# Referendum Policies across Political Systems

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**Abstract**
This article compares the use of referendums across political regimes over time in Europe. It does so on the basis of a new typology that differentiates between policy domains and degrees of abstraction. The analysis shows different patterns in referendum use between authoritarian regimes, countries in transition and democracies. In addition to the variation in policy domains, the findings indicate different institutional features within the polity types: the process of initiation, the turnout in referendums and the rate of approval. The empirical evidence draws on an original dataset of 620 referendums organised at national level in Europe between 1793 and 2017.

**Keywords**: referendum, typology, policy, Europe, political systems

## Introduction

WHAT DO countries like Belarus, Russia and Armenia have in common apart from their Soviet legacy? They use an alternative to representative decision making, that is, referendums. Why do the four most populated countries in the world—China, India, Indonesia and the United States—not have referendums at the national level? The answers to these questions are straightforward because they refer solely to the format of referendums. Comparisons are possible based on the practical use or on the provisions of the national legislation, yet much less is known when we examine the content of referendums. Other questions are more challenging to answer, such as those that ask what the usual topics voted upon in democracies are compared to (semi)authoritarian regimes; how referendums in Ireland, Italy and Sweden differ from those in Azerbaijan or Turkey; or which referendums have higher chances of passing. This article proposes a typology which can help us provide answers to such questions, identify trends in the history of referendums and map their use across political regimes in Europe.

The contemporary momentum for referendums first began in the 1960s. Referendums are 'used twice as frequently today compared with fifty years ago and almost four times more than at the turn of the twentieth century'.[1] In the last quarter of the twentieth century, out of all 195 sovereign states only sixty-five had never conducted a referendum, while forty-one states did so just once.[2] Dictators, semi-authoritarian leaders and populist leaders have long utilised direct popular consultations, from Hitler and Mussolini to more recent cases of Saddam Hussein, Hugo Chavez and Bashar al-Assad's constitutional referendum in the midst of the ongoing Syrian civil war. However, it is democratic countries that are responsible for the steady recent growth in the popularity of this instrument.

There are two broad tendencies in the existing research on referendums: the attempt to understand their institutional features and the substantive issues that they address. First, earlier studies tried to make sense of referendums by providing several criteria to distinguish between them. One criterion is the goal of the referendum, according to which we can differentiate between decision-promoting and decision-controlling, proactive and reactive, or between difference elimination and difference managing.[3] Another criterion refers to the legislative regulations associated with referendums. This distinguishes between mandatory and facultative referendums—relative to the legal requirements for their initiation—and between binding and consultative referendums relative to what happens *ex-post*.[4] The initiator is another criterion and the literature

distinguished between referendums driven by political elites or institutions (top-down) and those triggered by groups of citizens or civic organisations (bottom-up).[5] The second broad tendency is that the scholarship has addressed fundamental questions around referendums: why they are initiated, their importance and consequences for the political system, society and democracy in general.[6] These are mainly related to substantive issues, policies that are adopted through direct vote by the population. Overall, these two tendencies are partially decoupled because the existing criteria focus on institutional features and leave aside the policies. Two exceptions to this rule are the difference between constitutional and post-constitutional issues subjected to referendum and the typology created for ethnic referendums based on the approach towards the status quo and strategic behaviour of the initiators.[7]

In order to address both debates and bridge this divide, this article articulates a typology with the policy areas at its core. To date, there has been no comprehensive study investigating what policies have been subjected to referendums throughout history and how they can be grouped thematically. The following section outlines the logic behind the typology and explains the procedure that led to its formulation.

## Towards a new approach: procedure *vs.* substance

The policy submitted to popular vote is one of the defining attributes of referendums that distinguishes it from elections. Even semantically, the word 'referendum' refers to popular votes on a policy issue.[8] Over time, the topics subjected to popular vote are repeated throughout the world and some are more popular than others. However, in the absence of a typology about topics, researchers cannot identify trends or compare referendums held on the same topic. In this endeavour we proceed inductively and analyse the content of all nationwide referendums organised in Europe, covering more than two centuries (1793–2017). The dataset used for our analysis is original, compiled from primary sources and includes 620 referendums organised in forty-eight countries (the most recent case is the Turkish constitutional referendum in April 2017). We generated our own dataset in order to address the major shortcomings of the existing databases that are incomplete, inconsistent in their coding and/or display important factual errors with the classification of referendums.

Our dataset includes a rich variety of countries: former communist states (Czechoslovakia, the Soviet Union), states with the longest history of democracy (for example, San Marino since 1600, Liechtenstein since 1921), consolidated democracies (Denmark, France, Italy and so on), transition countries (Albania, Georgia, Macedonia for example), as well as authoritarian regimes (Azerbaijan, Belarus and so on). We have also included regimes where rule of law or extensive civil liberties remain a far-off ideal for two reasons: there are a number of (semi)-autocracies in the world and their exclusion would mean losing important data and overlooking potential important explanatory variables. Moreover, referendums have existed long before the concept of modern democracy was developed, and long before universal suffrage was introduced.[9] In order to define the type of political regime in a country we used the Freedom House Index and for cases prior to 1972, the V-Dem dataset in combination with secondary literature, such as country studies or historical sources.

After a thorough analysis of the referendums conducted so far in Europe, we identified twelve policy areas that were distributed in a typology (Table 1) with two dimensions: the policy area and the degree of abstraction. The policy areas were clustered into four major policy domains: international system, domestic norms, welfare and postmaterialist issues. The broad domain of international system includes two policy areas—state formation and foreign affairs, and deals with all the issues of national sovereignty and interstate politics, encompassing cases from border disputes through EU/NATO membership and other international arrangements, to independence referendums. The following referendums fall under this domain: the 1961 referendum on self-determination for Algeria; 1991 independence referendums in Armenia, Georgia, Estonia and so on (state formation); the 1919 referendum in Luxembourg on economic union with France or Belgium; the 1946 Polish referendum on borders with Germany

and the Baltic states; the 1994 referendum on EU membership of Norway; the 2016 Hungarian referendum on EU migrant quotas (foreign affairs).

The second domain (domestic norms) includes the constitutional, political/electoral system and interior policy areas. In the constitutional policy area, the Bulgarian referendum on a new constitution in 1971 and the Romanian constitutional reform referendum in 2003 serve as examples. Instances for political/electoral system area include the 2012 referendum on the introduction of initiatives in Iceland and the 2001 Italian referendum on greater legislative powers for the regions, whereas the 1955 Swedish referendum on traffic regulations and the 2013 Austrian referendum on general conscription fall in the interior policy area. The logic behind this grouping is quite simple, and refers to the general political architecture of the society with its fundamental norms and principles anchored in the constitution, to more specific regulations and practices manifested in the interior legislation, and to the 'rules of the game' defining the political and electoral landscape.

The third policy domain is welfare and this covers referendums on economic issues, social and labour matters, as well as on health and education. The point of departure for this domain was Esping-Andersen's research on welfare regimes.[10] Welfare is concerned with economy and redistribution of wealth with tax regulations as one of its main components, education being an influential factor in the process of social stratification. Aside from this, the access to the healthcare system has become one of the main features of modern welfare regimes. The following referendums touch upon different aspects of welfare: Lithuania (1994) on

indexing the value of long-term capital investments (economy); Hungary (2008) on the abolition of fees for higher public education (education); Latvia (2008) on limited increase of public pensions; and San Marino (2013) on linking salary increases to inflation (labour and social), Liechtenstein (2009) on the Tobacco Control Act (health).

The fourth policy domain covers the postmaterialist issues with three policy areas—environment, media and moral/ethical issues. This domain reflects the conceptual contribution made by Inglehart on postmaterialism.[11] According to him a 'silent revolution' took place in Western societies that manifested in a gradual value change. These societies moved from materialist values (related to economic growth and stability) to postmaterialist (related to personal fulfilment and aesthetic aspects of life). To begin with, postmaterialism is about the empowerment of an individual and their liberation from stringent norms, with freedom of an individual, self-expression, and intellectual aspects of life as key features of it. That is why the discussion on ethical and moral topics gains relevance in these societies. Another important aspect of postmaterialism is its focus on nature and environmental preservation, often against economic calculi. In addition, postmaterialism is also linked to participatory democracy and people having more say in politics. The media represents the link between citizens and politics with its controlling function, which is why all issues around the media regulations also fall within this area. Accordingly, this policy domain unifies diverse votes: from the 2013 Croatian referendum on marriage as a union between a man and a woman (moral/ethical issues) to the Lithuanian referendum in 2012 on the construction of a new nuclear power station

**Table 1: A typology of referendums based on policy areas and domains**

| | | Policy domains | | | |
| --- | --- | --- | --- | --- | --- |
| | | International system | Domestic norms | Welfare | Postmaterialist issues |
| Degree of abstraction | **Abstract** | state formation/ foreign affairs | constitution/ political & electoral system | economy | environment/ media |
| | **Concrete** | | interior policies | health/education/ labour & social | moral & ethical issues |

(environment) and the Italian popular vote on abrogation of the Association of Journalists in 1997 (media).

The second dimension for analysis is the degree of abstraction. This refers to the extent to which citizens can understand the referendum's content and/or its specific implementation. Abstract policies are those which are distant from individual's everyday life, with broad and sometimes unclear implications. Good examples of abstract policies are those on state formation, foreign affairs, constitutions, political and electoral systems, economy, environment and media. Abstract votes include, for instance, the issue of independence, with its often unpredicted implications on the overall economic, political, social and international situation; or the ratification of the Lisbon Treaty with dozens of aspects, often extremely technical and very difficult to grasp.

Similarly, referendums on a new constitution or constitutional reform involve major changes in different areas of society that are very general and far-reaching at the same time, thus, difficult to interpret and understand. Correspondingly, the popular votes on political and electoral systems tend to represent a set of quite general (political) and technical (electoral) topics. The same rationale can be employed to economic issues (such as economic reforms, distribution of resources, tax law) as well as the media, since the topics in this domain can be highly technical. Environmental topics, in their turn, encompass problems that exceed the reach of a single individual, reflecting not only competing interests and values, but also the limits of one country's ability to act, thus, making the implications vague.

Concrete policies are relatively easy to comprehend in their content, implementation, or both. For instance, moral and ethical issues (such as abortion, same-sex marriage, the death penalty), although highly polarising and controversial topics, are seen as concrete because their outcome can be translated in a very specific situation, understandable for every person. Other examples come from education, health, labour and social policies. The decisions made in these areas usually affect directly the life of a citizen and could include fees for higher education, healthcare insurance, pension regulation or the amount of child benefits and family allowances.

The same logic can be applied to issues of internal policy, since they create rules and norms for living together in a society (from equal rights for men and women to traffic regulation and dog legislation). The dimension of abstraction is closely related to the overall public perception or attitude towards the referendum. Concrete policies usually require less time for implementation and are easy to be followed by the citizens, who are able to witness the visible output of their decision. However, abstract policies represent often the opposite dynamic, their impact being of a more long-term perspective. We acknowledge that some cases are contradictory and might be interpreted in different ways, so in order to limit the bias of our judgment and test the coding robustness, we applied the inter-coder reliability test in collaboration with other researchers that showed a high level of convergence of around 84 per cent (Krippendorff's Alpha = 0,84) and, thus, we feel confident to use our coding.

# The historical path of referendum use

Our typology's main goal is to grasp and systematise the diversity of topics voted upon throughout history. Though concerned primarily with the European experience, the typology has wider applicability to other parts of the world. Besides, Europe is the place where referendums were invented and where they are used the most. To illustrate the far-reaching applicability of our approach combined with the collected dataset, we elaborate below on the detected trajectories in the evolution of referendums. To begin with, a certain pattern becomes clear: some policy areas were used more than others. Figure 1 shows their frequency in percentages calculated from the total number of referendums.

The topics most used in referendums belong to political/electoral systems (almost one third) and interior policy (roughly 17 per cent of the total number). Together, these two policy areas amount to approximately half of all referendum topics. At the other end of the spectrum, the least used policy areas are education, media and health that amount to approximately 5 per cent combined.

Furthermore, the institutional indicators match our typology fairly well—for example, almost half of the referendums on moral and ethical issues (47 per cent) were bottom-up, while the overwhelming majority of constitutional referendums (94 per cent) were either mandatory or top-down. This variation can be partially explained by our dimension of abstraction: moral issues are close to citizens' daily life and people take a relatively active role in promoting their interests, while constitutional issues are often abstract and rarely concern citizens in a direct manner.

Figure 2 shifts the level of analysis to our policy domains and displays their distribution in referendums between 1793 and 2017. It differentiates between the abstract (at the bottom of the graph) and concrete features (at the top of the graph) of the domains. This distribution shows which issues were subjected to popular vote in certain periods of time. For example, we see that the abstract domestic norms were the first ones to be used and they had a monopoly until the end of the nineteenth century. The longitudinal perspective indicates a high concentration
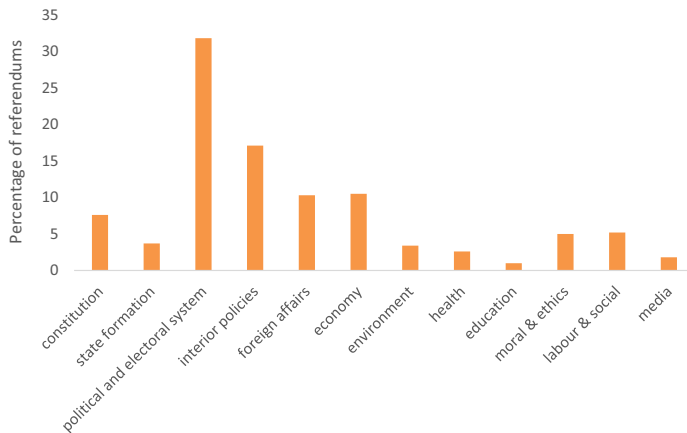


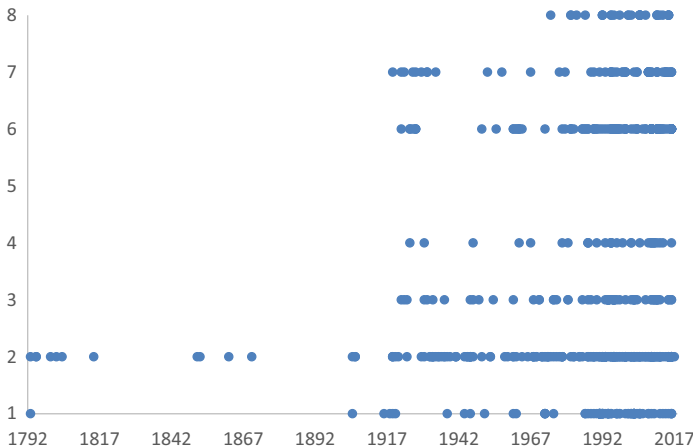Figure 1: The frequency of policy areas used in referendums (1793–2017)



Figure 2: The distribution of referendums in Europe per policy domain (1793–2017)
Note: 1 = international system abstract; 2 = domestic norms abstract; 3 = welfare abstract; 4 = postmaterialist abstract; 5 = international system concrete; 6 = domestic norms concrete; 7 = welfare concrete; 8 = postmaterialist concrete.

around the 1990–2010 decades when many countries in post-communist Europe declared their independence. The referendums on postmaterialist concrete issues emerged quite late in the history, but their distribution is fairly balanced across time from their first use until now. The same figure indicates that the highest density of referendums occurred between 1970 and 2017, coinciding with the period in western Europe as the party system began to 'thaw' and the main social, economic and religious cleavages became less dominant in societies, resulting in a decreasing number of party identifiers and turnout in elections.

Moreover, we can observe some important differences in terms of dispersal. For example, the referendums on abstract issues related to the international system policy domain come in different waves, while those on the concrete domestic norms are concentrated in the last five decades. This mapping also illustrates the chronology of salient issues in society: the international system and domestic norms (both abstract) were subjected first to referendums and made their exclusive subject until the early twentieth century. For example, in 1919 there was a referendum on foreign affairs in Denmark about the sale of West Indian Islands to the USA. After that point, welfare and postmaterialist policies, both concrete and abstract, were developed throughout the following decades. Some of the policy areas belonging within the latter domains exceeded in number those of first domains used in referendums, for example, moral and ethical issues compared to state formation.

## Patterns within distinct political regimes

Returning to the questions posed at the outset of this paper, we can now, based on our conceptual framework and the data, show interesting trends. The previous scholarship highlighted that authoritarian regimes use direct democracy according to their own interest, to enhance power and to demonstrate their legitimacy both domestically and internationally. However, there is no comparative study to date that backs this assumption, including all popular votes conducted throughout the history in this type of polity. Applying our policy based approach, we were able to detect distinctive patterns in referendum use among different regime types. In the studied period of 224 years, 620 nationwide referendums were held, the overwhelming majority of which were in democracies (over 70 per cent), followed by authoritarian regimes with around 17 per cent, and nations in transition with roughly 13 per cent of the share. As shown in Table 2, out of all referendums conducted in authoritarian countries, the vast majority (over 85 per cent) were in the policy domain of domestic norms, with the highest concentration of votes on political and electoral systems, followed by interior policies and constitutions, whereas the domain of welfare and postmaterialist issues together had a share of less than 9 per cent. Referendums in these settings are mostly around the issue of power allocation, and citizens are not 'consulted' about other topics, for instance, concerning ethical or social matters. Interestingly, the majority of the votes in authoritarian regimes (over 65 per cent) are related to abstract policies, difficult to grasp for ordinary citizens, thus providing another advantage for the rulers. If, in democracies, referendums often serve as 'safety valves of political pressure', in other institutional settings this mechanism becomes another tool in the hands of authoritarian rulers in order to legitimise themselves.[12]

Somewhat different is the dynamic within nations in transition—mainly former communist countries. While the majority of votes are also on matters of domestic norms (around 77 per cent), a substantial share (over 20 per cent) is devoted to the international system and marginal (less than 3 per cent), to welfare and postmaterialist issues. This is because these countries often went through independence referendums first and subsequently tried to find their place on the international arena. Furthermore, the newly independent states faced the 'dilemma of simultaneity', undergoing three parallel transformation processes.[13] The three transitions were related to territorial determination and consolidation of borders; issues of democracy, such as creating the structures for party competition and basic human and civil rights, and finally, the issue of the economic order and the transition from planned economy to

the market economy, all in a short period of time. Our analysis shows that in situations of large-scale system change—where institutions and structures are built from the ground up—only major policies related to substantial political, electoral or constitutional matters are put to the vote. This also explains why the fewest number of referendums were held in this polity type: the transformation was happening at the level of nationhood, constitution making and regular politics, resulting in unprecedented decision loads, and referendums are neither the fastest nor the most efficient way of decision making.

In the case of democracies other trends are distinguishable. The share of votes in the domestic domain is still the highest, but almost half of the number compared with authoritarian governments (45 per cent *vs.* 85 per cent), albeit, the percentage of votes in the domains of welfare or postmaterialist issues is significantly higher, exceeding 40 per cent. This goes in line with the aforementioned research by Inglehart on shift of values after a society has reached a certain level of development. Since established democracies enjoy functioning institutions, the rule of law and extensive freedoms, more fine-grained issues can be prioritised and decided by the popular will—matters such as pension reform or environmental policies.

The analysis of our dataset also confirms that institutional features do matter, and indeed they significantly differ within the polity types. As outlined at the beginning of the article, the major division within the referendum research constitutes the study of institutional features on the one hand, and of the substantive issues around popular votes on the other. Our theoretical framework and dataset contribute to bridging these two main strands of literature by illustrating distinct trajectories within polity types—not only

in regard to policy domains, but also various institutional characteristics. To begin with, as illustrated in Table 3, the great majority of votes in authoritarian regimes are successful (around 95 per cent). The number goes down when nations in transition are concerned (to around 80 per cent) and in the case of democracies—policies passed are in a minority (48 per cent). The finding that most popular votes in democratic states fail is quite enthralling and fuels the debate about the appropriateness of this tool. It also highlights the existing conflict between competing sources of legitimacy—elected representatives on the one side, and direct popular votes on the other—as it is unclear which of them holds greater legitimacy.

The picture becomes more problematic if we take into consideration participation trends. It is commonly known that turnout has been falling for decades in Western countries, sometimes lower than 40 per cent at national elections, and referendums tend to have even lower turnout than general elections. In fact, a considerable proportion of referendums have failed (were invalid) because of low participation rates. However, the fact that the majority of referendums held in democratic states had a turnout of less than 50 per cent is highly problematic since it means that, in most cases, the minority of (usually better-off) citizens decided on the policies for the whole society and that inevitably raises the question of legitimacy once again. In contrast, the nations in transition had, on average, a turnout between 50 and 70 per cent and repressive regimes enjoyed the highest participation rate in most votes. This could be elucidated by the logic of coercion that is typical for authoritarian polities where citizens in practice have to go and vote in order to avoid the repercussions of living under massive surveillance. In the case of

**Table 2: Popular votes in four distinct policy domains within different regime types**

| Regime type | Policy domains | | | | Number of valid cases |
| --- | --- | --- | --- | --- | --- |
| | International system | Domestic norms | Welfare | Postmaterialist issues | |
| Authoritarian | 5.8% | 85.4% | 4.9% | 3.9% | 103 |
| In transition | 20.7% | 76.9% | 1.2% | 1.2% | 82 |
| Democracy | 14.9% | 44.8% | 24.9% | 15.4% | 435 |

**Table 3: Overview of common institutional features within distinct regime types**

| | Adopted | Failed | Initiator | | | Turnout | | | Legal impact* | | Number of valid cases |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Top-down | Mandatory | Bottom-up | Below 50% | Between 50-70% | Above 70% | Binding | Non-binding | |
| Authoritarian | 94.2% | 5.8% | 39.8% | 60.2% | **0.0%** | 2.9% | 29.1% | **67.0%** | 72.8% | 0.0% | 103** |
| In transition | 79.3% | 20.7% | 56.1% | 30.5% | 13.4% | 7.3% | 39.0% | 53.7% | 67.1% | 24.4% | 82 |
| Democracy | 48.0% | 52% | 34.3% | 18.4% | 47.4% | **36.3%** | 31.0% | 32.2% | 83.9% | 15.6% | 435*** |

*missing values: 26.2% among authoritarian regimes, 8.5% among nations in transition and 0.5% in democracies.
**missing data in 1% of cases
***missing data in 0.5% of cases

nations in transition, the issues voted on are usually of great saliency and referendums are fairly rare, so citizens feel encouraged to participate.

When it comes to the initiator of the process, the majority of votes in the authoritarian countries are mandatory (about 60 per cent), with a similar percentage of the top-down referendums in transition countries. In democratic settings, around half of the votes (over 47 per cent) are bottom-up, in sharp contrast to autocracies with no such votes at all. This is logical, since in these societies there are no civil or political freedoms and the system is designed in such a way that its populations have no say in politics. The share of popular votes initiated by the citizens is also low in the case of nations in transition (about 13 per cent) because of the lack of cultural prerequisites: being newly formed from repressive regimes, these states have an underdeveloped civil society with weak networks of grassroots organisations.

The final institutional feature is legal impact and it shows no significant difference throughout the political systems, with the binding votes prevailing in each of them. The observation that there were no advisory votes in authoritarian regimes can be explained by the fact that many of them represent older cases where the information was either missing or their legal status was not anchored in the constitution. Our findings concur with the latest scholarly discussion that the distinction between consultative and binding referendums should be relativized since the implementation of the referendum outcome depends more on its legitimacy than legal scope. For example, Brexit was a consultative vote, but it would seem scandalous to many to ignore its results, whereas there have been binding popular votes which were overturned by a simple parliamentary vote (the ratification of the Lisbon Treaty in France, for example).

These empirical results demonstrate the merits of our typology and dataset and provide us with a more holistic picture of referendums. Our approach offers a systematic way of capturing the vast diversity of referendum topics, clustering them into several categories without losing their content and, at the same time, increasing their comparability. In addition, it brings together different strands of research and enriches the field,

moving beyond what has only separately been studied until now. Both the Turkish constitutional referendum and the referendum on abortion in Portugal were top-down votes. However, putting them in the same box and comparing them on the basis of their institutional features would not contribute to a better understanding. Every policy subjected to a popular vote brings with it a package of attributes. For example, the referendums on divorce, on a new nuclear plant or on the EU/NATO membership set completely different argumentation lines that result in different modes of campaigning, involved actors, perceived political pressure for parties (as a result of societal saliency and campaign position), and different degrees of emotions. Furthermore, the typology reveals an important match with the political and historical events in a given area. It can be used both as a dependent variable to uncover the factors that could explain the variation in policies subjected to referendums, and as an independent variable to study the effects of different policies on political systems, legitimacy or democratic performance. Moreover, it facilitates the future testing of hypotheses about the causes, functions and consequences of referendums in different social, political, technological and cultural contexts.

## Referendums: policies and politics

This article proposed a policy-based typology that can enhance comparisons, identify trends in the history of referendums and map their use across political regimes in Europe. The use of this typology can identify the variations in policy domains put on vote, the frequency of their use, the success and participation rates, or the initiation process. Equally important, this approach illustrates the policy priorities of various countries at different stages of their development.

In spite of their extensive use throughout the last decades, referendums have not replaced representative democracy. Instead, they have complemented it and sought to counter the 'democratic malaise'.[14] Recent research has concluded that direct democracy evolves together with the representative system and the way in which referendums are used within various polities differs considerably.[15] Referendums do not exist in a political vacuum, but rather, adapt to the political setting or, more precisely, are being adapted to it in the given country. Referendums in autocracies mainly fulfill a function of legitimisation and cement the existing power relations. Consequently, the topics put to vote are essentially related to the leaders themselves or their political trajectory. More diverse are the referendum's functions within democracies—apart from legitimising important political questions, they also serve as a way of decoupling certain topics from upcoming election campaigns, resolving intra-party or intra-coalition disputes and mobilising the voters.[16] Thus, the variety of policies subjected to the popular vote is broader and more citizen-oriented, and includes social and labour, health or ethical questions that are concrete and therefore easy to grasp for the general population.

## Acknowledgement

## Notes

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