal of Survey Statistics and Methodology* Vol. 4: 1, pp. 110-37.

Sciarini, P. and Tresch, A. (2011) 'Campaign Effects in Direct-democratic Votes in Switzerland'. *Journal of Elections, Public Opinion and Parties* Vol. 21: 3, pp. 333-57.

Seidendorf, S. (2010) 'Contesting Europe: The Constitutive Impact of Discursive Dynamics on National Referendum Campaigns'. *European Political Science Review* Vol. 2: 3, pp.

423-50.

Selb, P., Kriesi, H., Hänggli, R. and Marr, M. (2009) 'Partisan Choices in a Direct-democratic Campaign'. *European Political Science Review* Vol. 1: 1, pp. 155-72.

Smith, D. A. and Tolbert, C. (2004) *Educated by Initiative: The Effects of Direct Democracy on Citizens and Political Organizations in the American States* (Michigan: University of Michigan Press).

Stadelmann-Steffen, I. (2011) 'Citizens as Veto Players: Climate Change Policy and the Constraints of Direct Democracy'. *Environmental Politics* Vol. 20: 4, pp. 485-507.

Stadelmann-Steffen, I. and Dermont, C. (2018) 'The Unpopularity of incentive-based Instruments: What improves the cost–benefit Ratio?'. *Public Choice* Vol. 175: 1, pp. 37-62.

Stadelmann-Steffen, I. and Vatter, A. (2012) 'Does satisfaction with democracy really increase happiness? Direct democracy and individual satisfaction in Switzerland'. *Political Behavior* Vol. 34: 3, pp. 535-59.

Startin, N. and Krouwel, A. (2013) 'Euroscepticism Re-galvanized: The Consequences of the 2005 French and Dutch Rejections of the EU Constitution'. *Journal of Common Market Studies* Vol. 51: 1, pp. 65-84.

Steenbergen, M. (2010) 'The New Political Psychology of Voting'. In: Faas, T., Arzheimer, K. and Rossteutscher, S. (eds.) *Information - Wahrnehmung - Emotion. Politische Psychologie in der Wahl- und Einstellungsforschung* (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 13-31.

Stucki, I. (2016a) 'Evidence-based Arguments in Direct Democracy: The Case of Smoking bans in Switzerland'. *Evaluation and Program Planning Advance* Vol. online

publication.

Stucki, I. (2016b) 'The Use of Evidence in Public Debates in the Media: The Case of Swiss Direct-democratic Campaigns in the Health Policy Sector'. *Evidence and Policy* Vol. 12: 4, pp. 487-504.

Stutzer, A. and Frey, B. S. (2010) 'Happiness and Public Choice'. *Public Choice*: 14, pp. 557–73.

Svensson, P. (2002) 'Five Danish Referendums on the European Community and European Union: A Critical Assessment of the Franklin Thesis'. *European Journal of Political Research* Vol. 41: 6, pp. 733-50.

Taber, C. S. and Lodge, M. (2006) 'Motivated Skepticism in the Evaluation of Political Beliefs'. *American Journal of Political Science* Vol. 50: 3, pp. 755-69.

Thomann, E. and Sager, F. (eds.) (2018) *Innovative Approaches to EU Multilevel Implementation: Moving Beyond Legal Compliance* (London: Routledge).

Tosun, J., de Francesco, F. and Peters, G. B. (2019) 'From environmental policy concepts to practicable tools: Knowledge creation and delegation in multilevel systems'. *Public Administration* Vol. Forthcoming.

Trechsel, A. H. (2010) 'Reflexive accountability and direct democracy'. *West European Politics* Vol. 33: 5, pp. 1050-64.

Trechsel, A. H. and Sciarini, P. (1998) 'Direct Democracy in Switzerland: Do Elites Matter?'. *European Journal of Political Research* Vol. 33: 1, pp. 99-124.

Trein, P., Thomann, E. and Maggetti, M. (2019) 'Integration and Problem-solving in Multilevel Governance: A Comparative Perspective'. *Public Administration* Vol. Forthcoming.

Tsebelis, G. (1999) 'Veto Players and Law Production in Parliamentary Democracies: An Empirical Analysis'. *The American Political Science Review* Vol. 93: 3, pp. 591-608.

Varone, F. (2007) 'The Federal Administration'. In: Klöti, U. and et al. (eds.) *Handbook of Swiss Politics, 2nd ed* (Zürich: Neue Zürcher Zeitung).

Vasilopoulou, S. (2016) 'UK Euroscepticism and the Brexit Referendum'. *The Political Quarterly* Vol. 87: 2, pp. 219-27.

Vatter, A. (2000) 'Consensus and Direct Democracy: Conceptual and Empirical Linkages'. *European Journal of Political Research* Vol. 38: 2, pp. 171-92.

Vatter, A. (2014) *Das politische System der Schweiz* (Baden-Baden: Nomos).

Vatter, A., Rousselot, B. and Milic, T. (2018) 'The Input and Output effects of Direct Democracy: A new Research Agenda'. *Policy & Politics* Vol. online: 9 March.

Wimmel, A. (2014) 'The Impact of National Direct Democracy on the Choice for Convening EU Referendums'. *Perspectives on European Politics and Society* Vol. 15: 1, pp. 33-50.

Table 1: Problem-solving capacity of referendums in Switzerland and in the EU

Contextual feature	Scope conditions	
	Conducive for problem-solving	**Hindering for problem-solving**
Formal set-up	Intertwined with representative democratic system	Lack of institutional embeddedness both at EU and national level
	Consensual democracy	Adversarial multilevel system
	Congruence of voting entity and affected entity	Incongruence of voting and affected entity
Informal practice	Regular use, strong notion of bottom-up corrective (with pre-emptive function)	Mostly ad-hoc political top-down use by national political elite
Strong variance across member states
	Comparatively strong focus on evidence and policy issues during campaigns	Debates in nationally segmented public spheres
Comparatively low use of evidence and high politicization of campaigns
Effect on problem-solving	Safeguards and prevents unintended effects	Prone to producing unintended effects and tension between EU issues and Member state issues
	Strengthens issue-voting	Strengthens politicization
	➔ **Legitimacy-enhancing**	➔ **Legitimacy-undermining**
Illustrative case	Switzerland	European Union

Source: own compilation.