

THEORIES OF REFERENDUM AND THE ANALYSIS OF AGENDA-SETTING

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Theories of Referendum and the Analysis of Agenda-Setting

Abstract

The referendum is often considered to be a form of direct democracy, and is often justified in terms of results representing the will of the majority. This view is disputable for three reasons: i) based on the results of social choice theory, it may be argued that the outcomes of referendums may be arbitrary and open to various interpretations; ii) it is debatable what the role of popular majorities should be in decision-making; many theorists of democracy think that unchecked majority rule should *not* prevail; iii) because of the differences in agenda-setting, there is considerable functional variation between referendums. Different forms of referendums have also been justified by different theoretical arguments: popular initiatives have been promoted by radical democrats, whereas referendums used as a check on legislature have been supported by 'Madisonian' democrats.

In the analysis of agenda-setting it is important to distinguish i) how and by whom the referendum is initiated and ii) on what kind of issues they may be held. The influence of the referendum on the political agenda depends on whether the referendum is initiated by representatives (*ad hoc* or optional referendum); or by a certain number of citizens (popular initiative); or whether it is a check on laws passed by the parliament (mandatory, suspensive and abrogative referendums). Furthermore, these distinctions are important for understanding the strategic character of referendums, ie. the strategic use of optional referendums by the representatives (parliamentary parties, president etc.), or the representatives' anticipation and reaction to the possibility of the other forms of referendums.

Referendum in 22 democracies are classified, and their 'functional properties' (Smith 1976) are analysed. In order to get a more precise picture on how referendums function as a part of political systems and how political actors use the referendum, three cases, Sweden, Denmark and Switzerland, are analysed. Although the idea of giving the people a say is the common element of all forms of referendums, the differences between agenda-setting institutions explain why, how and under whose control 'the people's voice' is heard.

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1. INTRODUCTION

1.1 An Overview

The historical experience of referendums may be characterized by certain dualism. There are some successful practices of direct democracy in stable democracies, for example in Switzerland, Denmark and Ireland, but also many examples of manipulative abuse of referendums by authoritarian rulers. Also, often the political calculations behind the referendums initiated by democratic governments are too obvious to avoid cynicism about the institution. Furthermore, the fact that the referendum seems to represent purely a majoritarian form of democracy and thus can be perceived as a threat against minorities is an often repeated argument against the referendum. On the other hand, the referendum has been seen as an excellent way of increasing citizens' participation and deliberation on public issues, and the increase of popular participation due to referendums and other direct-democratic institutions has been seen as a step towards further democratisation of societies.

Referendums have become an important part of political life in many parts of the world, both in democratic and in non-democratic countries. After the First World War, and especially after the establishment of the League of Nations, the referendum has been used to solve various territorial disputes. Also during the decolonization process in the 1950s and 1960s, the referendum has been used to legitimize the declarations of

independence and the constitutions of the newly independent states (See for example Butler and Ranney 1994). After the collapse of the Soviet Union, a parallel phenomenon has been experienced in Eastern Europe, where referendums have been used to legitimize the declarations of independence and the new constitutions, and also to settle the most disputable constitutional issues. In West Europe the use of referendums has recently become more frequent because of the European integration process. Referendums have been used as a means to legitimize the transfers of national powers to European organisations.

The referendums held by authoritarian governments tend to bring about outcomes which are almost unexceptionally supportive for the governmental policies. In this kind of a situation, a referendum may be considered as "a handy tool in the hands of dictators to boost their legitimacy" (Smith 1976). Hitler used the referendum in this manner to establish the Nazi regime: in the referendum held in November 1933, the National Socialist government was approved by 93.4 % of the voters with 92.2% turnout, and in March 1936, the *Reichstag* list and the Führer were approved by the majority of 98.1% of Germans, with the turnout of 98.9%. More recently, referendums like this were held in Eastern European countries under the Communist rule. In 1968, the constitution of the German Democratic Republic was accepted by 94.5% of voters. Some South American, African and Asian countries have also experienced these kinds of referendums. One of the recent examples of a referendum exploited by a dictator come from Iraq. In the referendum in October 1995, 99,96% of Iraqi voters supported Saddam Hussein's regime and the turnout was announced to be 99,49%.

There are several ways in which these kinds of results are manufactured: giving only one alternative, lack of secrecy, persecution of dissidents and straightforward forgery of voting slips are methods used. Referendums like these are often used to support the argument that the promise of direct democracy has not matched with the practice. On the other hand, unfair referendums held in dictatorial countries should not be used against all referendums. The situation is similar with that of elections: the fact that the results of the elections are manipulated and forged in many parts of the world cannot really be used as a reason to argue against all kinds of elections. The crucial question is rather: what kinds of referendums and elections are fair and enhance democratic values?

The development of modern information technology has made the idea of nationwide or even international direct democracy more realistic (See McLean 1986). Technically, through interactive mass communication, it would be possible to hold referendums on almost every part of legislation. Citizens' preferences would be registered, probably using full information on voters' preferences over multiple policy alternatives, and the political decisions would be made according to these preferences, using either majoritarian or positional aggregation methods. Although the utopia of citizens' government has become technically possible, and the possibilities of cheating are, perhaps, possible to be ruled out, only very few would be ready to widely apply it in practise. Indeed, for most of the people this kind of government sounds like a nightmare - at least it does not match with the ideals of well-functioning democratic government. It would bring about inconsistent collective decisions; individual opinions would likely be formed too hastily and be prone to manipulation. Moreover, it is questionable what

would be the significance of this kind of citizens' participation. As Sartori (1987, 283)

argues:

"The gist is that the greater the number of people involved, the less effective is their participation - and this is to the vanishing point. Thus, when vast territories and entire nations are involved, direct democracy becomes an unusable formula. I have also and concurrently held that an electronic, "referendum democracy", while technically feasible, would be disastrous and, in all likelihood, suicidal."

1.2 Conceptual History and Definitions

The discussion on direct democracy is as old as the idea of democracy itself: first forms of democracy were based on the direct participation of the free citizens, and the classical theory of democracy deals with this type of government. The first historical models of direct democratic institutions are the Athenian democracy and the plebiscites of the Roman Republic, whereas the theories of representative democracy are much more modern, originating from the early days of English parliamentarism and Italian republicanism. The direct-democratic institutions in the modern world have followed rather different paths of development in different countries.

In Switzerland the direct-democratic traditions of the cantons and communes, which may be traced back to the Middle Ages, are considered to be the historical background of the current direct-democratic institutions. In France the classical democracy of antiquity and Rousseau's ideas of popular sovereignty were influential during the revolutionary era. Later on, the French revolutionary ideas and Napoleonic plebiscites influenced the development of the federal-level direct democracy in Switzerland. In the

English-speaking world, on the other hand, the current direct-democratic institutions had other predecessors. Cronin (1989) mentions the Levellers in the mid-17th century England as the first modern supporters of direct democracy. The Levellers demanded the direct election and public recall of officials. The first forms of American direct democracy, the town meetings among the settlers in New England, were influenced by this kind of radical protestant political thought. The progressivist movement in the late 19th century and early 20th century echoed the spirit of the early forms of American direct democracy. As a result of this movement, the referendum was adopted in many states together with other measures of direct democracy, such as the initiative and the recall.

The word 'plebiscite'¹ is sometimes used to refer to referendums which are used to reinforce the power of the political establishment, and which are, therefore, considered to be rather undemocratic. Silvano Möckli (1994) uses the word plebiscite to refer to *ad hoc* referendums, which are used in situations when those in power consider it suitable. With the word referendum he refers to enduring and constitutionally regulated institutions. Because the word plebiscite has a rather ambiguous meaning and a negative connotation I will avoid using it. This is also because the clear distinctions between the functions of different forms of referendums are difficult to draw. I will refer by the word 'referendum' to all institutions in which the citizens vote upon a policy issue, regardless of the motivations and functional differences between various forms of them, although I agree with Möckli that the distinction between *ad hoc* and constitutionally regulated referendums is to a certain extent important in explaining the capacity of the

referendums to enhance democratic values. 'Plebiscitarianism', on the other hand, refers to forms of policies in which the political leaders directly appeal to the alienated 'masses', and in which there is lack of mediating political organisations. The word 'populism' has also a negative connotation, and it refers to politicians and policies which appeal to the most unenlightened and ignorant ranks of the people. Finally, elections with one dominant policy issue are sometimes called 'referendums' on this issue. The idea of the election being a single-issue referendum can be regarded as a part of political rhetoric used in the struggle on the formulation of the political agenda.

1.3 Outline of Thesis

There are several systematic studies on the referendums. Suksi (1993) compares constitutional provisions for the referendum in most of the countries in the World, and has done a systematic content analysis of the constitutional regulation of the institution in both democratic and non-democratic countries. Other comparative studies have been published for example by Butler and Ranney (1978 and 1994), whose books contain descriptive analysis of referendums in certain Western democracies. Comparative research has been done also by some German-speaking scholars like Möckli (1993). One of most recent comparative studies is 'The Referendum Experience in Europe' (1996), edited by Michael Gallagher and Pier Vincenzo Uleri, which has a systematic approach and also includes certain useful classifications. It also deals with the Eastern European experiences on referendums. In addition to cross-national comparisons, there are studies which focus on one country. For example, Kobach (1993) discusses the Swiss

referendums and Cronin (1989) the referendum and other direct-democratic institutions in the US states.

It is typical to start the normative discussion on referendums and other forms of 'direct democracy' with the notions of the citizens' sovereignty and 'the will of the people'. This may be quite misleading when looking at the existing forms of referendums. As a Swiss researcher Rhinow (quoted by Möckli 1993) had put this: "The conceptions of the self-government of the people and identity-democracy as well as mythology of the people as a willing subject are prone to disappear."ⁱ This is in accordance with the main argument of the thesis: the discussion about the referendum as a method of revealing the will of the people is too simplistic and, at worst, misleading, and it does not comply with theories of democracy in modern, large political entities. The *Part I* of the thesis deals with the problems of democratic theory. According to the *economic theory of democracy or the preference conception of democracy*, there is a certain correspondence between the individual preferences and the collective decisions in democratic societies. This implies the use of certain preference-aggregation methods such as the pure majority rule. Condorcet (1785) first pointed out that the majority rule may be intransitive in situations in which there are more than two alternative and at least three voters. Later on, related to Condorcet's findings, Kenneth Arrow (1963) proved that all social choice procedures which satisfy a few minimal criteria of fairness and logicity are potentially dictatorial. William Riker (1982) has interpreted these results so that democracy cannot be about the fulfilment of the will of majority, because in many collective choice situations there is no single alternative which is preferred by the majority.

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Furthermore, the majority rule may be in contradiction with some other preference-aggregation methods which may have some other valuable properties.

These arguments, based on logical analysis, have been seen as a counterargument to those 'populist' theories of democracy according to which democracy is essentially a system in which the political decisions reflect the will of the people. As Budge (1993, 153) notices, this argument in itself is not only against nationwide direct democracy but all kinds of decision-making institutions which apply majority voting: "The attempt to mobilize social choice theory against direct democracy seems to encounter the familiar pitfall of arguing against the possibility of democracy as such, rather than any particular form of it." The question is, therefore, what kinds of specific problems of preference-aggregation there are in representative and direct democracy.

The models of social choice theory illustrate the logical problems of majoritarian theories of democracy. They can also be used to point out some of the problems of preference-aggregation within a single institution working under certain decision-making rules, such as the referendum. However, they are based on rather restrictive assumptions and are not sufficient to characterize the complexities of large democratic systems. First, social choice models do not take into account the problem of the intensities of preferences. Not every group of individuals feels equally strongly about all issues. Second, preference-aggregation is only one stage of democratic process. The stages preceding it, the definition of the issues and alternatives and opinion-formation, may actually be far more important. Third, in modern representative democracies, there

is no single political institution in which 'the decision-making' would take place. Political outcomes should be seen as a result of an interaction between different political actors with differing interest within certain institutional constraints. Finally, it may also be argued that democracy does not need to be perceived narrowly in terms of preference-aggregation, but rather in terms of some external values which the democratic process is expected to bring about.

The contestation for power, accountability of those in power and institutional checks and balances are the essential element of liberal theory democracy. In liberal theory, democratic process is not considered to be a value in itself, but rather it is expected to engender certain other values, such as maximization of individual liberty and welfare. The value of democracy is in the 'outputs' it brings about, a limited government which, to certain extent, acts according to the wishes of the public. In participatory theory of democracy, on the other hand, participation in the democratic process is seen as a value in itself. It also emphasizes the importance of 'inputs' of the democratic process, such as public deliberation and participation, which are assumed to engender better reflected and more reasonable public opinion.

Therefore, the theoretical analysis of referendums requires consideration on various theories of democracy, and more profound analysis of how referendums relate to the institutions of representative democracy and how they function as a part of political process. Also, the normative evaluation of referendums depends on the overall view of democratic process, whether it is seen as a method to maximize individual ends, or a

process which has value in itself. The use of referendums may be justified by both lines of argument: different types of referendums may be considered to be corrective with respect to the representation of popular interests and a check on the parliamentary majorities; but they may also be considered to enhance popular participation and deliberation.

Gordon Smith (1975, 294) points out that the label of 'referendum' refers to a variety of situations, and that these situations may only bear very superficial similarity between each other. Therefore, it is not to be expected that there would be 'a general theory of referendums'. Smith argues: "There is almost no connection between the window-dressing referendum operated by a dictator to bolster up his regime and the earnest deliberations which regularly take place in the Swiss cantons."

In the *Part II* of the thesis, referendums in 22 countries are examined. Because the aim of the thesis is to discuss the question how the referendum fits to the pattern of democratic government, I will focus on the countries which have been democratic since the World War II, Anglo-Saxon and Western European democracies. All these countries are democratic in the sense that there are fair elections with competition between the parties. This means that I will exclude those cases in which the referendum has been used as a legitimization of totalitarian governments or as a part of the transition to democracy.

Following Gallagher and Uleri (1996), I will argue that the main distinctions between

referendums may be made according to how and by whom they are initiated and who makes the legislative proposal to be voted upon. There are many functional implications which follow from the differences in the initiation and agenda-setting procedures.

One may differentiate 'three worlds' of referendums in the 22 democratic countries in the sample. Lipjhart (1984, 200) stresses the difference of the popular initiative compared to the referendum: "The referendum by itself entails a very modest step toward direct democracy but, combined with the initiative, it becomes a giant step." In the first world of referendums the citizens have a right to raise issues on the political agenda through popular initiatives, and make decisions upon them in referendums. It may be therefore argued that the popular initiatives are forms of 'direct legislation' which exist alongside with representative democracy. The initiatives are taken to polls several times yearly and often many proposals are voted simultaneously. This is the case in Switzerland and in the Western US states.

Countries like Australia, Denmark, Italy and Ireland, belong to the 'second world' of referendums. In these countries the referendum is regulated by the constitution and it is an integral part of the legislative process, but they are typically only used as a retrospective check on legislation passed by the parliament. There are no institutional provisions providing the citizens the right to raise issues on political agenda. The referendums are either demanded by some political actors or they are constitutionally required on certain types of issues, typically on constitutional amendments.

Most of the Western democracies are occasional users of referendums and belong to the 'third world' of referendums. In these countries, referendums are used at *ad hoc* basis, when the parliamentary majority makes the decision on having a referendum. Often this procedure has not been constitutionally regulated at all. Furthermore, the countries belonging to 'the third world' have experienced only few referendums throughout their history. Such countries as Finland, Norway and Britain belong to the third world of referendums, whereas for example France and Sweden, perhaps, would be somewhere in the middle of the 'second' and the 'third world'. Finally, in some countries referendums are not used at the nation-level at all, for example in the Netherlands. In Western Germany the referendum has been controversial after the World War II, and since then it has not experienced any referendums at the federal level.

To illustrate the differences between referendums in different political systems, certain cases of referendums in Sweden, Denmark and in Switzerland are analysed. The Swedish referendum on nuclear power represents an *ad hoc* or optional referendum, and especially the party-political tactics related to the use of the referendum will be discussed. In the case of Danish referendums on European integration, the referendum was used as a check on representative decision-making, and thus as a conservative device. In the Swiss case the popular-initiative-based referendums are examined, especially their influence the political agenda. In all three cases, the features of referendum campaigns are discussed, especially deliberation, opinion-formation and participation related to the referendum. In the Swedish and Danish cases the approach is more descriptive, and the emphasis is in the political interaction and strategies related

to the referendums. In the Swiss case the approach is more analytical and systematic, because the multiplicity of referendums makes it more important to assess overall influence of the institutions and more difficult to pick a single representative 'case'.

Finally, it is argued that there are links between the functions of various forms of referendums and different theories of democracy. Referendums based on popular initiatives may be considered to be a measure of popular self-government and participatory democracy, whereas law-controlling referendums are considered as a check on the parliamentary majority, and therefore they are more 'Madisonian' or conservative in character. In conjunction of the case studies, different practices of referendums are contrasted with the theoretical justifications given for them, and the problems of the current practices in fulfilling the normative ideals are discussed.

The *Part I* of the thesis, consisting of *Chapters 2 and 3*, are theory-ridden and rather non-empirical. The empirical examples are used just as examples of the theoretical arguments. In the *Chapter 2* the issues related to preference-aggregation in direct and in representative democracy, and the problems of majority rule are analysed using the concepts of social choice theory. In the *Chapter 3* the relationship between the members of two different 'families' of theories of democracy is explored, and the possible arguments for and against the referendum based on these theories are discussed. The *Part II* of the thesis is more empirical, and it is based on the description and analysis of existing institutions and practices of referendums. *Chapter 4* is the first empirical chapter, and it contains a classification and a comparison of institutions in 22 democratic

countries and in California. The *Chapters 5, 6 and 7* present case studies. The purpose of the case studies is to illustrate how the existing institutions of referendums are used by political actors to promote their own goals, and to what extent the political reality matches with the theoretical and normative justifications given to different forms of referendums.

Notes

1 The word plebiscite comes from the Latin words *plebs*, which means the common people, commoners, and *scitum*, a decree.

2 "Die Vorstellung einer Selbstregierung des Volkes und einer Identitätendemokratie sowie die damit verbundene Mythologisierung des Volkes als Willenssubjekt sind endgültig zu verabschieden."

PART I: THEORY OF REFERENDUM

2. Referendum and the Will of the Majority

2.1 Arguments for the Majority Rule

In this chapter, three different issues related to the majority rule are discussed. First, I will consider different arguments put forward for and against the simple majority rule. Second, I will deal with the problems related to the definition of 'the will of the majority' in representative and in direct democracy. Third, I will question the meaning of the whole notion of 'the will of the majority', and the theories according to which democracy is essentially about the majority rule. The first four sections of this chapter mainly deal with choices between two alternatives, and from the section 2.5. onwards choices between more than two alternatives are considered.

Social choice theory examines the ways in which the individual preferences may be aggregated into social choices. The most central concept of social choice theory, *preference*, refers to the orderings in which individuals set certain alternative choices according to their values and tastes. The currently dominant view of democratic voting may be called the *preference conception of voting*, which is based on individualist premises and on the idea that the concepts like 'the public interest', 'the common good' and 'the will of people' may only be determined on the basis of the individual preferences. Furthermore, the votes expressing individual preferences should be aggregated into outcomes which please as many individuals as possible (Lewin 1991, 7).

Brian Barry (1965, 58) puts forward a rule named the Majoritarian Principle: all disputes which require political settlement should be settled by majority vote, or by elected persons in accordance with the sentiments of the majority. The concept of the majority, however, means different things in different contexts. It may refer to the *simple majority* or the *absolute majority*. An alternative which wins a simple majority gets more votes than the other alternative in a pairwise comparison. The alternative winning the absolute majority is the one which gains more than half of the total votes. According to the *special majority rules* the winning alternative must gain at least some specified proportion of the votes, for example 2/3 or 5/6. Furthermore, the majority rule must be distinguished from the *plurality rule*, which defines the winner as the alternative which gains more first preferences than any other alternative. (Riker 1982, 45.)

The reason why the simple majority rule is a superior choice method in cases in which there are only two alternatives is quite obvious. As Buchanan and Tullock (1962) argue: "Whenever a choice has to be made only a decision made by a simple majority will ensure that more are satisfied by the result than frustrated." Douglas Rae (1969) looks at the problem of choosing the decision-making rule as a problem of constitutional choice. He begins with the assumption that a rational individual favours a certain decision-making rule in a way which "optimize(s) the correspondence between his schedule of values and the list of policies which are imposed". In terms of individual preferences and imposed policies, there are four possible outcomes:

- A. Individual supports a proposal, but it is not imposed.¹
- B. Individual opposes a proposal, but it is imposed.
- C. Individual supports a proposal, and it is imposed.
- D. Individual opposes a proposal, and it is not imposed.

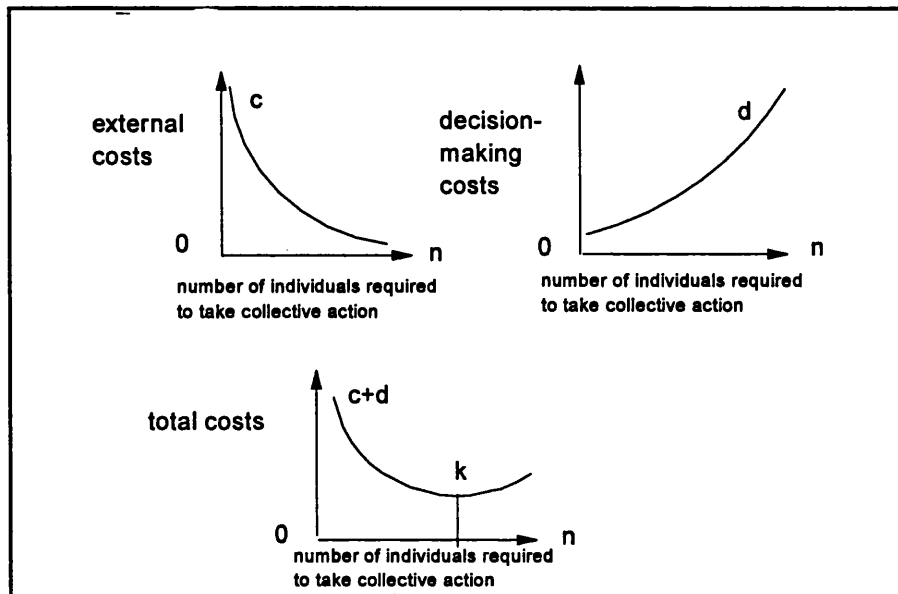
According to Rae (1969, 42), rational individuals choose the decision-making rule by the following criterion: "One should choose that decision-rule which minimizes the sum of the expected frequencies for (A) in which the committee does not impose a policy which his value schedule leads him to support, and (B) in which the committee imposes a policy which his value schedule leads him to oppose." Following this criterion, and assuming that an individual is as likely to be on the winning as on the losing side, a rational individual ends up choosing the simple majority rule, because it maximizes the probability that the individual will 'have his way' with respect to a given proposal. Rae does not assume that individuals are motivated by self-interest, but his account is based on a broader conception of 'political individualism', which means that political decisions should correspond individual values, regardless of whether they are based on self-interest, altruism or public interest.²

There is at least one important limitation in Rae's construction: an individual has a reason to choose majority rule only if it is as likely to end up on the winning side as on the losing side. This is not often the case in real-world politics, in which there usually are groups that tend to be in majority or in minority. In other words, the use of the majority rule cannot necessarily be justified in Rae's terms in societies in which there are clear divisions between

majority and minority groups.

As Buchanan and Tullock (1962) discuss the problem of choosing the decision-making rule. Their argument is that the simple majority rule is not unique as a decision-making method, and that there may be good reasons for choosing some other rule. They show, especially, that the majority rule is not necessarily the best decision-making rule on the issues concerning the production of the public goods. Their analysis is based on the distinction between two kinds of costs involved in this kind of situation, ie. the decision-making costs, caused by the bargaining for reaching the decision, and the external costs, which are the individual's losses caused by the decisions which are not according to individual's preferences. As the size of the majority required for a decision increases, the external costs tend to fall and the decision-making costs tend to rise. Buchanan and Tullock describe these costs by two curves, and the curve representing the sum of these curves depicts the total costs for an individual who participates in collective action. The optimal majority requirement lies at the lowest point of this curve which is described in the figure below.

Figure 2.1 Optimal Decision-Making Rule by External Decision-Making Costs:



Source: Buchanan & Tullock 1961.

A fundamental limitation of Buchanan's and Tullock's model is that it is an analysis of the production of public goods, and it may be appropriate only in these kinds of problems. In their analysis *effectivity* or *Pareto-optimality* is taken as the ideal for political decision-making: the optimal political decision-making would be like perfect market condition which brings about only effective decisions. In Buchanan's and Tullock's model the only reasons for departing from the unanimity rule or *Pareto-optimality*, are the high decision-making costs caused by unanimous decision-making. Barry (1965, 313) argues that Buchanan and Tullock's construction favours the political *status quo*:

"The authors point out that there is no special reason to suppose that this will occur at the

50 per cent mark. But it is evident that the only reason here for diverging from unanimity as a requirement for valid decisions is the cost of bargaining. In other words, the assumption underlying the construction of the 'total cost curve' is that each person has explicitly accepted the *status quo*. It has no relevance to the normal situation where there is no pre-existing agreement on *status quo*."

The protection of the political *status quo* is justified only if there is a pre-existing agreement on it. There are, however, many problems to be solved in the political arena, such as moral problems, distributive problems and problems of coordination, to which the assumption of the pre-existing consensus on the *status quo* does not necessarily apply. Therefore, the *status quo* is often not a politically neutral alternative, but an alternative supported by a certain group of individuals. The following examples, originally given by Duncan Black (1955), describe the difference between the situations when the requirement for qualified majority only blocks decision-making, and the situation when the requirement for qualified majority is in favour of some group of individuals. In the first example, there are "...a hundred persons on a hayride and a fork in the road looms ahead; 74 want to go right and 26 left. With a simple majority rule they will go right, but with a three-quarters majority rule they will stop. This does not, they say, represent the a 'victory' for the 26 over the 74 because the 26 don't get what they want either." If, on the other hand, the set-up is changed in the way, that there are hundred persons are approaching a river, "...26 want to stop for a bathe while the other 74 want to go on. If as before the rule says that 75 are needed before the cart goes on, this does represent 'victory' for the 26, who have got precisely what they want." (Barry 1965, 315.)

According to Barry, most political choice situations resemble the latter example, in which the *status quo* is not a third, neutral alternative, but favoured by some group of individuals. The protection of the *status quo*, for example by the requirement for a qualified majority, then favours any sufficiently large group in minority, because they get their way regardless of the opinions of the majority. In these kinds of situations the requirement for a qualified majority effectively means 'the tyranny of a minority'. Of course the case may also be like in the first example that there are two groups in the society which want to go equally far in opposite directions. In this case it may be justified, especially if they were approximately equal in size, that they should compromise and stay where they are.³ Furthermore, certain issues may be characterized as asymmetric: staying in the *status quo* may not rule out future moves from it, whereas moving from *status quo* may rule out the possibility of returning back. In other words, in some situations it may be more difficult to reverse either of the options. It was argued in the Scandinavian EU-referendums that the yes-choice, the membership in the EU, is more 'final' than the no-choice, staying out.

Buchanan's and Tullock's analysis is based on the assumption that individuals' preferences are based on self-interest. This assumption may be criticised for being too narrow and not being sufficient for describing the nature of the individual interests in politics. As Rae (1969, 43) asserts:

"...we are interested in political problem in its own right, and this must not be submerged in the conceptual (sometimes even ideological) path of economic individualism. We do not wish, therefore, to conceive the problem of having one's way as a means to success in a larger economic game, but to leave the source of individual values open to the unspecified "value schedules" of individuals."

By using the concept of 'value schedule', Rae meant that individuals do not necessarily make decisions following to their self-interest, but they may also justify their choices by their perception of the good of the whole society. As mentioned before, the preference conception of democracy does not give any special value in altruistic or public-regarding preferences, because the good of the society is just derivable from the good of each individual. This may lead to difficulties in political problems which are zero-sum like, or in the cases when individuals get satisfaction from other people's misfortunes. As Goodin (1983, 77) argues: "Allowing social decisions to turn on individual preferences might, in communities of sufficiently bloody-minded individuals, produce some pretty onerous outcomes." This is the problem which is broadly discussed in the liberal theory of democracy, and it provides the most powerful argument against majoritarianism.⁴ These questions will be discussed in the following chapter, but before this, I will examine some other problems of the majority rule.

2.2 Representative and Direct Democracy - Ostrogorski Paradox

The simplest argument for representative democracy in large political entities is that the complexity of the issues and the time needed for reaching decisions makes direct democracy impractical and virtually impossible. Representative democracy is therefore often regarded as the only possible form of nationwide democracy, and the representative institutions are established in order to avoid the high costs caused by popular participation in decision-

making. Democracy in modern states and also in other large organizations may be understood so that the people delegate their decision-making power to the representatives, and the opinion of the majority of the representatives is thought approximately to equal to the will of the majority of the people.

There are reasons why this idea can be criticised. First, as it will be shown later in this chapter, democracy may not be defined in terms of the fulfilment of the will of majority, because it is not logically possible to determine the will of the majority on some political issues. Second, the relationship between direct and representative democracy is not as simple because the representatives do not just reflect the opinions of the people they represent. Third, the nature of the representative decision-making differs from 'direct democracy' in many crucial respects.

Some authors have suspected that the failure of representatives to achieve political decisions which reflect the opinions of the majority of the people may simply result from the inherent logic of representative decision-making. Early in this century, a Russian political scientist, Moise Ostrogorski (1902) argued that all kinds of mischief may follow when issues are mixed together in electionsⁱ. The problems of preference-aggregation in representative democracy have been formally analysed by Rae and Daudt (1976) and Lagerspetz (1995; 1996). The following example shows how representative democracy may distort the will of the majority in a situation in which there are several issues with two alternatives. This idea is named by Rae and Daudt as the Ostrogorski-Paradox, and it may be summarized as

follows:

- (1) There are several political issues (>2). Each party has a clear-cut position on each issue, and each group of voters has definite preferences over the alternatives.
- (2) On each issue, there are two alternatives and either of the alternatives is supported by the majority of voters.
- (3) Issues are independent and non-complementary.
- (4) In parliamentary elections, each voter chooses the party with which he agrees on more rather than fewer issues, and his vote is uniquely determined by his ordinal issue preferences.
- (5) The electoral system is completely proportional, i.e. the allocation of parliamentary seats is fully in proportion with the allocation of the votes between the parties.
- (6) There are two parties (A and B), and each takes a distinct, clear-cut stand on each issue. Now, let us assume that
- (7) On each issue, party A takes the view of electoral majority and party B takes the minority view. But, paradoxically, it may be the case:
- (8) Party B representing the views supported by the minority in each issue wins the majority of the parliamentary seats.

The following table describes a situation in which this happens:

Table 2.1: The Ostrogorski-Paradox

Groups of Voters	Issues			
	(1)	(2)	(3)	
X (20%)	<i>a</i>	<i>b</i>	<i>b</i>	60% votes for B
Y (20%)	<i>b</i>	<i>a</i>	<i>b</i>	
Z (20%)	<i>b</i>	<i>b</i>	<i>a</i>	
V (20%)	<i>a</i>	<i>a</i>	<i>a</i>	
W (20%)	<i>a</i>	<i>a</i>	<i>a</i>	
Referendum outcomes	<i>a</i>	<i>a</i>	<i>a</i>	

60% prefer alternative *a* on each issue.

Party A's political programme consists of the issue position *a* on each issue (*a, a, a*) and party B has the programme (*b, b, b*). The groups of voters (X, Y, Z, V, W) are equal in size (20%).

If there were a referendum on each of three issues, the alternative a supported by the party A would get the majority of 60% in each referendum. However, in an election groups X, Y and Z would vote for the party B, because represents their preferences in two out of three issues. Therefore, the party B gets a majority of 60% of the parliamentary seats (assumption 5). Rae and Daudt call this kind of situation an *inverted majority decision*. Inverted majorities are caused by the use of a compound method, majority vote among the representatives. Rae and Daudt argue that the inverted majority is not probably very likely but it is possible when there are at least three issues and four groups of voters with different preferences. (Lagerspetz 1995, 51-52; Rae & Daudt 1976, 391-393.)

The Ostrogorski-Paradox proves that representative democracy may distort the will of the majority just because it is a compound social choice method. Misrepresentation follows from the inherent logic of representative democracy, and it does not depend on whether the voters cast their vote for parties or individual representatives who have an imperative mandate, in other words, who are obliged to follow the opinions of the majority. All that matters is that the voters do not choose between separate issue positions but bundles of positions. Rae and Daudt also prove that there is a relationship between the Ostrogorski-paradox and the Condorcet-paradox (discussed later on in this chapter). Actually, in every instance of the Ostrogorski-paradox there is an underlying Condorcet-paradox. This is examined for example by Bezembinder and van Acker. (Bezembinder & Van Acker 1985.)

Moral philosopher Elisabeth Anscombe (1981) has pointed out a paradox which is the reverse of the Ostrogorski-Paradox. She shows that even if the decisions are made in referendums following the preferences of the majority, the majority of voters may find

that most decisions are against their preferences. The same table which described the Ostrogorski paradox can be used for illustrating the Anscombe-Paradox:

Table 2.2 The Anscombe-Paradox

Groups of Voters	Issues		
	(1)	(2)	(3)
X (20%)	<i>a</i>	<i>b</i>	<i>b</i>
Y (20%)	<i>b</i>	<i>a</i>	<i>b</i>
Z (20%)	<i>b</i>	<i>b</i>	<i>a</i>
V (20%)	<i>a</i>	<i>a</i>	<i>a</i>
W (20%)	<i>a</i>	<i>a</i>	<i>a</i>
Referendum Outcome	<i>a</i>	<i>a</i>	<i>a</i>

(Source: Lagerspetz 1996.)

Now, if the issues are voted upon in separate referendums, the outcome is (a,a,a) . The majority of the voters (groups X,Y,Z), however, prefer the alternative *b* in two out three issues. Furthermore, the majority of voters would have been better off if the decisions were made by compound method, in other words, by the representatives. This implies that the majority of the voters would prefer representative to direct decision-making and, therefore, it may be argued that direct democracy is against the will of the majority. This example supports the argument that ‘the will of majority’ is dependant on the way in which it is defined.

Moreover, the Anscombe paradox captures a problem of social choice only if it is assumed that the preferences on the issues are non-separable. Anscombe paradox is not a paradox if it is considered to be appropriate to vote on the issues separately. The Ostrogorski paradox may come up in situations in which the issues are assumed to be separable. Based on this, one could argue that normative support for referendums must

be based on a belief that preferences on some issues are separable. This condition was stated in the assumption 3 of the Ostrogorski paradox, according to which the outcomes are independent or the preferences are separable if there is no causal dependence between them or if the issues are not complementary. In other words, the value of each outcome for a given voter on issue i does not depend on his estimate of the outcome on issue j .

The Ostrogorski paradox reveals the logical possibility of the misrepresentation of the will of the majority in representative democracy in situations in which quite ideal conditions apply. The assumptions put forward above rule out, for example, such explanations for inversion as that parties offer programmes lacking issue positions (assumption 6), or that the electoral system is not fully proportional, or that voters choose parties on the basis of some other criteria than the issue positions (assumption 4), or that the representatives do not follow the preferences of the voters.

2.3 Intensities of Preferences in Direct and Representative Democracy

It seems to be quite plausible to argue that individuals are not equally interested in all issues but they tend to feel more strongly about certain issues than about the others. In other words, individuals may have asymmetric intensities of the preferences. Lagerspetz (1995) represents the following example in which there are three groups of voters, which are equal in size. The issues that some group of voters considers as especially important are printed in bold.

Table 2.3 Representation and Intensities of Preferences

		ISSUE		
		(1)	(2)	(3)
GROUP OF VOTERS	X	<i>a</i>	<i>a</i>	<i>b</i>
	Y	<i>a</i>	<i>b</i>	<i>a</i>
	Z	<i>b</i>	<i>a</i>	<i>a</i>

If a referendum on each issue was held, the outcome would be (a, a, a) , whereas in an election party B, representing the position b , would get all the parliamentary seats. This happens if it is assumed that the voters trade off their views so that they cast their votes in the election only according to the issue in which they have the most intensive preferences, and are thus ready to accept decisions which are against their will in the less salient issues. This example shows that direct democracy would actually be against the will of the people if the intensities of the preferences are taken into account, and that in some situations the individuals may prefer representation to direct democracy.

The problem of the voters in the referendum of mentioned in the above example was that they were not able to trade their votes. In representative democracy there is a more limited number of voters than in direct democracy, which makes it easier to have information about the other voters' preferences, to form coalitions, to have communication and to make agreements.

Representation also makes bargaining and vote-trading possible between the voters. Vote-trading means that the partners of the trade agree to vote against their interests in less salient issues and receive a vote of the partner in more salient issues. Therefore vote-trading functions as a mechanism which brings the intensities of the preferences into decision-making. The argument for vote trading has been put forward by Buchanan and Tullock (1962, 145). According to them a voter can improve his welfare "if he accepts a decision contrary to his desire in an area where his preferences are weak in exchange for a decision in his favour in an area where his feelings are stronger." Vote trading or logrolling has also been analysed by for example Riker and Brams (1973) and Schwartz (1977). Riker and Brams put forward an argument against logrolling: they point out the fact that vote trading causes external costs for those who do not carry out such trades and that there is a 'Paradox of Logrolling', which means that it may be the case that traders gain from the logrolling individually (have positive incentive for it) but everyone, the traders included, will eventually be worse off if such trades are carried out.

This raises some questions of the nature of preference-aggregation and democracy, especially the question whether the intensities of the preferences should be taken into account at the first place. However, as a conclusion of the above discussion one may argue like Butler and Ranney (1978) that a referendum as a preference-aggregation method tends to represent more 'blunt' form of majoritarianism than any forms of representative democracy, because there are fewer mechanisms to count the intensities of the preferences. Furthermore, majoritarian instruments, such as the referendum, are not considered to be appropriate for the decision-

making on issues which have very asymmetric influences on different groups of the society, and in which the vital interests of certain groups of citizens are at stake. However, as it will be pointed out later on, the referendum is not necessarily always strictly majoritarian, and in some contexts it may actually be used for protection of the interests of minorities.

2.4 Separation of Issues

As the Ostrogorski paradox illustrates, direct democracy may be characterized by the separation of issues. The separation of the issues is not, however, necessarily the correct way of framing political problems, because issues may be interdependent in character. It may be the case that voters prefer the two separate political states of affairs a and b to the *status quo*, but they prefer the *status quo* to the state of affair in which both a and b prevail. For example, Lacy and Niou (1995) have proved the fact that if some voters have non-separable preferences over multiple propositions, the majority rule may fail to select the policies preferred by the majority. ⁶

The following example shows a simple case when this happens. There are three voters and two issues, let them be the construction of a coal energy plant and the construction of a nuclear power plant. The voters do not know each other's preferences and therefore they cannot vote strategically. The voters vote as follows in two referendums held simultaneously on these two issues:

	coal energy	nuclear power
voter 1	<i>Y(es)</i>	<i>N(o)</i>
voter 2	<i>N</i>	<i>Y</i>
voter 3	<i>Y</i>	<i>Y</i>

The yes-votes are the majority in both issues, i.e. both the nuclear power plant and the coal energy plant will be built. The voters have, however, the following preferences over the four possible policy outcomes of the two issues:

voter 1	<i>YN P₁ NY P₁ NN P₁ YY</i>
voter 2	<i>NY P₂ YN P₂ NN P₂ YY</i>
voter 3	<i>YY P₃ YN P₃ NY P₃ NN</i>

The preferences of voters 1 and 2 are non-separable over the two issues, nuclear power and coal energy plant. This means that voter 1 supports the development of coal energy, and voter 2 supports nuclear power to the *status quo* in energy politics, but they both would prefer maintaining the *status quo* to the development of both forms of energy. According to the preferences over the four possible policy outcomes the majority preference relation is *YN P NY P NN P YY*. If the non-separability of preferences were taken into account, the outcome would be that the coal power plant will be built but not the nuclear power plant. Furthermore, the outcome of separated referendums (*YY*) turns out to be the majority loser when the issues are treated as non-separable. In other words, in this kind of situation, voting on nuclear power and coal energy issues separately could only distort the will of the majority.

The dependency of preferences is naturally a problem only if the two issues are voted

simultaneously, and when the voters do not know the preferences of the other voters, because in this case they could reveal their preferences strategically. Also vote trading is a potential solution to the problem. Strategic voting and vote trading are more possible in representative democracy, in which there are fewer members and therefore better conditions for communication and interaction. The problems caused by non-separable preferences are therefore most likely to materialize in omnibus referendums, i.e. referendums in which there are many issues to be voted upon. These kinds of referendums are common in the US states and also in Switzerland. In Switzerland the problem may emerge because sometimes initiatives are voted together with the governmental counter-proposals on the same issue, and because recently it has become possible to cast a 'double yes' vote, a yes-vote both to the initiative and the counterproposal (see *Chapter 7*).

The possibility of interdependent preferences, again, displays how the outcomes depend on the procedures used. It may also be regarded as another theoretical reason for supporting representative democracy - in addition to the disregard of direct democracy of intensities of preferences discussed earlier. As Lacy and Niou (1995, 19) conclude the problems of the inseparable preferences in 'referendum democracy' and put forward an argument for representative decision-making:

"The important advantage of legislatures over direct democracy is that voters in a legislature are better able than voters in a referendum to communicate their preferences and coordinate their votes. People voting on a referendum are forced to cast *blind votes* that consider neither the outcome of votes on related issues nor the preferences of other voters. Legislatures encourage communication and coordination, forms of political participation often overlooked by proponents of direct democracy, yet these forms of participation are crucial to the selection of optimal social outcomes when people hold non-separable preferences."

2.5. The Majority Rule and Other Preference Aggregation Methods

The first four sections of this chapter dealt with binary choice situations. Now choices between more than two alternatives will be considered. In the cases with more than two alternatives the simplest social choice method would be probably the *plurality rule*, according to which the winner is the alternative which gets more first preferences than any other alternative. The plurality rule is used for example in the first-by-the post elections. The limitation of the plurality rule is that it does not take into account voters' preferences over all alternatives, because only voters' most preferred alternatives are counted. As first pointed out by the French mathematician Jean Charles Borda (1784), the plurality winner of a three-candidate election may be a majority loser, in other words, there may be contradiction between the plurality rule and the majority rule. The following example shows a simple case with three alternatives when this happens:

Table 2.4 Contradiction between Plurality Rule and Simple Majority Rule

Group 1: 40 % of voters	$a P_1 b P_1 c$
Group 2: 30% of voters	$b P_2 c P_2 a$
Group 3: 30% of voters	$c P_3 b P_3 a$

In the example displayed in table 2.1, 70% of voters prefer b to c , 60 % of voters prefers b to a , and 60% of voters prefer c to a . This means that there is a *transitive majority preference*

relation is $b P c P a$ and that the alternative b is the majority winner and the alternative a is the majority loser. However, the alternative a , the majority loser is be the plurality winner, because 40% of the voters considers it as the most preferred alternative, in other words, a gains more first preferences than any other alternative. Apart from the plurality rule, the majority rule may also contradict some other intuitively fair preference-aggregation methods, for example the positional preference-aggregation method introduced by Borda.⁷

2.6 Intransitivity of the Majority Rule

The problems of majority cycles have been very central to social choice literature since Kenneth Arrow's 'Social Choice and Individual Values' (1951). Institutional and normative implications of the problems of the majority cycles have been dealt with for example in William Riker's 'Liberalism against Populism' (1982). The problem of cyclical majorities was found out by French mathematician and philosopher Condorcet (1785/1976)⁸. He examined the following question: what is the analogy of the majority rule, in which more than 1/2 of the given votes is required, in the cases in which there are more than two alternatives? Condorcet's ideal decision-making rule in such cases is based on information of voters' full preference orderings over all alternatives. Condorcet defines the majority winner in the choice between more than two alternatives so that the winner is the alternative which is supported by the majority of the voters against any other alternative (*Condorcet winner*).

Condorcet demonstrated the major defect of the method of defining the majority winner by pair-wise comparisons, which is the *intransitivity of the majority rule*. Condorcet's findings were a result of his efforts to develop a probabilistic theory of voting. Later on, the problem of cyclical majorities has been treated as a problem of ordinalist welfare economics. This means that the problem affects both the 'preference' and the 'epistemic' conception of democracy which will be discussed in the following chapter. In terms of social choice theory, the possibility of cyclical majorities means that the preferences of a group of individuals, aggregate preference orderings, need not be hierarchically ordered but can be circular. The following example shows a simple case when this happens. There are three voters who have the following preferences over three alternatives:

Table 2.5 Cyclical Majority Preference Relation

Voter 1:	$x P_1 y P_1 z$
Voter 2:	$y P_2 z P_2 x$
Voter 3:	$z P_3 x P_3 y$

The majority or Condorcet-winner is the alternative which is supported by the majority against all the other alternatives in pair-wise comparisons. In the example above there is no Condorcet-winner, because x is preferred to y , y is preferred to z , and again, z is preferred to x . This can be expressed by the following notation: $x P y P z P x$. This means that the majority preference relation between the all three alternatives is cyclical. More generally, the Condorcet-winner does not exist in cases when there is a cycle between the alternatives on the top of the preference ordering, a *top cycle*.

This problem is also the essence of Kenneth Arrow's General Impossibility Theorem in 'Social Choice and Individual Values' (1951). The concept of *social choice function* refers to all methods of aggregating individual preferences into social choices. Following Riker (1982, 116-118), Arrow's theorem means that no social choice function can simultaneously satisfy certain conditions which may be divided into conditions of *rationality* (logicality) and *fairness*. Arrow's conditions of rationality are the following:

I Connectivity: For each pair of alternatives x and y , either x is *weakly preferred* to y (xRy), in other words, x is considered at least as good as y ; or y is weakly preferred to x (yRx). This means that either x is preferred to y (xPy) or y is preferred to x (yPx), or there is indifference between x and y (xIy).

II Transitivity: If x is preferred to y and y is preferred to z , then x is preferred to z . If x is preferred to y , and there is indifference between y and z , then x is preferred to z . Furthermore, if x weakly preferred as y , and y is weakly preferred to z , then x is weakly preferred to z . Arrow's theorem deals with the ideals of democratic preference-aggregation, and in this context it is reasonable to require that individuals' preference orderings satisfy this condition, because it captures the intuition of the minimal rationality of a choice.

Arrow's conditions of fairness are as follows:

III Unrestricted Domain (U): All possible preference profiles, i.e. all permutations of individual preference orderings over the set of possible outcomes, are allowable. No individual preference ordering is ruled out. The justification of the condition of unrestricted domain goes as follows: If social choices are to be based exclusively on individual

judgments, then to restrict an individuals' judgments in any way means that the social outcome is based as much on the restriction as it is on individual judgments. The discussion on the condition of single-peakedness later on is related to this condition.

The following conditions of fairness are based on the idea of positive responsiveness, in other words, on the principle that the outcome of a social choice method depends on voters' participation:

IV Monotonicity or Positive Association: If a voter raises the valuation of the winning alternative, it should not become a loser. The condition of monotonicity may be justified as follows: the purpose of democratic preference-aggregation methods is that the outcomes are based on people's participation. In this respect it would be bizarre if the social choice method would count individual preferences negatively.

V Citizen's Sovereignty: A social choice is *imposed* if there exists an alternative x , which is a winner for any set of individual preferences. The condition of citizen's sovereignty seems quite reasonable, because if it is not satisfied, the social choice has nothing to do with voters' preferences and democratic participation is meaningless.

Conditions IV and V enter in the proofs of Arrow's theorem in the form of the condition of **Unanimity or Pareto-optimality P** which goes as follows: If everyone prefers alternative x to y , the social choice function does not choose y . The conditions of monotonicity and

citizen's sovereignty together imply Unanimity.

VI Nondictatorship (D): According to Arrow, non-dictatorship means that there is no individual whose preferences are automatically society's preferences independently of the preferences of all other individuals. This should be interpreted that there is no such individual i whose preferences are identical to the social choice, no matter what everyone else's preferences are. Sometimes the condition of non-dictatorship is (mis)understood as follows: there does not exist such an individual i that no matter what i 's preferences are, they will be identical to the social choice, no matter of the preferences of everyone else. MacKay (1980, 8) and Riker (1982, 118-9), for example, have justified this condition on the grounds that the method of social choice should not be just rubber stamping of one person rule, because the whole idea of democracy is making *collective* choices. This is obviously true, but is not the correct interpretation of what is required in Arrow's theorem. Arrow's condition simply requires that any social choice function always makes the choice that at least one individual desires, but this does not mean that this individual is a particular individual i . Dictators in Arrow's theorem's sense do not necessarily even know that they are dictators. Therefore, the concept of 'dictatorship' has a very specific meaning in Arrow's theorem which differs from the general interpretation of the concept. ⁹

VII Independence of Irrelevant Alternatives (IIA): According to this condition, a social choice method chooses the same alternative as the collective choice every time it is applied to the same preference profile. This condition, like other conditions of fairness, requires that

the social choice is based only on voters' preference orderings over the alternatives. This condition is quite controversial because it rules out for example all the positional aggregation methods, such as the Borda count. Furthermore, it rules out the possibility that the intensities of the preferences were taken into account when aggregating preferences. In fact, one possible cure for the problem of intransitivity of the majority rule is to take the intensities of the preferences into account for example by allowing vote-trading.

The contradiction between the conditions of rationality and fairness results in the cases where the majority preference relation is cyclical or intransitive, for example $x P y P z P x$ of the table 2.5. Now, if one of the alternatives is chosen, the outcome is necessarily imposed by a particular voter or coalition of voters, which appears to be the dictator. Therefore, the essence of Arrow's theorem can be summed up as a possibility of contradiction between the conditions II (transitivity) and IV (nondictatorship). This means that all decisive social choice methods which choose one alternative (single-valued social choice functions) are potentially dictatorial in Arrow's sense. (See for example McKay 1981).

A very important corollary of Arrow's theorem is so-called Gibbard-Satterthwaite theorem (Gibbard 1973, Satterthwaite 1975), which proves that every decisive social method (ie. chooses a single alternative) is either manipulable or dictatorial, if there are more than two alternatives and at least three voters. Manipulability means, first, that voters may have an interest to vote strategically, in other words, to misrepresent their preferences, and that voting can be characterized as a game-like situation. This has serious consequences for the

interpretation of the outcomes of social choice methods, because there is no guarantee that voters have represented their true preferences. Second, manipulability means the possibility of *agenda-manipulation*, which means that those who control the agenda and the voting procedures may achieve the outcomes they want by structuring the procedures.

In order to be successful, however, both forms of manipulation (strategic voting and agenda-manipulation) require information on other voters' preferences. This kind of information is normally not equally distributed in the society and hence the access to information becomes an important power resource in the voting situations. This point is sometimes used to argue the merits of representative decision-making compared to referendums, because the representatives tend to have better access to information on the preferences of the other voters than the ordinary citizens. This is because there is a limited number of voters, and also because the representatives are more likely to be aware of the strategic character of the voting situations. Therefore, it may be argued that the representatives have better capacities for strategic voting, which is an important way of counteracting the manipulation power of the agenda-setters.

2.7 The Theoretical and Practical Significance of Cycles: Single-Peakedness and Multi-dimensionality

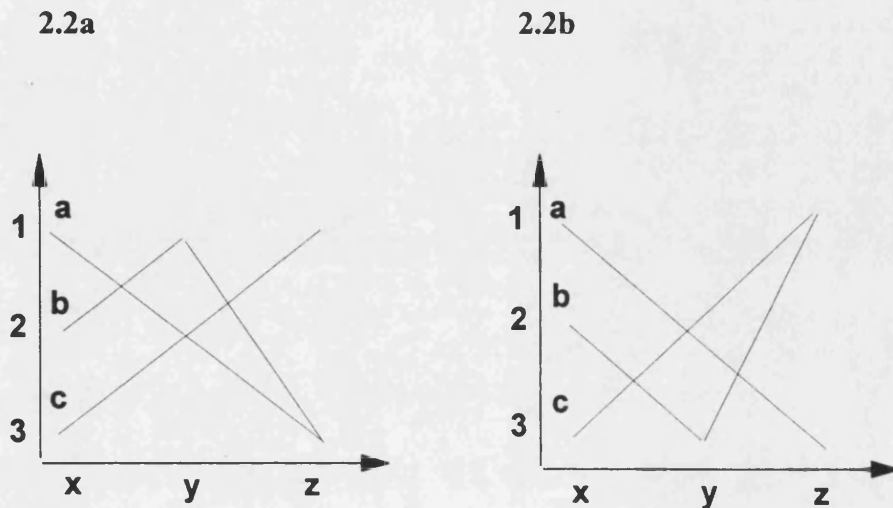
Theoretically, the frequency of the majority cycles depends on the number of alternatives and, to lesser extent, on the number of voters. For example, when there are three alternatives,

x, y and z, the following six ($3 \times 2 \times 1 = 6$) orderings are possible: xyz, xzy, yxz, yzx, zxy, zyx.¹⁰ When the number of alternatives is three, the probability of cycles rises from 0.056 up to about 0.09 as the number of voters increases. This means that in the choice between three alternatives, the probability of cycles never exceeds 0.1. However, the probability of cycles approaches the limit of 1.00 as the number of alternatives increases. (Abrams 1980, 92-93.)

These probabilities are based on purely theoretical calculations. For example, it is not very realistic to assume that all preference orderings are equally likely. In reality some preference orderings are more likely to be chosen than others. It may be argued that the preference profiles, which consists of all individual preference orderings, tend to fulfil the condition of *single-peakedness*. (Riker 1982, 121.) The basic idea of the condition of single-peakedness is that voters assess the alternatives with respect to a single attribute. In other words, voting takes place in a policy space with one dimension. In this case voters' preferences may be described in a one-dimensional continuum. In Figures 2.2a and 2.2b below voters' preferences over the alternatives x, y and z are described in such a coordinate in which the points in the horizontal axis represent the alternatives and points in the vertical axis represent the positions of the alternatives in voters' preference orders. If voters' preference orderings are all strong, they can be described with three points in the coordinate. If these points are combined with line segments, we may get four types of curves: monotonically increasing, monotonically decreasing, curves with a peak in the middle, or curves with a trough in the middle. (Nurmi 1987, 17.) Figure 2.2a displays a single-peaked preference profile and

Figure 2.2b a non-single-peaked preference profile:

Figure 2.2: Single-Peaked and Non-Single-Peaked Preference Profile



If the preference profile is single-peaked, the majority preference ordering is transitive and the alternative preferred by the *median voter* is the majority winner, in the figure 2.2a the alternative y preferred by voter b . The condition of single-peakedness is in contradiction with the condition of Unrestricted Domain in Arrows' theorem, and it implies transitivity of social preference orderings.

The political interpretation of single-peakedness is that there is only one ideological dimension, for example the traditional left-right. In such situations voters' preferences tend to be single-peaked. For example, a left-wing voter supporting the nationalization of industries prefers the centrist position of maintaining *status quo* over the right-wing position of further privatization. The reasons why voters' preferences are single-peaked can be found

in political culture which creates a common view of the political dimension, the criterion according to which the alternatives are ranked. It may also be argued that the relevant political dimension is created and maintained by certain kind of political discourse.¹¹

The single-peakedness condition belongs to a larger set of *Exclusion Conditions*, which includes also other logically possible solutions to the problem of intransitive social choices. Single-peakedness is probably the most plausible of these conditions but not the only one. In addition to it, there is also the condition of single-troughedness, which may be plausible in some contexts. (See Miller 1983, 738-739.) In general, exclusion conditions apply only in situations in which there is only one political dimension. *Balance conditions* may prevail also in such situations when exclusion conditions do not apply, in *multidimensional voting* situations. For example, national elections can be better described as a multidimensional than a single-dimensional voting situation, because political choices are typically made according to multiple criteria. The voters have to choose between candidates or parties which represent different positions in multiple issues prevalent in politics and raised in the electoral campaign. The electoral voting may be characterized as voting for alternatives which represent a bundle of positions on certain issue dimensions, for example, voting for party *A* which supports more defence spending and less welfare spending than party *B*. When this is the case, the voting situation can be described with multidimensional spatial models. The main assumption of the spatial models is that the voters make their choices between the candidates or the parties using the information of their positions on separate issues. Each voter has an ideal point, and he or she votes for the candidate or the party which represents

the position which is the nearest to their ideal point.

The idea of equilibrium conditions is based on 'the symmetry of disagreement', in which the opposing preference orderings 'balance out' each other. If the number of voters is odd and if the preference ordering can be paired in a way that the orderings in each pair are opposite to each other, then the majority preference ordering is transitive. The situation can also be described as a tie which is broken by the remaining unpaired ordering, the majority preference ordering being identical to this ordering (Miller 1983, 739). For example in figure 2.2b voters' *a* and *c* preference orderings are the opposite and balance out each other and the alternative *z* preferred most by the remaining voter *b* is the majority winner.

Plott (1967) has demonstrated that in multidimensional voting situations balance conditions typically do not work, and therefore it is very uncommon that any alternative would turn out to be the majority winner. Moreover, McKelvey (1976) has proven that if Plott's balance condition is not met, the transitivity of majority rule fails entirely and a majority preference cycle covers the whole alternative space. On the other hand, Richard Niemi (1969) has shown that the probabilities of the occurrence of top cycles reduce to tiny proportions also in this kind of cases when there is a reasonable consensus on the issue dimensions in the multidimensional case. This, again, raises the question how the 'political dimensions' are constructed, which draws the attention to political culture, and the political discussion preceding the decision-making, in which the qualities of alternatives are judged. Furthermore, the separation of issues may be seen as a cure for the problem of the cyclical

majorities. Barber (1984, 204-205) argues that the intransitivity of the majority rule is more typical to representative democracy, because the separation of issues and issue-by-issue voting in direct democracy decrease the number of political dimensions, and thus increase the possibility of the transitivity of the majority rule.

There are also some other ways out of the chaos created by cyclical majorities. It may be argued that all decisive decision-making institutions impose equilibrium upon the majority cycles. The outcomes generated by institutions may be called *structure-induced equilibria*, which is a result of certain procedures, on contrast to the *pure equilibrium* of the situations in which the majority winner is chosen. The social choice methods tend to have some more or less arbitrary mechanisms of breaking the majority cycles. In multistage voting methods, such as the elimination and amendment agendas used in the parliamentary and committee voting, the chairman may be decisive because he is able to the order in which the alternatives are voted upon. The social choice methods used in referendums and elections typically break the cycles by taking into account only the voters' first preferences.

More generally, the social choices fundamentally depend on the *agenda* used in the choice situations. *Political agenda-setting* may be defined generally in terms of the selection of i) the issues on which collective decisions are made, ii) the possible policy alternatives on these issues, and iii) the procedures by which the social choices are determined. With respect to the importance to the final outcome, this process is at least as important as the actual preference-aggregation. In elections and referendums, the political issues, alternatives and

procedures are largely defined by some kind of political elite, ie. parties, bureaucrats and MPs, and also the media, and the electorate just react to these.

2.8 Implications for the Referendum - Agenda-Manipulation

Despite the logical argument against the majority rule, the support of the majority, achieved for example in a referendum, for a certain policy option against another remains a strong legitimizer of political decisions. Furthermore, the possibility of majority cycles only exists in the cases where there are more than two alternatives. In almost all referendums the voters have a choice between two mutually exclusive alternatives, more precisely yes or no to the proposition put forward in the ballot paper. There are only very few exceptions to this rule (Sweden 1957, 1980 and Australia 1977). This raises the question whether the argument put forward above has any relevance with respect to referendums.

The concept of *the outcome set* refers to the set of all possible states of affairs, or in Arrow's terms *social states*, which may follow when a political decision upon a certain issue is implemented. The outcome set may be continuous or discrete. The character of the outcome set depends on the nature of the issue and the interpretation of the causal effects decisions are expected to have (See for example Riker 1982, 181-182). In the previous discussion of Arrow's paradox, outcomes were assumed to be discrete. However, Arrow's (1963, 17) definition for *social states*, following his economic approach to democracy, is quantitative: "...(A) complete description of the amount of each commodity in the hands of each

individual, the amount of labour to be supplied by each individual, the amount of each productive resource invested in each type of productive activity, and the amounts of various types of collective activity."

At least some political choices are made between innumerable and thus continuous set of alternatives. This is the basic assumption for example of the spatial models of party competition. When the referendum is held upon quantifiable issues, the set of different possible social states following from the decision-making is continuous (for example the amount of money spent on defence, the tax rate). Examples of referendums held on this kind of issues are Californian referendums on tax limitations. In few cases, however, the nature of the outcome may be characterized as 'naturally binary'. A trivial example of a 'naturally binary issue' is the left or right-hand traffic of the Swedish referendum in 1958.

The problem of infinity of the policy alternatives may also be prevalent in non-quantifiable issues. A referendum may be held on issues in which the outcomes are certain conventional facts, such as the ratification of an international treaty or declaring a war. In these cases, the outcome set appears to be binary, because in judicial sense there are only two possible states of affairs which may follow, ratifying or not ratifying the treaty or declaring or not declaring a war. However, at least hypothetically there are also mediating alternatives like ratifying the treaty after renegotiation or declaring a war unless an apology is uttered (See Riker 1982, 181). For example, in the two Danish referendums on the *Maastricht Treaty*, a third alternative was introduced, a renegotiated treaty. Therefore, the binary character of these

issues is not as clear-cut as it first appears and some of the underlying alternatives have been excluded.¹²

In the Swedish referendum on nuclear power, which will be discussed more extensively in *Chapter 5*, there were three alternatives and the vote was taken following the plurality rule. However, the alternatives put forward in the ballot paper clearly did not represent all the possible policy choices, and the parties which defined the alternatives also defined the choice of the energy policy to a large extent. In those situations in which there are more than two possible outcomes, those political actors who define the alternatives which eventually are put forward to the voters have a significant influence on the final outcome. In other words, the mutually exclusive alternatives x and y put forward to the voters do not necessarily represent the whole outcome set in a certain decision-making situation. There may be a third outcome z , which may be preferred to both x and y . The outcome z has simply not been put forward as alternative by those, who control the agenda-setting procedures. The reintroduction of the third alternative may also cause the emergence of a cyclical majority. Let us assume a referendum between two alternatives x and y , and the following preferences:

60% $x P y$
40% $y P x$.

In this referendum, x is the outcome chosen by the majority (and plurality) of the voters. If the third alternative, z , is introduced the preference profile may, for example, turn out to be either:

- 1) 30% $x P y P z$ or: 2) 30% $x P y P z$
 30 % $z P x P y$ 30% $z P x P y$
 40 % $z P y P x$ 40% $y P z P x$.

In the first case, z would be the real majority winner, if all three alternatives were given and if a method of pair-wise comparisons was used. In the second example, the majority preference ordering is cyclical ($x P y P z P x$), and the alternative x was not a genuine majority winner. In both of cases the outcome was very much induced by the agenda-setters who eliminated the alternative z .

In some cases, when the number of the policy alternatives is difficult to restrict to two, it might be recommendable that there should be more than two alternatives given in the ballot paper, and such method of preference aggregation method would be used which would take into account voters' all preferences, such as Condorcet's method of pair-wise comparisons or Borda count. These kinds of procedures may, however, be difficult to be introduced. Because of their technical sophistication they lack the simplicity of the simple majority rule, which may, in fact, be one reason for its legitimacy.

There are only quite few clear examples of how the political elites manipulate the agenda by choosing the voting method or introducing alternatives. One example might be the Swedish referendum on nuclear power mentioned above. In this referendum it is disputable whether one of the three alternatives put forward was actually 'irrelevant' and was introduced to split the support of the rival alternative. Also the interpretation of the voting result remained

disputable (See *Chapter 5*). Another example of a governmental manipulation by choosing alternatives and procedures is the case of the referendum in Newfoundland on its status with respect to Britain and Canada. Newfoundland used to be under British rule with considerable autonomy, but because of economic difficulties it lost its autonomy and was placed under 'Commission' government controlled by London. In 1948 Newfoundland had a referendum on an issue concerning its status with respect to Great Britain and Canada. An elected convention of Newfoundlanders decided to put forward two alternatives in the ballot: continuation of the Commission government for five more years and the return to the government under Britain. Because of the strong protests due to the omission of Canadian confederation option, British government, however, allowed three alternatives, continuation of the Commission government, establishment of 'Responsible Government' with local autonomy and, reluctantly, joining the Canadian Confederation. The British government also decided that the winning alternative should get the absolute majority in the second round of the referendum. After the first round the Commission option was eliminated (14% of votes), and in the second round six weeks later a small majority of the voters (52%) favoured the Confederation option.¹³ (Rourke & al. 1992, 40-41.)

There are also other possible ways of agenda-manipulation than selecting appropriate alternatives and procedures. Different wordings of the alternatives may make difference in people's preferences. Butler and Kitinger mention an example on the British referendum on the EEC membership in 1975. According to opinion polls, there was a majority of 55% supporting staying in when they were asked "Should the United Kingdom come out of the

Common Market?", whereas the support for staying in raised to 63% when the question was put in terms "Should the United Kingdom stay in the Common Market?". In other words, the differences in the formulation of the question made a difference of 8 percentage units.

2.9 Conclusions

The definition of democracy as certain forms of preference-aggregation has many limitations. For example, it takes the individual preferences as given and fixed and hence it does not discuss the dynamics of related to the preference-formation. However, the possibility of the majority cycles has some implications to normative theories of democracy. As Riker (1982) argues, the results of social choice theory may be taken as an argument against the theories of majoritarian democracy. Riker asserts that democracy cannot be about the fulfilment of 'the will of majority', because there is no such a social choice method which would reveal the majority winner in every possible preference profile. This is simply because the majority winner does not necessarily exist in singular in situations in which there are more than two alternatives and at least three voters. The meaninglessness of the notion of 'the will of majority' means that decisions made by the majority rule are often arbitrary and open to various interpretations. As Arrow's theorem show, the problems caused by the majority cycles are prevalent also in all other decisive preference-aggregation methods. Furthermore, the problems of preference-aggregation are not dependent on whether the preferences are based on self-interest or, for example, on the perceptions of the common good. How seriously these results of social choice theory affect the normative theories of

democracy?

Despite the results of social choice theory, the voting methods used in nationwide democracy do not often seem to be particularly inadequate or unfair. Also, it is very difficult to show actual cases in which a voting method actually fails to choose the majority winner or in which there is a majority cycle. It may be argued that in democratic systems there should be 'a predictable and consistent relationship between expressed preferences and decisions' (Beitz 1989, 74). This seems to hold for example in referendums, if the policy supported by the majority of the voters in the referendum is implemented. Although there may be a predictable relationship between the expressed preferences and the political decisions, Arrow's theorem and Gibbard-Satterthwaite theorem imply that the way in which individuals express their preferences depends on the issues and the alternatives to be voted upon and the procedures used. Different agendas and voting methods produce different results and, therefore, outcomes are structure-induced and *path-dependent*. This means that the results of the referendums are not necessarily the majority winners in the strict sense. Furthermore, it may be argued that the outcomes of the referendums are, to a large extent, determined by those who define the agenda to be voted upon and the procedures used. The agenda-setting and procedures used in referendums will be discussed in the *Part II*.

The problems of preference-aggregation do not only apply to referendums and other macro-level forms of democracy but to all majoritarian systems, also at micro-level, for example in parliaments, committees and voluntary organisations. It may be argued that in social

choice methods both at micro- and macro-level, the most important element is the overall fairness of the systems in the sense that they do not disproportionately favour any individuals or groups. According to *pluralist theories*, the democratic stability is due to dispersed power. As Miller (1986) has argued, this means that the decision-making cannot be characterized as non-simple games. The stability of democratic system is brought about by the fact that the compositions of the winning coalitions are changing, and there are prospects for those at the losers' side to be at the winners' side in the future decisions. (See Miller 1983.)

Many theorists of democracy are not discussing decision-making procedures as such but rather about the external values they enhance. Paradoxically, it may be argued that theories of democracy are most concerned about the fact that the pure majority rule should *not* prevail. The procedures are important to the extent in which they enhance certain external values, eg. stability due to changing winning coalitions of pluralist theory, limited government of liberal theory and popular participation and deliberation of participatory theory of democracy. In liberal theory the power of majorities should be controlled and checked by institutional and social safeguards. In participatory theory the most crucial element of democracy is political participation which makes the opinions more other-regarding and reasonable. These theories will be discussed further in the *Chapter 3*.

Notes

1 Rae uses the expression, "Ego's value schedule leads him to support a proposal, but it not imposed".

2 What is assumed in Rae's construction is, that each individual would rather see his own values imposed than someone else's, and that they are willing to impose their own values on others. In some situations and especially with regard of certain kind of issues this may not be the case: there may be individuals taking a liberal position, in other words who do not want to impose some of their convictions on anyone else. For example, Barry (1995, 177-183) discusses the idea of 'epistemological restraint', which was first introduced by Thomas Nagel. According to Barry: "The core idea is that it is perfectly consistent to be convinced of the truth of some religious or other doctrine while acknowledging as a matter of principle that it would be wrong to make it the basis of public policy in a society some of whose members reject it".

3 This problem has been faced for example in such situations in which the constitution requires some more complicated decision-making procedure for such issues as joining a giving national powers to international organizations or amending the constitution. These questions raised some discussion for example in Finnish referendum on EU-membership 1994, because the decision to join EU required 2/3 majority in the Parliament and, yet, it was assumed that the outcome of the consultative referendum would be carried out (56.9% for and 43.1% against). Especially the proponents of the membership emphasized that the *status quo* should not be favoured in this issue because it was not a neutral alternative.

4 Goodin mentions *input and output filters* as a two main types of mechanisms by which the fairness of the outcomes of different decision-making methods can be guaranteed. Output filters work by removing certain options from social consideration, while input filters work by refusing to count certain types of preferences when aggregating individual utilities. Output filters can be described as barriers at the back end of the social decision-making machinery, preventing policies based on perverse preferences from emerging as social choices, whereas input filters can be regarded as barriers at the front end of the social decision machinery, preventing perverse preferences from even coming into consideration. (Goodin 1983, 78.)

5 Moise Ostrogorski: *Democracy and the Organization of Political Parties* (2 Vols., Paris 1902).

6 If the are yes an no marked with Y and N, there are four different possible outcomes in the two-issue vote: YY, YN, NY, NN. Of the 24 possible strict preference orderings over the four possible outcomes, eight involve strictly independent preferences. (Brams, Steven J.; Kilgour, Marc D.; Zwicker, William S. (1995): How Should Voting on Related Propositions Be Conducted?)

7 This has been discussed for example in J-C de Borda (1784): On Ballot Votes. Sommerlad, F. and McLean Ian, eds.and trans. (1989): *The Political Theory of Condorcet*, working paper 1/89, Social Studies Faculty Centre, Oxford. The following example, originally given by Charles L. Dodgson, describes a situation (Riker 1982, pp. 84) in which a Condorcet winner and the positional method introduced by Borda are in contradiction. There are eleven voters who have the following preferences over four alternatives (*a, b, c, d*):

Table 1

Voters 1,2,3	<i>b</i>	<i>a</i>	<i>c</i>	<i>d</i>
Voters 4,5,6	<i>b</i>	<i>a</i>	<i>d</i>	<i>c</i>
Voters 7,8,9	<i>a</i>	<i>c</i>	<i>d</i>	<i>b</i>
Voters 10, 11	<i>a</i>	<i>d</i>	<i>c</i>	<i>b</i>

Now, the majoritarian decision may be calculated on the basis of the following table, which reveals the number of voters supporting the row alternative against the column alternative:

Table 2

	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	
<i>a</i>	-	5	11	11	
<i>b</i>	6	-	6	6	(Condorcet winner)
<i>c</i>	0	5	-	6	
<i>d</i>	0	5	5	-	

Here, the alternative *b* is the Condorcet winner because the majority prefers it to any other alternative. Let us assume that the decision is made on the basis of Borda count so that the most preferred alternative always gets 3 points, the second most preferred 2 points, the third 1 point, and the least preferred alternative 0 point. The result of Borda count in this case is that the alternative *a* gets $((6 \times 2) + (5 \times 3)) = 27$ points, *b* gets 18 points, *c* gets 11 points, and *d* gets 10 points. Therefore, *a* is the Borda winner which beats the Condorcet winner *b* with a large margin.

8 Ian MacLean (1995), however, points out that some medieval authors, especially the German philosopher Cusanus discussed this kind of phenomenon.

9 The difference of the two interpretations is clarified by the following quantifications: the correct quantification is $(\forall x)(\forall y)((\exists i)(xP_i y \rightarrow xPy))$, whereas the wrong interpretation may be quantified as follows: $(\exists i)((\forall x \forall y)(xP_i y \rightarrow xPy))$. (Dowding 1996)

10 The number of different linear orderings (strong preference order) of set of alternatives including *m* members is $m!$

11 The fact that the 'same issue' is interpreted to have different dimensions in different political cultures can be shown for example by looking at the issue of European integration/Maastricht Treaty in some European countries. For example in Ireland the issue got a moral dimension when the abortion issue became a part of the debate, in Denmark and in Norway the question of popular sovereignty was dominant whereas in Finland the security policy was - together with the economic dimension - the most dominant.

12 The law-controlling referendums - analysed more in detail in the *Chapter 4* - may be characterized as a popular veto on legislation which had already been passed by representative bodies. Therefore, their outcome sets may be claimed to be naturally binary, i.e. there are only two possible outcomes, whether or not to accept the legislation in question. This means that the nature of the outcome set does not only depend on the issue in question but also whether the referendum has been framed as a policy vote or as a veto on the legislation already passed by the parliament. This analysis shows that the question of whether a referendum reveals 'the will of the majority' is related to the problems of initiation of the referendum and agenda-setting.

13 This procedure is similar to 'plurality runoff' elections.

3. Theories of Democracy

3.1. Families of Theories of Democracy

The analysis of the referendum as a majoritarian instrument gives an important but a very limited idea of the institution. Furthermore, as the discussion in the *Chapter 2* shows, the idea of democracy as the fulfilment of the will of the majority is incoherent and, perhaps, misleading. In this chapter, I will discuss different theories of democracy and summarize the arguments for and against referendums based upon them. The relationship between different theories of democracy will be examined by setting the theories into two 'families'. The two families of the theories of democracy are put forward in the table 3.1.

Table 3.1: Families of Theories of Democracy

Nature of Preferences		
Self-Interest		Common Interest
1. <i>subjective preferences</i>	vs	<i>objective preferences</i>
2. <i>adversary democracy</i>	vs	<i>unitary democracy</i>
3. <i>individualism</i>	vs	<i>republicanism</i>
Nature of Political Influence		
Exit		Voice
4. <i>representative democracy</i>	vs	<i>direct democracy</i>
5. <i>democratic elitism</i>	vs	<i>classical theory</i>
Value of Democratic System		
Output		Process
6. <i>protective democracy</i>	vs	<i>developmental democracy</i>
7. <i>liberal democracy</i>	vs	<i>populism</i>
8. <i>"thin" democracy</i>	vs	<i>participatory democracy</i>

The theories in the *Family I* on the left and the *Family II* on the right side may be regarded as mutually rival. In the theories on the left, individuals' political action is assumed to be motivated by their self-interest, and the social interaction is perceived in terms of the conflicts between the individuals promoting their own interests. The theories on the right, on the other hand, emphasize the underlying common interest, and they have more trust in individuals' and social groups' motivation and ability to find cooperative or at least 'reasonable' solutions to political problems. The theories on the left emphasize more the outcomes of the decision-making, or the 'outputs' of the democratic process, whereas the theories on the right pay more attention to the social conditions and processes of democracy which are necessary for the creation of right kinds of 'inputs' for the decision-making. Furthermore, it may be argued that the theories on the left represent the ideas typically put forward by the political right and the theories on the right represent the ideas of the democratic left.

The relationships between the members of the two families are complex. Different members of the families have something in common but there are also differences between them. Furthermore, all members of the two families are not necessarily directly related with each other, but only through the members between them. In order to clarify these differences, I have divided both families into three groups. The first group of theories deals mainly with the nature of individual preferences: whether they are based on self-interest or perceptions of the common good of the society. The differences between the theories in the first group may also be expressed in terms of different meanings given to the democratic participation. In the theories on the left democratic

participation is seen similar to the interaction in the 'market', in which individuals are making choices which maximize their private interests. In the theories on the right, democratic participation may be characterized as a 'forum', in which politics is about discourse on the common good or formation of reasonable public opinion.

The second group of theories has, in addition to the distinction between the nature of preferences, also another dimension, the importance given to citizens' participation in politics and the attitudes towards representation. In the theories on the left the governments are essentially representative and the effect of citizens' participation is essentially to function as a veto, as an opportunity to get rid of bad governments. Furthermore, in the theories on the left citizens' influence is based on market-type choices between alternative representative governments, and the use of the 'exit' option with respect to the ones that do not please them. These theories also share a suspicion for the mass participation because of the self-interested character of preferences. In the theories on the right, on the other hand, democracy is considered to be a system in which the citizens have more direct influence on politics. The citizens are assumed to 'voice' their political opinions by direct participation in democratic discourse, agenda-setting and decision-making.

Finally, the last three pairs of theories deal with, in addition to the aspects discussed earlier, the value of the democratic systems. The differences between the last three pairs of theories of democracy are largely due to different interpretations of the meanings and purposes that are given to democratic process and participation - whether it is seen to have some intrinsic value in itself or just as an instrument to enhance other values, such

as good government or individual liberty. In the last three theories on the left, democratic institutions and participation are just regarded as an instrument to achieve individual well-being, whereas the theories on the right emphasize the possibilities of the individual self-development through political participation. Furthermore, in the theories on the left, the relationship between the state and the individual is seen in terms of conflict, and the purpose of democratic institutions is to protect the individuals from the interference of the state, whereas the last three theories on the right emphasize the importance and value of participation in the development of the civic society.

Those theories further down are generally more complex and offer more sophisticated institutional solutions for the problems emerging in collective decision-making. In the first group of theories, democracy is just discussed in terms of types of preferences and formal decision-making methods. The next two pairs of theories deal with the problem of representation, especially, the relationship between those who make the decisions and the ordinary citizens. The last three pairs of theories provide more complicated solutions related to the social conditions and the possible outcomes of democratic system.

It must also be pointed out that some theories represent rather middle-ground ideas, and the relationship between theories is not necessarily always adversary in such a clear-cut manner as suggested in the table, although some of them are 'strawman' theories portrayed by their adversaries. In the following sections, the pairs of theories will be discussed, approximately in the order put forward above. The purpose of this discussion is also to show the historical development of the concept of democracy from the classical theories to current ones. Special emphasis will be given to the liberal and participatory

theories of democracy. Furthermore, the roles of the referendum in these theories of democracy will be discussed.

3.2 Rousseau's Theory of Voting

The preference conception of democracy discussed in the *Chapter 2* is based on the relativist idea that the concepts of 'will of the people' and the 'common good of society' are meaningful only in the sense of aggregation of individual preferences. Majority rule is one method of fulfilling individual wills or, in Arrowian terms, values and tastes, at the collective level, but it is not by any means a unique preference-aggregation method. Furthermore, the majority rule may be in contradiction with other preference-aggregation methods which have some other valuable properties. This is the position is represented for example by most of the current welfare economics and the specific issues related to this were discussed in the *Chapter 2*. The obvious restriction of this approach is the individualist fallacy, in other words, it does not take into account the different forms of interdependencies between individuals and their preferences. Another problem in the preference conception is that it does not really take up any stand over the question about the motivations which the individual preferences are based upon, and does not give any special value to those preferences which are based on altruistic or public-regarding considerations.

In these respects, the preference conception is in contrast with the 'romantist' or Rousseauan conception of democracy, according to which the general will (*volonté générale*) exists objectively, independently of what people think and regardless of

individual self-interested preferences. This view is sometimes called the 'epistemic' view of democracy, according to which democracy is not about aggregating preferences, but defining a correct answer to the question "what is the good for the society?". According to Rousseau, the majority rule should be used to define the general will, the common good of the society, because it gives the best approximation of the general will. Rousseau's view was that the majority is more likely to find correct answers to moral and political questions than any other set of individuals, if the right question is asked and certain social conditions prevail.

In Rousseau's theory, citizens regarded as judges on what is the common good of the society, but they are not always accurate in their judgements. The majority rule functions as a mechanism which balances out the biases in the individual judgments of the common good, and therefore produces the general will. Rousseau writes about the popular will, which is additive, simply the will of all, something that the 'preference conception of democracy' is interested to determine. The general will, on the other hand, is indivisible, a result of the majority rule as a procedure which balances out the individual biases of the perception of the common good, *and* enlightened popular judgements on what is the common good for the society. (Barry 1965; Sartori 1987, 313.)

In Rousseau's theory, democratic decision-making is similar to judges' considerations on the correct interpretation of a law, and therefore the more recent forms of the theory are called jury theorems. Recently, the conception of voting as giving a judgment has been adopted by the *Civic Republicans* (Grofman 1993, 1549). The core of this conception is that there is a substantive concept of public interest, which cannot be reduced to an

outcome of the aggregation of individual preferences.

Rousseau's argument for the majority rule has been formulated mathematically more explicitly in Marquis de Condorcet's 'Essay on the Application of Mathematics to the Theory of Decision-Making' (1785/1976), and later on in the jury theorems (See for example Grofman 1991, Young 1986). Condorcet's starting point was that voters are sincere but imperfect judges of the merits of different candidates or the truth of different propositions. Condorcet set the following question: which voting procedure brings about a candidate or a proposition most likely to be the best or the correct one. If there are exactly two alternatives, it is the absolute majority rule, assuming that voters vote independently and are correct in their judgments for more than half of the time. This may be expressed formally as follows: the probability P that the absolute majority is right in a group consisting of n individuals depends on the probability p that each individual is right, given that each individual has the same probability p :

- (i) if $0.5 < p < 1$, and $n > 2$, then $P > p$; P increases with n ; and when n approaches infinity, P converges to 1.
- (ii) If $0 < p < 0.5$, and $n > 2$, then $P < p$; P decreases with the increase of n ; and P approaches 0 when n approaches infinity.
- (iii) If $p = 0.5$, then $P = 0.5$, regardless of the value of n . (Nurmi 1994, Miller 1986.)¹

The conclusion of this argument is that the opinion supported by the majority is more reliable than the opinion of any single individual, if the individuals are more often right than wrong in their judgments and the probability of being right is the same for all individuals. In fact, as the number of individuals increases, the majority becomes all-wise. One problem in the argument above is, of course, the assumption that all individuals have the same probability of being right. According to the more general jury

theorem, each individual has the probability p_i of being right. Now, if $1/2 < p' < 1$ and $n > 2$, then $P > p'$ and P approaches 1 as n approaches infinity. Here p' is the arithmetic mean of the individual probabilities of being right. The general jury theorem implies that the majority of 'minimally competent' individuals is more reliable than experts, because the probability of an expert being right is rarely 1. (Nurmi 1994.)

A 'minimally competent' voter is better in making judgments between the alternatives than anyone who makes his judgments at random, because the minimally competent voter is able to make right judgements for more than half of the time. This idea may generate too much optimism about the virtues of the simple majority rule, because, as Condorcet himself pointed out, randomness is not the worst that can be expected from the voters: "In effect, when the probability of the truth of a voter's opinion falls below $1/2$, there must be a reason why he decides less well than one would at random. The reason can only be found in the prejudices to which this voter is subject." (Condorcet 1785/1976, 62). This implies that those who apply their preconceptions and intuitions in political decision-making may do worse than those choosing at random. The worst social choices may not be based on randomized or badly informed individual judgments, but rather on biased ones. Therefore the optimistic interpretation of Rousseau's and Condorcet's theory is not the only possible, but also the pessimistic alternative must also be taken seriously. According to the pessimistic interpretation, as the size of the population of bad judges increases, the probability of the majority being right approaches 0. (Waldron 1989, 1323.)

Rousseau's theory of the general will was very much dependent on his optimistic view

on the human ability to make judgements. He had also very precise ideas of the conditions which promote voters' competence of judgment. Rousseau was particularly pessimistic about the individuals' competence of judgement in large societies. First, there are more complicated issues and less evident solutions in large societies and, therefore, individuals are less able to make right judgements than in small societies. Second, it is more difficult for the individuals to identify with the general good in large societies, and therefore their judgments are more likely to be biased by self-interest. Rousseau considered the following social conditions to be essential for the working democracy: a very small size of the state, where people can easily assemble and easily know each other; simplicity of manners and moral; equality in social rank and fortune; and little or no luxury because of its corruptive influence. (Rousseau 1763/1976, 113.)

Waldron (1989) mentions the following three measures as possible solutions for the problem of biased judgments in large societies. The first measure he suggests is to limit the range of issues which are put to a popular vote. For example, Rousseau insisted, that it is the task of the administration and not of the people to make decisions about particular persons and events. The people as a whole should only deal with questions which are universal in character, in other words, affect each citizen similarly, and the people should not be consulted on issues which affect only some particular groups of people. This idea may, however, be also justified in terms of 'the preference view of democracy', for the reasons like the asymmetric intensities of preferences.²

The second strategy, put forward by Condorcet, is to submit the matters to the representatives (1785/1976, 61):

"But it can be observed that in the majority of matters submitted to the decision of an assembly, the same voters whose opinions have such a small probability of being true can be enlightened enough - certainly not to pronounce with some probability of truth as to which man among a great number has the most merit - but to choose, as the most enlightened, one of those whose opinions will have a large enough probability of being true. Thus a numerous assembly who are not very enlightened could be usefully employed only to choose the members of a less numerous assembly to whom the decision on other matters would be then entrusted."

Of course, a question is now, how the less enlightened could be able to elect an assembly consisting of more enlightened than they are themselves. The third possible solution would be to enhance discussion and public deliberation which precedes the decision-making and, consequently, to develop citizens' competence of judgement on the common good.

The question still remains, what if any relevance Rousseau's theory of voting has in the modern societies? The conception does not have any rationale if there is no shared idea of the good or, in other words, common values (Barry 1995, 148). This idea does not comply with most of the modern theories of democracy, in which politics is basically seen as resolution between conflicting interests and values. Mill (introduction xvii, 1975), for example, argued that the diversity of human nature makes this kind of direct democracy impossible and that representative democracy serves best the different interests. Barber (1984), on the other hand, argues that there is not any 'independent ground' for moral and political judgments and, therefore, and all public decisions need arbitration between different conceptions of the good.

Furthermore, Rousseau was probably quite right in his pessimism about people's ability to make adequate judgments in large societies. Even if it is assumed that there is a

common good, and thus a right answer to political problems, it may be impossible to make sure that people would vote according to their unbiased perception of it and ignore their private interests when they come to the polls, especially with secret ballots which prevent any social controls on the voters' behaviour. It is quite plausible that some people will vote according to their own interests, or that their judgments will be biased by their own interests. In fact, the worst situation can very well be the one in which some people vote according to their honest perception of the common good and the other ones according to their own interest, because in this kind of situation the self-interested can exploit the fact that the public-interested have given up from their own self-interested claims. The unilateral or partial adherence to public good may, probably, bring about inferior outcomes compared to those motivated by universal selfishness or altruism. (Elster 1983, 115-116.) Biassed judgments may also be due to partial information on the basis of which the voters make their decisions. Especially at the times of mass media the monetary resources spent on the electoral and referendum campaigns may have crucial impacts on citizens' opinion-formation. The unequal resources and biased coverage may skew the information received by the public.

In sum, the interpretation that the outcome of majoritarian voting is the right answer to a political problem, would be quite far-reaching in, for example, national or local referendums. When people are making decisions concerning their own lives and interests, it cannot be guaranteed that the voting does not deteriorate just to an expression of self-interested preferences.³ Condorcet's suggestion of delegating decision-making power to representatives does not necessarily solve this problem, because self-interested motivations certainly exist among the representatives as well. One character of

representative democracy is certainly that the representatives sometimes act on the basis of their own interests or the interests of the people they are representing, not on the basis of their perception of the common good of the society. Rousseau's theory is probably applicable in situations, in which disinterested outsiders make decisions on disputes, like in juries. Moreover, it is important to point out a major problem in Rousseau's theory, which is related to the discussion in the *Chapter 2*, that the majority rule may work adequately only in situations in which the choice is naturally binary. If there are more than two alternatives, the problem of the majority cycles may emerge.

3.3 Market and Forum

<i>subjective</i>	<i>vs</i>	<i>objective preferences</i>
<i>adversary democracy</i>	<i>vs</i>	<i>unitary democracy</i>
<i>individualism</i>	<i>vs</i>	<i>republicanism</i>

The difference between individualism and republicanism is related to the distinction between subjective and objective preferences. This distinction may also be understood in terms of two different interpretations of the democratic process: whether it is considered to be about aggregating individuals' self-interested preferences, or making collective judgments on what are the right solutions to political problems. Individualism is both a methodological approach and a normative theory, and it has its historical roots in the writings of such writers as John Locke, David Hume, Adam Smith and Alexis de Toqueville. More recently, individualistic social theory has been developed by for example F.A. Hayek (1949) and by some public choice theorists like Buchanan and Tullock (1962). Individualism is based on the assumption that all social entities can only

be understood through the individuals who compose them. Furthermore, all values are derivable from individual subjective valuations.

Hayek (1949, 13-15), for example, argues that a *man* only knows a small part of the society and that he can only care about this part of the public opinion and not for the rest. Because the individuals should participate in decision-making only on issues which one knows and cares about, the decisions should be made in a decentralized way, like it is the case in the market exchange. Because the individualists prefer decentralized decision-making, they believe that the state activity, which is by nature centralized and collective, should be restricted. Only those issue areas which, by nature, are better to be settled collectively, such as internal and external security, should belong to the public realm. In other words, individualism is critical about all collective forms of decision-making, and in this respect it is anti-democratic. However, certain constitutionally restricted forms of democratic decision-making may be justified in individualist terms because they maximize the welfare of the individuals.

This view is almost opposite to the republican view that individuals should follow the guidance of their conscience and apply it in making judgments in public affairs. Sartori (1987, 287) points out the distinction between the early forms of democracy and republicanism: democracy means power of the people, and for a long time it was only used to refer to forms of direct, or as Sartori puts it, 'polis democracy'. Republicanism, *res publica*, refers to a general interest of common good, ideal of government based on deliberation and judgment.

Grofman (1993) puts forward a modern idea of democracy called Civic Republicanism, which is based on the assumption that there is a genuine, substantive concept of the public interest which cannot be reduced to individual interests. Like Rousseau, the Civic Republicans consider democratic decision-making as making an approximation of the common good rather than aggregation of individual interest-based preferences. Grofman argues (1993, 1578): "...civic republican works focus on the virtues of deliberation and the possibility of disinterested pursuit of the common good".. By 'disinterested pursuit of the common good' Grofman refers to decision-making by juries and citizens' committees (Grofman 1993, 1578; Grofman & Feld 1988, 569). There is, however, a significant difference between Rousseau's and Civic Republican ideas of deliberation: according to Rousseau, democratic deliberation should take place rather within the individuals, whereas Civic Republicans emphasize public participation and persuasion. Civic Republicanism differs also from participatory democracy discussed later on in this chapter. The participatory democrats do not share the idea of the underlying common good, and the reasonableness of the public opinion is held as the ideal by the participatory democrats instead of the objectiveness of Civic Republicanism.

The distinction between subjective preferences, those based on purely on self-interest, individual pursuit of happiness, and objective preferences, based on the perception on what is the good for the whole society, is also related to Jane J. Mansbridge's concepts of *unitary* and *adversary* democracy (1984, preface, xi). These concepts refer to forms of democracy which develop in different social conditions. Mansbridge's concepts are rooted on different views of the nature of human interaction: unitary democracy is based on the idea of an underlying common interest, whereas adversary democracy is based on

the assumption of conflicting interests. Both forms of democracy may be characterized as egalitarian: in unitary democracy this means equal respect for each member of the community, whereas in adversary democracy this means equal protection of interests. According to Mansbridge's definition, unitary democracy is characterised by face-to-face communication and consensual decision-making. In adversary democracy, on the other hand, decisions are made by secret ballots using the majority rule. Mansbridge's concept of adversary democracy catches the common sense intuitions of what are the characteristics of modern representative democracies. As Mansbridge (1980, 3) describes this: "The west believes that it invented democracy, and that institutions like Parliament, representation, and universal adult suffrage are synonymous with democracy itself."

The idea of unitary democracy is often regarded to be utopian and to be applicable only in ancient communities, because they are considered to have been more egalitarian and stable. As an example of original forms of unitary democracy Mansbridge (1980, 3, 10-13) gives the old hunter-gatherer communities, which were egalitarian, both economically and politically, face to face and consensual. She argues, however, that forms of unitary democracy are possible in some contexts also in modern societies:

"These two conceptions of democracy persist, side by side, in every modern democracy. The adversary ideal and the procedures derived from it have dominated Western democratic thinking since the seventeenth century. But unitary ideals and procedures continue to influence the way legislative committees, elected representatives, major institutions like the Supreme Court, and local democracies actually act."

Mansbridge analyses the following cases of modern forms of unitary democracy: town hall meetings in New England and a small democratic workplace, an urban crisis centre. However, even these were occasionally affected by people's self-interest. However, the

democratic governments at the nation-state level are typically characterized in terms of adversary democracy, because the multiplicity of conflicting interests in large societies seems to make Rousseau's notion of the common good inappropriate.

3.4 Representative and Direct Democracy

Before Bentham (1776)⁴ and the American Founding Fathers, the concept of democracy only referred to forms of direct democracy. Madison, for example, wrote about 'representative republic', not about democracy, because the word democracy meant direct democracy of antiquity for him (Sartori 1987, 288). Normative theories of direct democracy are based on the ideas of i) popular sovereignty, according to which the 'will of the people' and the 'political will' should be identical, ii) 'developmental' democracy, in which political participation is seen as a part of individual self-fulfilment and good human life. One of the most important supporters of direct democracy was Rousseau, who supported democratic government in small and homogenous communities and did not consider representative government democratic at all. Rousseau thought that the transfer of the sovereignty from the people to the representatives should not take place. The sovereignty should stay among the people. He also rejected the distinction between the state and the civil society (Held 1986, 75). The historical examples of democracies Rousseau had in mind were, apart from his home city Geneva, the republics of antiquity.

In the 'polis' democracy of Ancient Greece the participatory citizens were mainly freed from the work, and, as Sartori (1987, 281) points out, they were totally absorbed by politics. This kind of devotion was probably only possible in a society in which the

production was based on slavery, which freed the citizens from the economic production. In modern times, the participatory theorists of democracy, even when recognizing the impossibility of totally direct democracy in large societies, may still see something very problematic in representation: "To exercise the franchise is unhappily also to renounce it. The representative principle steals from individuals the ultimate responsibility for their values, beliefs and actions." (Barber 1984, 145.)

The ideas of democratic representation have extended the use of the concept of democracy beyond the classical forms. The ideas of representation may be found in the social contract theories, in which the governmental power was justified in terms of the delegation of powers by the subordinates rather than in terms of its divine origins (Sartori 1987, 280). The contract theorists (for example Locke and Kant) considered the representatives as a link between 'the will of the people' and 'the will of the state'. Modern supporters of representative democracy may consider representation just as a practical alternative for direct democracy in large-scale societies, but there are also other reasons for supporting representative democracy. Schumpeter, for example, opposed direct democracy and attacked the 'classical doctrine' of democracy, according to which the will of the people should be dictate in politics. Schumpeter (1943/1992, 261) showed a great misbelief in the abilities of the ordinary citizens to make sound political decisions, because they simply lack of interest in most of the political issues:

"The reduced sense of responsibility and the absence of effective volition in turn explain the ordinary citizen's ignorance and lack of judgment in matters of domestic and foreign policy which are if anything more shocking the case of educated people and of people who are successfully active in non-political walks of life than it is with uneducated people in humble stations."

Schumpeter (1943/1992, 250-283) defined democracy in terms of competition for political leadership. In this competition, the regular elections are the crucial element because they give the citizens an opportunity to veto the worst governments. Schumpeter's views have been criticised by the supporters of more participatory forms of democracy because of its elitism and disrespect to the ordinary people's will and the potentials of judgment.

There are different ideas of the mechanisms of representation, which are called the *principal-agent* and *microcosm* models (McLean 1991).⁵ The microcosm conception of the representation is built upon the idea that representatives are a portrait of the people:

"Modern democracy is mainly based on the hypothesis that voting in elections of representative bodies fulfils the ideal of popular co-determination: the people leave their decision-making rights for a certain period of time to an assembly, which in principle, ought to be a cross-section of the people and which therefore ought to reflect the opinions of the people." (Suksi 1993, 1.)

In direct democracy of Ancient Athens, the Court and the Council comprised of citizens drawn by a lot. This kind of method produced a statistically representative sample because each member of the population had the same probability to be chosen and the population (free men) was rather homogenous. This method would, however, produce rather strange samples of representatives in heterogenous populations if some subgroups of the population may be left completely outside the sample (eg. a sample might consist of women only or people living in the same area). Like in statistical social research, in which the samples are expected to represent all relevant subgroups of the population, in the microcosm conception the representatives are supposed to represent all the

politically relevant subgroups. Microcosm idea of representation is for example behind such claims that the members of some representative body should follow the proportions of sexes or linguistic or racial groups. On the other hand, the problem of this reasoning is how to decide, which subgroups are politically significant and hence should be taken into account. (See McLean 1989, 15; 1991, 173.)

Furthermore, microcosm representation may not be a sufficient condition for democracy because it, as such, does not guarantee the accountability of the representatives to those they are representing. Microcosm idea of representation does not presuppose the Schumpeterian veto function of the elections. The alternative view of representation, *principal-agent view*, is based on the idea that the representatives are the agents of their electors, and they are expected to act on the behalf of the principals. The mechanism by which the electors' opinions influence the representative decision-making is based on the electoral accountability of the representatives. Accountability means that the principals have an opportunity to express their dissatisfaction to their agents by not reelecting them, which, on the other hand, creates an incentive to the agents to be more receptive to the principals' preferences. During the past decades, the principal-agent view of representation has been theoretically developed by public choice theory and game theory. The problem of the principal-agent model is that there is typically asymmetry of information, in other words, the agents, political representatives, tend have a better access to the relevant information than the electors, their principals, and also that the principals are dependent on the information given by the agents. This means also that the political representatives are able to define the political agenda, in other words, the issues and the policy alternatives.

Sometimes it is assumed that the first-by-the-post system in single-member constituencies produces the principal-agent type of representation and the proportional representation system generates a microcosm system. It must be pointed out, however, that in single-member constituencies the representatives represent the area or the district from which they are elected, and therefore, it is expected to produce a body of representatives which is the microcosm of the population when it comes to regional differences. Furthermore, also in the systems of proportional representation the elections make the representatives are accountable to the electors. Also, whether or not the representatives are the microcosm of the whole electorate depends largely on how precisely the party-system reflects the socioeconomic, regional and other politically divisive cleavages of the society.⁶

Schumpeter argued that there is an absence of effective volition. This means that the citizens do not necessarily have rational opinions or preferences on most of the political issues. From this follows that the role of the representatives must be something else than simply that of reflecting the opinions of the electorate or interests of their supporters (Grofman 1993). For example Thomas Cronin (1989) makes a distinction between *delegate* and *trustee/independence* models of representation. The delegate view resembles the microcosm and also the principal/agent view of representation: "The delegate view requires the representative to mirror the views of the district's or state's voters." Edmund Burke is often referred to as 'the intellectual godfather' of the trustee/independence model of representation. Cronin describes this model as follows: "Representatives must be free to exercise their own best judgment and accountable to constituents only at certain intervals"; and also: "'representatives' first loyalty was to the

long-term interests of the country, especially when such interests differed from parochial moods of the moment."

In the trustee/independence model, as in Schumpeter's theory, the political decisions made by representatives are expected to be based on better informed judgements which do not necessarily coincide with the opinions of the electorate. It is a debatable whether the fact that the representatives are better informed is inevitable or a result of self-interested action by the representatives aiming to stay in office and selectively informing about the political issues and their own actions. However, an argument for representation discussed in the *Chapter 2* is based on the preference conception of democracy according to which representation enhances communication and bargaining between the decision-makers, and thus allows the intensities of preferences and the interdependencies between the alternatives to be taken into account.

The views on the referendum are related to the ideas of representation. If one believes in the delegate view of representation, the referendum may be seen as an instrument which gives a more accurate picture of the will of the majority without the distortions caused by representation. In terms of the principal-agent-model, the referendum may be a corrective institution when the agents fail to represent their principals' views on some issues. However, in some forms of referendums, the agenda-setting power of the representatives may counteract these positive effects. According to the trustee model of representation, on the other hand, the popular will may not be considered to be a superior guide over political disputes, compared to the judgments of the representatives. Furthermore, as Schumpeter did in his defence for representative democracy, it is

possible to question whether the people actually have 'will' in most political issues.. However, the possibility of participation for example in referendums may also be seen necessary for the formation of 'the popular will'.

3.5 Classical Theory and Democratic Elitism

The development of political science as an empirical discipline has increased the demand for more realistic definitions of democracy. It is common to require that the theories of democracy should articulate a form of government which is feasible in the modern states, and that the definitions of democracy should be possible to be operationalized in empirical research. *Democratic elitism* has been an influential theory especially after the World War II. Held (1987, 143-145) points out that according to writers like Weber and Schumpeter, the elitist character of the state is the prize necessary to be paid for living in modern, industrial societies, which are characterized by extensive state activity and large bureaucracy. In modern societies, democracy can only mean the opportunity of 'choosing decision-makers and curbing their excesses' (Riker 1982).⁷

Schumpeter and other elitists are critical towards extensive political participation. This can be explained by historical events like the raise of Nazism and communism, which were based on mass political activity and mobilization. Because of these examples, political participation, mass movements and totalitarianism were often associated. Furthermore, some post-war studies showed that especially lower ranks of societies are authoritarian and non-democratic, which gave gravity to the argument that mass participation should be kept at the minimal level and that the elites are more committed

to democratic values (Lipset 1960; Kornhauser 1960). Moreover, totalitarian coups over democratic governments have encouraged research which emphasize the stability of the government. The stability has become the ultimate measure of the success of democratic governments, rather than the level of participation (Pateman 1970, 2-3). The significance of the participation for the working democracy has also been questioned for the reason that political participation, measured by electoral turnouts, has been rather low in such stable democracies as the US and Switzerland.

For example Bachrach (1967) has contrasted democratic elitism, with *classical theory of democracy*. According to Schumpeter's version of democratic elitism, the central characteristics of democracy is the competition between power elites.⁸ According to Schumpeter's (1943/1992, 242) definition:

"Democracy is a political *method*, that is to say, a certain type of institutional arrangement for arriving at political - legislative or administrative - decisions and hence incapable of being an end in itself, irrespective of what decisions it will produce under given historical conditions. And this must be the starting point of any attempt at defining it."

What Schumpeter thought was important in the state-level democracy was the institutionalized competition between power elites in frequent elections. The elections give the citizens a peaceful means to get rid of those elites which do not work satisfactorily. As for who are included in the democratic decision-making, Schumpeter argues that every government excludes some groups of people (eg. people under some age limit) and that there are no objective standards to judge who should be included and who should not. The societies which exclude certain groups from decision-making, for example according to property, religion, sex or race, may be condemned, but there is no

reason for calling them undemocratic.⁹ (Schumpeter 1992, 244-245.)

From the democratic elitists' point of view, citizens' interests in political process may be identified with the outcomes it bring about. Democratic system is working well as long as it fulfils the crucial property of providing the citizens a peaceful means to repeal unpopular rulers. Furthermore, political participation is regarded as costly, and therefore it is not in the interests of ordinary citizens to participate. There is, however, another group of people, political entrepreneurs, who have career incentives for political participation. Political process is seen in terms of competition between political elites divided to parties which offer different policy 'packages'. The citizens' participation means the choice between parties in the elections, and the successful party is the one which manages to appeal to the largest numbers. Schumpeter's theory of democracy inspired Anthony Downs (1957) to develop the *economic theory of democracy*, which is still an influential theory of the democratic competition. According to this model, democracy means competition between the parties, and intra-party democracy based on rank-and-file participation is not considered to be crucial for democracy. (Assarsson 1996.)

Bachrach (1969, 93-94) criticised this 'general theory of democracy', which was based on Schumpeter's views and which has been dominant in the American political science in the 1950s and 1960s, for being ideological although it was claimed to be value-free:

"This general theory purports to be above ideology but is in reality deeply rooted in an ideology, an ideology which is grounded upon a profound distrust of the majority of ordinary men and women, and a reliance upon the established elites to maintain the values of civility and the 'rules of the game' of democracy...While embracing liberalism

it rejects, in effect, the major tenet of classical democratic theory - belief and confidence in the people.”

Bachrach argues that in Schumpeter's model citizens' interest in politics is seen as one-dimensional, which means that citizens are assumed to be interested only in the outcomes of the political process. Bachrach, as a supporter of what he calls *self-developmental theory of democracy*, believes that citizens have two-dimensional interests in politics. The citizens have interests also in “the opportunity of development which accrues from participation in meaningful political decisions”. Democracy does not mean just an opportunity to choose between different rulers, but a system in which the citizens actually participate in decision-making and apply their judgments in political problems. Political participation is an essential element of individual moral dignity and development. Bachrach admits that classical theory “falls short of being a viable political theory for modern society”, which can be characterized by mass-elite structure, but he argues that democratic elitism does not share any of the essential normative ends of democracy as they were put forward for example by Rousseau and J.S. Mill.

The term ‘classical democracy’ has also been used by the proponents of the radical, populist, participatory or, even developmental democratic theorists. Bachrach criticises Schumpeter's definition of the classical theory of democracy. Schumpeter argues that the classical doctrine of democracy originates from the late 18th century. Quite misleadingly, he couples Rousseau and the utilitarians together as the ‘intellectual founders’ of the classical democracy, although the utilitarians, starting from individualist premises, definitely do not subscribe Rousseau's idea of the common good. As Birch argues (1993, 52): “In writing as he did, Schumpeter, an economist by profession, displayed an

ignorance of the history of political ideas that would disgrace an undergraduate."

3.6 Liberal and Participatory Theories of Democracy

<i>protective democracy</i>	<i>vs</i>	<i>developmental democracy</i>
<i>liberalism</i>	<i>vs</i>	<i>populism</i>
<i>"thin" democracy</i>	<i>vs</i>	<i>participatory democracy</i>

The pair of concepts *developmental* and *protective* democracy has been used by Held (1987, 70). The central idea of protective democracy is that individuals need to be protected from the interference by other individuals as well as from the governmental intervention. Held mentions Machiavelli and Hobbes as intellectual predecessors of protective democracy, although neither of them was a liberal nor a democrat. However, both of them considered individuals as some kinds of maximisers of their own interests, and described the interaction between the individuals in terms of conflicts. In protective democracy, the government is expected to pursue policies which protect people's private interests, most importantly, the security of the body, but at the same time the government must be limited so that it will not interfere individuals' lives too much. Moreover, the state and the civil society are regarded as separate spheres, and the function of governmental action is to guarantee the individuals' pursuit of private goals. The principles of the institutional forms of protective democracy have been put forward by, for example, Montesquieu, Locke, Madison and Bentham, including the principles of the accountability of representatives, civil rights and the division of powers.

According to Held, the most radical forms of developmental theory have been expressed

by Rousseau in his moral definition of freedom and in the idea of popular sovereignty, whereas J.S. Mill represents the most liberal extreme of developmental democracy. Held (1987, 78) puts forward the following principle of justification for the radical forms of developmental democracy: "Citizens must enjoy political and economic equality in order that nobody can be master of another and all can enjoy equal freedom and dependence in the process of collective development." According to Held's definition, radical developmental democracy requires legislation by direct assemblies and election of public officials, which creates "informed, committed and developing citizenry" (Held 1987, 102). In general, both the radical and the liberal versions of developmental democracy are based on the idea that the political participation has an intrinsic value of being part of the development of citizens - not just the instrumental value of influencing the governmental policies. The ideas of developmental democracy will be discussed further in conjunction with participatory theory.

In his book *Liberalism against Populism* (1982) William Riker defines liberal democracy as a political system in which individual freedom is best protected¹⁰. Under liberal government, the individual freedom is guaranteed by such institutional arrangements as representative government with frequent elections, which create the representatives an incentive to be reflective to the interests of the electorate and, also, constitutional checks and balances, which limit the powers of representative and popular majorities. Especially, these latter institutions can be seen as a prevention of the tyranny of majorities which create a threat to individual liberties. Referring to the results of the social choice theory, Riker criticises the so-called populist theories of democracy. By populism Riker means theories in which democracy simply means the fulfilment of the

will of the majority. According to Riker's interpretation of the results of social choice theory, the notion of the majority will does not have any normative significance, and therefore it cannot be argued that democratic decisions would be particularly fair or just. Therefore, democratic institutions may only be justified on the basis of their the long-run consequence, the protection of individual freedom.

The distinction between participatory or *strong* democracy and liberal or *thin* democracy has been used by Barber (1984). As a supporter of participatory democracy he criticises liberal democracy, as it has been put forward by the classics of liberal thinking (Hobbes, Locke, the American Founding Fathers), for being too 'thin', giving too much emphasis on the limitations of the power of the government, and underrating the importance of citizens' participation. As an alternative, he offers a more participatory model of democracy which is based on the philosophies of Rousseau and J.S. Mill. Barber's model of strong democracy provides more possibilities for political participation than the nationwide elections, for example, local democracy, the referendum and the initiative. These measures should be combined with classical liberal institutions which restrict the power of the government, and they are expected to create certain sentiments of communality and citizenship, which make citizens' political judgments more reasonable.

Riker's concept of populism and Barber's thin democracy are, probably, strawman theories used by those who represent the adversary ideas of democracy. Riker does not pay attention to the fact that those populists, who identify democracy with the use of the majority rule, for example Rousseau, also set some strict restrictions on what kind of opinions people should have and on what kind of participation and deliberation is

required before the definition of the will of the majority. In other words, Riker fails to take into account the 'input' side of different radical theories of democracy: he does not give an adequate account on the considerations on how the objectiveness or reasonableness of citizens' preferences can be achieved, or on the developmental elements of the participatory models of democracy. Barber's 'thin democracy', on the other hand, is a brutal version of liberalism, in which the essence of democracy is the institutionalized form of competition for power that can be characterized in Riker's (1982) words as 'counting heads instead of cutting them'.

The difference between liberal and participatory, protective and developmental theory, or thin and strong democracy may also be put in terms of the distinction between *negative* and *positive liberty* used by Sir Isaiah Berlin (1969). Negative liberty is essentially individual freedom from outside coercion. Full negative freedom would mean total absence of coercion. Negative freedom does not necessarily require democratic form of government: any form of government which does not coerce the citizens guarantees it. Liberal democracy may, however, be the only government which fulfils this requirement *de facto*. Positive liberty, on the other hand, requires citizens' participation in government, because individuals cannot be free if they are not allowed to take part in the decision-making on the issues concerning their own lives, and therefore political participation is also seen as a part of individual self-fulfilment and growth. Positive freedom requires some kind of participatory democracy in which people directly participate in decision-making and thus also take the responsibility for political decisions.

3.7 Historical and Philosophical Background of Liberal Theory

In the following sections, liberal and participatory theories of democracy will be discussed more closely. Both of these theories are concerned about democracy in large and fractionalized societies. The core of liberal political thought may probably become understandable only in its historical background: it was a reaction against absolutist forms of government. This explains why liberal theory emphasizes the conflict between the state and the individual. The roots of political liberalism were in the fights against different forms of absolutism: religious oppression, servile status and censorship of the press. Later on, liberal defence of individual freedom has got more distinguished forms, and also the institutional arrangements to protect this freedom against the interference of the state have become more elaborate. As Barry (1991, 24) describes the origins of the liberal ideas of toleration, freedom and equality:

"Modern liberal institutions may be seen as extensions of each of these elements in the historic core. Thus, the principle of religious toleration has been generalized to the 'harm principle': the principle that people should be free to act as they wish provided they don't harm others. Freedom of the press has been generalized to cover freedom of expression of all kinds. And the principle that there should be no servile status has been generalized to a concept of equal citizenship rights due to everyone without regard to social class, race, or gender."

Liberal theory has been discussed from different philosophical perspectives. I will concentrate the English-speaking version of the liberal theory as a contrast to those theories of democracy which emphasize the importance of political participation. In the Anglo-Saxon version of liberal democracy, the liberal democratic form of government is justified in terms of self-interest, most fundamentally the preservation of the life, and the political liberalism has an instrumental value of enhancing the private aims of the

individuals. This characterization, which is quite close to how Barber (1984) represents liberal democracy, does not necessarily make justice to such English-speaking liberals who emphasized toleration and participation such as J.S. Mill.

Another philosophical approach to liberal democracy is based on the Hegelian philosophy of history. From this point of view, liberal democracy with its emphasis on equality and freedom, is an end in itself, because it satisfies the intrinsic human need for the recognition of dignity. Liberal government is based on universal and reciprocal recognition between human beings, institutionalized by such institutions as equal citizens' rights and the universal suffrage, and therefore it is a contradiction-free form of government. Under liberal government nobody needs to fight for the recognition because it is inherent in the political system. This was the basis of the Hegel's argument on liberal democracy and the end of history, and recently it has been resurrected by Francis Fukuyama in his book 'The End of History and the Last Man'. (Fukuyama 1992, introduction.)

In his book 'Strong Democracy' Barber (1984) gives a critical account on the English-speaking version of liberal democracy. Barber argues that the structure of this version of liberal theory is 'cartesian', because it is based on certain assumptions of human nature. Liberal theory has an independent ground, from which the concepts, values, standards and ends of political life are derived. The model of reasoning of liberal theory resembles that of Hobbes' theory of social contract. The formula of the theory is the deductive which means theoretical truths are logically inferred from analytical premises. A criticism against liberal epistemology is that it is reductionist in its perceptions of

human beings. The liberal conception of a human being is atomistic, individuals are perceived as separate and indivisible physical beings, whose actions can be explained in terms of certain self-interested motives (needs, wants, desires, impulses, instincts etc.). Human action can be described as a 'vector sum' of these motives, and similar laws apply interpersonally in calculating these sums. Human interaction is reduced to atomist forms, and all social and communal aspects of life are excluded. Furthermore, social interaction is defined in terms of conflicts between self-interested individuals, rather than a necessary condition for individual development and socialization. (Barber 1984, 33.)

Liberal view of the state is instrumentalist, in other words, the governmental organisation and the state action should be aimed at increasing individuals' well-being. Governmental action should serve the *homo economicus*, the seeker of material happiness and security of the body. Locke expresses the central idea of instrumentalism: "power hath no other end but preservation of life, liberty and estate". In liberal theory politics is about fulfilment of private ends in the public arena. From this principle it follows that every intervention by the state must be justified, in other words, it must be proved that it serves the well-being of individuals. In liberal theory the purpose of political institutions is the peaceful resolution of the conflicts between individuals, protection of individuals from oppression by other individuals, and finding such solutions to political problems which would be, as far as possible, in accordance with the wishes of the individuals.

In liberal theory, the philosophical basis for politics is the logic of the consequences of the individual actions on the other individuals, or, in economic terms, externalities. Individual actions may have some consequences on other human beings, which makes

them intersubjective and, in a sense, public. The state of nature is a situation in which these consequences are not publicly concerned because there is no political sphere. Barber depicts two different kinds of liberal 'states of nature', which may result when human beings interact. The first is what he calls liberal anarchist state of nature in which the interaction between individuals is harmonious, because the nature has provided sufficient room for each individual. The problems of externalities do not come up. In the liberal realist state of nature, on the other hand, there is a finite space with density and scarcity, and at worst, the interaction between individuals may be characterized as a Hobbesian 'war of all against all'. (Barber 1984, 73).

The state activity is based on the extension of realist premises of the anarchy into the political realm. In liberal tradition politics is essentially seen as resolution of conflicts caused by the externalities. In the realist state of nature there is not a possibility of cooperation, i.e. spontaneous settlement of interest conflicts, because among individuals driven by self-interest the credibility of all contracts depends on an exterior power which puts them in force. In Hobbes' *Leviathan*, this is stated as follows:

"For the Lawes of Nature (as *Justice, Equity, Modesty, Mercy*, and (in summe) *doing to others, as wee would be done To.*) of themselves, without the terrour of some Power, to cause them to be observed, are contrary to our naturall Passions, that carry us to Partiality, Pride, Revenge, and the like. And Covenants, without the Sword, are but Words, and of no strength to secure a man at all." (Hobbes 1651/1924, 87.)

The justification for the state activity arises from the hypothetical social contract. The basis of the civil society is the fear of sanction, which creates an incentive for the citizens to obey the rules¹¹. As Locke has put it, "polecats and foxes" must be "caged by laws, prodded by penalties, deterred by threats". Barber (1984, 83-84) criticises the basis of the

civil society in liberal theory that in liberal theory "men are made to obey but not to change or grow".

A liberal democrat does not, however, glorify power, because the core of liberal thought is that freedom and power are opposites. Liberal thought is based on the idea of negative freedom; the idea that individuals should have a private sphere, which is protected against the interference of the state. From this follows the 'liberal dilemma': in the state of nature individual man's potential freedom is endangered, while the state endangers his actual freedom. The step from anarchy to civil society can be justified on the basis of individual freedom and well-being, but the problem then is, how governmental tyranny can be prevented after the step from the state of nature to the civil society has been taken.¹² The solution to this problem is the limited state, minimalism: "liberal state manipulates men by first implanting terror in them and then, in return for their socially acceptable behaviour and their prudential fealty, protecting them from it". It must be emphasized that minimalism in itself does not necessarily imply democracy but any form of limited government, although constitutional democracy may be the only mechanism by which the governments may be limited in practise. (Barber 1984, 15, 21.)

3.8. Liberal Institutions

3.8.1 Elections and Democratic Rights

Much of the current controversy on liberal democracy is more about the philosophical foundations of the theory, and whether or not the theory is universally applicable.

Furthermore, within the Anglo-Saxon liberal theory there is controversy on how the individuals' freedoms and private sphere should be justified, or what should be public and what should be private. There is probably lesser controversy on the institutional arrangements of the liberal government. As a form of government, liberal democracy is essentially about certain institutional safety mechanisms. These mechanisms constrain the individual wills, on which the political decisions are based upon, and prevent any single one of them from becoming tyrannical. As Sartori (1987, 271) describes this, in liberal democracies the people “stand for a long process of both innumerable adjustments and innumerable checks”, and that the people “actually resolve themselves in a multi-actor, multi-step and multi-filtered decision-making process”.

One of the central features of modern liberal democracies are the frequent elections of the representatives. Riker, for example, suggests that electoral voting in liberal democracies survives the critique of majoritarianism of social choice theory. According to the liberal interpretation, the purpose of voting is not to give a reliable account on the hypothetical will of the majority, but to serve as an opportunity to dismiss the unpopular officials. The negative character of liberal theory does not require that the outcomes of social choice methods are accurate reflections of the popular will, and therefore it is not about popular rule. Instead, as Riker (1982, 244) argues:

"The kind of democracy that thus survives is not, however, popular rule, but rather an intermittent, sometimes random, even perverse, popular veto. Social choice theory forces us to recognize that the people cannot rule as a corporate body in the way that populists suppose. Instead, officials rule, and they do not represent some indefinable popular will. Hence they can easily be tyrants, either in their names or in the name of some putative imaginary majority. Liberal democracy is simply the veto by which it is sometimes possible to restrain official tyranny".

Despite the defects of electoral institutions, ie. manipulation, cycles and so on, they still fulfil their main function, which is to allow the electorate a regular veto on the policies pursued by elected officials. Riker's idea of democratic method resembles Schumpeter's 'democratic elitism'. According to Riker's and Schumpeter's definition, the concept of democracy simply refers to this particular type of system of alternate the ruling elites without much reference to the social conditions in which they work or the outcomes they bring about. Democratic decisions do not need to be particularly just or fair, although the electoral method is expected to provide some kind of check on the actions of the officials. Schumpeter even insisted that democracy which burns witches or heretics at the stake is still democracy. Riker, on the other hand, believes that the electoral veto tends to generate freedom, because it curbs the power of the government and thus eliminates oppression. (Riker 1982, 246.)

Riker's and Schumpeter's definition of democracy is very minimalistic, and the other theorists of liberal democracy have set more substantial conditions for the democratic system. This is because the minimal definition is not sufficient to guarantee the sustainability of the democratic system. Democratic systems are vulnerable because democratic decisions may violate the necessary conditions for even the minimal form of democracy, understood as electoral competition. Dahl (1989, 163-175) considers the social preconditions of democracy and the democratic outcomes as interlinked:

"But the democratic process isn't completely open-ended. If a majority were to deprive a minority, or even itself, of any of its primary political rights, then in the very act of doing so it would violate the democratic process. If the decision of the majority wasn't simply a mistake on their part, then it would necessarily be true that they weren't fully committed to the democratic process itself." (Dahl 1989, 171.)

According to Dahl, a political system may cease to be democratic if the majority decides to deny the right to participate for example from the opposition, because this act would essentially put an end to the political competition. A similar argument has been put forward by for example Bachrach (1967, 4), and it can be summarized that i) there are some necessary social conditions for democracy, and ii) the substantial outcomes of democratic systems may violate the necessary social conditions of democracy. The social preconditions necessary for democratic process means certain primary political rights, like equal right to vote, the freedom of speech and association. Freedom of speech is necessary for the public discussion which makes the electors aware of different political alternatives and their consequences, the acts of the government and the characteristics of the political candidates. Freedom of association also gives the citizens formal opportunities to organise themselves to political activity, promote their political interests, and nominate candidates in elections.

In sum, liberal democracy cannot be defined purely in terms of such methods as the electoral competition, because democratically made decisions or democratically elected representatives may violate the necessary prerequisites for a fair competition, the political rights. Without institutionalization of the rights and universal adherence to them there is no guarantee of the sustainability of the system. However, liberal rights of participation fundamentally serve the instrumental goal of counteracting the possible oppression by the governments, and the political participation is not seen as a value in itself. Furthermore, liberal political rights are negative in character, they mean just a formal opportunity to participate and express opinions. It is one matter of dispute between the

liberal and participatory theorists of democracy whether the equality of possibilities of participation and expression should be made more substantial, whether there should active be policies for abolishing the inequalities in the resources of participation to make the societies more 'democratic'.

3.8.2 Division of Powers and Constitutional Checks and Balances

In the early liberal thought the emphasis was in the opposition against the tyranny of the absolute monarchy. Later on, the possibility of *the tyranny of the majority* has become an important issue in liberal thought. Many of the principles of the liberal government were expressed for example in Madison's 'The Federalist Papers 47-51' (Hamilton, Madison & Jay 1788/1961, 300-325). The most important institutional arrangement suggested by Madison is the division of powers. The US Constitution follows the principle according to which the legislative, the executive and judiciary powers are in the hands of separate institutions. This principle of separation of powers was stated by Madison as follows: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may just be pronounced the very definition of tyranny." (Hamilton, Madison & Jay 1788/1961, 301.) In most liberal democracies, there is also constitutional division between the realms of national and regional or local governments. American-style liberalism also emphasizes the importance of an independent judiciary which may block decision-making. (Riker 1982, 250.)

According to Madison, there should be certain control and veto rights between the

different branches of government. As Madison puts it in *The Federalist Paper No. 48*: "After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others." (Hamilton, Madison & Jay 1788/1961, 308.) A central element in American constitutionalism is multicameral legislature with mutual veto powers.

According to Madison and Hamilton, constitutional checks and balances were needed in order to assure that only 'cool and deliberate' opinion of the people prevails. The aim of checks is to filter out the most transient wills of the people, because persistent wills are more reasonable than transitory ones. This was explained by the psychological assumption that the passions are cooled down as the time passes by. In other words, the delaying devices prevent the occasional whims from determining the political outcomes. (Manin 1994,61.)

Riker (1982), for example, is somewhat ambivalent about the importance of these other institutional arrangements in the liberal government. Riker admits that in practise, however, liberal government requires also other checks than simply the electoral threat on the ruling officials:

"Perhaps, in the abstract, liberal methods do not need to be supplemented with these restraints because liberalism has only one stipulated sanction on rulers - namely, the threat of the next election. Nevertheless, in practice, liberal democracy probably does not work without the additional restraints always heretofore associated with it - multicameral legislatures, decentralized parties, and so on." (Riker 1982, 248.)

The powers of majorities may also be limited by the requirement for a parliamentary

supermajority. This means that more than the absolute majority, a qualified majority, is required for passing certain parts of legislation in the legislature. The requirement for qualified majorities may be seen as appropriate in those issues, in which the preservation of the legislative *status quo* is of special importance. Qualified majorities may be, for example, be required in issues concerning the infringement of constitutional rights, because the constitutional rights protect the fundamental democratic values. The requirements for supermajorities are based on the idea of the social contract: the fundamental rules of democratic decision-making must be accepted by all citizens or, in practice, at least by the vast majority of them. Supermajority requirements may be criticised on the grounds that they protect the *status quo* when it is unfair in some respect. Furthermore, as mentioned in the *Chapter 2*, the supermajority requirements block the decision-making also in those cases in which there would be a clear-cut and fair majority winner, and may make the decision-making procedures ineffective, because the bargaining costs tend to rise as the size of the required majority rises.

Referendums and other forms of direct democracy do not fit very well to Riker's and Schumpeter's definition of democracy. The results of referendums are typically justified by the notions of the will of the majority and the popular sovereignty. Especially those referendums which are initiated by the governments may become a tool in the hands of political elites improving their own or their party's position in the political competition. On the other hand, the constitutionally required referendums and other forms of 'law-controlling' referendums have often been justified in Madisonian terms as being checks on the power of the parliamentary majorities. Because these form of referendums also force the representatives to take the public opinion into account , they are expected to be

especially anti-elitist controls of power.

3.8. Participatory Democracy - Man as a Social Being

Barber's (1984, 32) criticism against the liberal theory is largely a criticism against the premises and the structure of the theory in its most economic forms. First, he criticises the deductive structure of the reasoning in liberal theory. Barber states his criticism as follows: "the appropriate metaphor for political reasoning is not concatenation but weaving - the interlacing strands in a cable rather than forging of links in the chain." Barber criticises liberal theory for being sceptical and dogmatically certain about the human nature at the same time. He regards this as two sides of the same error of considering the principles of organization of a society to be derivable from abstract reasoning, and justifiable by epistemological 'truths' concerning the human nature. (See also pp. 128-129, 164-165).

Second, Barber criticises liberal theory for its individualism, in other words, the view that individuals are essentially separate. Liberal ideas of 'man alone' and negative freedom are not sufficient grounds for what he calls positive freedom. For example, defining freedom in barely physical terms misconstrues it, and also produces a conception of political liberty as passive. Barber (1984, 91) quotes Carl Saunders Peirce: "individual man since his separate existence is manifested only by ignorance and error, so far as he is anything apart from his fellows, and from what he and they are to be, is only a negation".¹³

Liberal theory, based on atomistic view of individuals, cannot be expected to give an adequate account of human interdependency, mutualism, cooperation and fellowship, and therefore is not sufficient for describing the actual character of social relations. In participatory theory, political actors interact socially in ways which cannot be described in terms of metaphysics or moral absolutes. Individuals are not treated as egoistic interest-maximisers, whose cooperation is based merely on the possible beneficial outcomes. In participatory theory, the starting point is the civic ideal that human beings are inherently social. For example Rousseau resolved the problem of individual freedom under government 'by redefining the concept of natural freedom as civic and moral freedom and by using obedience to self'. Marx, on the other hand, expresses the psychological assumptions which typically characterize communitarian theories of democracy: "man is not merely gregarious animal, but an animal that can individuate itself only in the midst of society". (Barber 1984, 10, 214.)

Liberal, minimalist politics may fit better to the world of uncertainty, because it treats 'men and women with lessened expectations'. Those who are sceptical about human nature may consider liberal democracy as a system which works in favour of minimal individual freedom in every social contingency, even among the worst egoists. Most of the theories in the other *Family* require something which is not necessarily true, for example in participatory theory 'reasonable citizens'. Barber, however, criticises this kind of minimalism and scepticism for being 'an excuse for political passivity' (Barber 1984, 158, 258).

Barber accuses liberalism of being a non-visionary form of democracy and criticises of

the effects of liberal thought and liberal institutions in societies. He claims that liberal institutions have paralysing effects on political participation. He means by this that the scepticism towards human nature in liberal theory has turned into an excuse for political passivity and a hindrance for political community-building (Barber 1984, 11). Like Bachrach, Barber argues that the arguments on the dangers of the popular participation, and the assumption that citizens are incompetent for democratic participation fundamentally represent an elitist ideology. In liberal thinking individuals are arranged into two categories: they may be either political entrepreneurs or disinterested 'consumers' of politics. Barber argues that in liberal thought the powerlessness of masses is explained by their apathy. He argues the contrary: people are apathetic because they are powerless.

Barber admits the problem of large societies that the plurality of individual roles and interests weakens grounds of mutuality and participatory citizenship. The mere existence of majorities and minorities is an expression of disintegration. Political theories have different ideas on how this social disintegration should be lessened: in liberal or pluralist theory overlapping disintegration is assumed to lessen disintegration as whole; in participatory democracy political participation is expected to enforce mutualism within fragmented societies. In this respect, participatory theory has ambitious goals: politics should be an arena in which citizens learn 'public thinking'. This means that citizens' opinions would not eventually be based on purely self-interested calculations, but also the interests of the other people or the 'common good' should play part in citizens' opinion-formation. In participatory democracy the actual decision-making is preceded by a deliberation process in which more reasonable opinions are conceived.¹⁴

In participatory theory, democracy is seen as a way of solving moral and political problems by citizens' participation and public discussion : "Politics is not the application of truth to the problem of human relations but the application of human relations to the problem of truth." Barber's theory, however, differs from Rousseau's theory because it does not assume the existence of the objective common good. Participatory democracy is rooted on the epistemological theory of fallibilism. Politics is concerned with problems in which 'truth is not - or is not yet -known.' Democracy may exist entirely without moral foundations: in, fact, it may be a political answer to the question of moral uncertainty. Conditional and tentative truths in moral and political issues imply certain kind of politics, politics of toleration in Mill's sense (Barber 1984, 61-66).

Barber argues that also liberalism acknowledges the absence of an independent ground as a condition of politics. The solutions offered, however, are different in these two theories. Unlike liberal democracy, participatory democracy is not based on any metaphysical assumptions on the individual motivations, rather: "Politics is what men do when metaphysics fails; it is not metaphysics as a constitution" (Barber 1984, 131, 151). Barber's solution for the absence of independent ground is strong democracy: "...strong democracy in the participatory mode resolves conflict in the absence of an independent ground through participatory process of ongoing, proximate self-legislation and the creation of political community capable of transforming dependant private individuals into free citizens and partial and private interests into public goods."

The idea of strong democracy is based on civic attitudes and institutions which encourage participation, rather than the idea of mutual interests of liberal contractualism. First,

politics is defined in terms of participation: "politics remains something we do, not something (such as power, for example) that we possess or use or watch or think about" (Barber 1984, 119, 162). In strong democracy political and moral uncertainty is transferred into group action; conflicts are tried to use as means for achieve cooperation. Second, participation ought to have transformative effect on individual opinions: it is expected to create *reasonableness* in political opinions. Reasonableness is a commonsensical notion, and Barber characterizes it as practical rather than metaphysical: "To be reasonable is therefore not to deny self, but to place Self in the context of Other and to inform it with a sense of its dependence on the civic polity." Increased mutuality in citizens' attitudes has the effects that right and wrong cease to be vital terms of judgment and political truths no longer exist (Barber 1984, 127, 187-199).

According to Barber, communication is at the heart of strong democracy, and he criticises the most economic forms of liberal theory for ignoring the importance of it. Communication is a 'manifestation of our common humanity'. The 'strong democratic talk' has, among others, the following functions: articulation of interest; bargaining and exchange; persuasion; agenda-setting, which in strong democracy is open and public; exploring mutuality; affiliation and affection; reformulation and reconceptualization of social concepts; community-building. Strong democracy should entail both the intimacy of local participation and the power and response of regional and national participation. The institutional arrangements required in theories of participatory democracy can be seen as an attempt to reestablish the communitarian spirit which has been lost in large societies. (Barber 1984, 74.).¹⁵

Barber's programme for strong democracy is based on different mediating institutions in which all citizens can participate. Strong democracy is, however, more a complementary idea than a radical alternative to liberal democracy, because the strong democratic institutions should be established while maintaining the liberal limitations on power. Barber (1984, 270, 305) mentions for example the following methods of institutionalizing 'strong democratic talk': Neighbourhood assemblies which are expected to increase the accountability of the local government and deliberation on local issues; Television town meetings and civic communications cooperative which enhance civic interaction via television and the use of interactive television for multi-choice voting systems; Civic education and equal access to information.

As institutions for strong democratic decision-making, Barber suggests electronic balloting and elections by lot, and national initiative and referendum. The initiative and the referendum should be also used on laws passed by the parliament, in other words, they would also be used for checking the decisions. Barber supports the use of multi-choice format, which he claims to create more public orientation, because the nature of the voting becomes more giving a judgment than making a choice. He also suggests two readings, because this prevents plebiscitary wilfulness and forces people to consider.

Barber (1984, 305) also suggests some measures for 'strong democratic action', in other words, citizens' active participation in defence, public works and voluntary neighbourhood action, and also democracy at the workplace. The institutional methods put forward by Barber form an integrated agenda; strong democracy is not based on piecemeal engineering, because the potentials of suggested measures depend on mutual

reenforcement. The purpose of civic participation and deliberation is not only to filter citizens' preferences and prevent unreasonable outcomes, but they must be seen as a value in themselves, because they are necessary for the creation of the responsible citizenship which is the precondition of participatory democracy.

3.10 Public Debate and Reasonableness - Criticism

Participatory theory emphasizes such elements as public discussion and persuasion. Ideas resembling Barber's public discussion and 'reasonableness' have been put forward by Habermas in his theory of communicative action. Habermas' theory is based on the premise that purely self-interested arguments cannot be put forward in the public discussion, because the argument that a certain option would be the most beneficial for the speaker oneself is not convincing enough. In public discourse, one needs to give grounds for one's positions which are rational and other-regarding. This is the feature which distinguishes public debate from political bargaining, and also the difference between the 'forum' and the 'market' types of political interaction discussed earlier. It may also be argued that when people expose themselves to the reason in the rational discussion, the reason overcomes their own prejudices and selfishness, and the outcome of the debate will be a more rational opinion. In Habermas' theory, the unanimous consent is assumed to be the outcome of the rational discussion, and he obviously believes, like Rousseau and unlike Barber, that there is the common good, not a plurality of ultimate values. (Elster 1986, 112-113.).

According to Elster (1986), the need for certain kinds of arguments in public discussion

is not a sufficient condition for achieving truly rational and other-regarding opinions, because this 'argument only shows that in public debate one has to pay some lip-service of the common good.' Elster also gives other reasons for criticising Habermasian view, and I will consider a few of them, especially those which have relevance for Barber's theory as well. The first major problem is, whether it is possible to guarantee that only those who are well-informed and other-regarding participate. Furthermore, it is appropriate to ask whether it would be right to exclude the disinterested or the purely self-interested from the political process. Counting only well-reflected opinions in decision-making would lead to a certain kind of elitism, or to the situation described in conjunction with Rousseau's theory, in which only some but not all the people align themselves to the public-regarding standpoints. (Elster 1986, 114-115.)

Second, Barber, as well as other participatory theorists, may be accused to be rather naive in their trust that the public discussion will increase the 'objectiveness' or 'reasonableness' of the opinions. As Elster (1983, 116-117) points out, sometimes interaction may, in fact, reinforce the biases in individual opinions, especially in the presence of demagogues. This was considered as a problem already in early assembly democracies, and was probably the reason why Rousseau stressed the fact that political deliberation should happen without much communication. Increased interaction can also undermine autonomy and morality, the claim which can be supported by the evidence of certain political mass movements. The opinions based on interaction may be affected by conformism or 'group-thinking', which means that people blindly follow the opinions held by certain opinion-leaders or by the majority.¹⁶ As Elster concludes: "The random errors of selfish and private preferences may to some extent cancel each other out and

thus be less to be feared that the massive and coordinate errors that may arise through group-think...I am not arguing against the need for public discussion, only for the need to take the question of institutional and constitutional design very seriously."

3.11 Conclusions

The modern conceptions of democracy differ considerably from the classical forms and theories of democracy. This may be explained by the fact that the modern conceptions of democracy deal with large political entities, such as the nation-state. The ideas of political liberalism have been merged together with the concept of democracy which has resulted the dominant doctrine of liberal democracy, and in increasingly many countries the political life according has been arranged according to these principles. In the earlier conceptions popular self-government and direct participation were the central elements of democracy, whereas according to most of the modern theories democracy is considered to mean certain type of representative government.

The elements of liberalism have become more important in democratic theory. Furthermore, the significance of democratic participation has decreased at the same time as new groups were enfranchised. Nowadays democracy almost exclusively means representative democracy, and the elitist character of it is considered to be a necessity. The classical forms of democracy are considered to have only few applications in modern, large and adversary societies, and Rousseau's interpretation of the correctness of majoritarian decisions hardly has any applicability for example in nationwide referendums.

Some theorists, however, would like to develop more participatory forms of government. Barber's account on liberal theory, perhaps, overemphasizes the materialist and over-individualist parts of liberal tradition, and does not do justice to the theorists representing the 'middle-ground' between liberal and participatory theories. Liberal theory is not probably a theory of the best possible government, but it may be a theory about a best feasible government. Liberal government, however 'thin' or 'non-visionary' form of government it may be, however, is a big improvement compared to some authoritarian forms of government when it comes to such questions as civil rights and toleration of dissidents. Also, Barber's ideas of participatory democracy include many liberal checks and balances, the fact which reveals that he does not fully trust 'reasonableness' as a check on public opinion. The existence civil liberties of liberal theory may be a prerequisite for any other form of democracy.

The idea that the moral and political truths may only be defined in intersubjective processes is a powerful argument supporting epistemic and participatory conceptions of democracy. The ambitious goals of participatory theory are not possible to achieve just by setting up some institutions. What is needed are citizens who are willing to use these opportunities. The development of participatory politics may be seen as an evolutionary process. The lack of participatory culture may be used as excuse for not giving any institutional opportunities for participation although it may as well be argued that the lack of opportunities is the reason for the backward participatory culture. The development of participatory culture and institutions are therefore interdependent. There are, however, some external factors, which may explain the success of participatory democracy, for example the size of the political entity, which makes the effects of

participation more visible and also may increase the feelings of community. Also, as it has been assumed in some earlier theories of developmental democracy, the ideals of participatory theory may only be achieved in relatively equal societies.

Given the complexities of modern society and the liberal form of democracy, what kinds of purposes, the occasional referendums in Western democracies serve? As shown in the *Chapter 2*, the referendum is not even a particularly reliable measure of the will of the majority. It also seems to be quite justified to argue that in sometimes there is an absence of 'effective political volition'. These conclusions raise the question, to what extent the referendum is in accordance with the normative principles of democratic government, those put forward either in theories in the right or left. These questions, I will argue, can be answered more satisfactorily if the institutional differences of the referendums are taken into account.

The theories and the empirical practices of democracy should not necessarily be studied separately, but that there are many ways in which these two are related. Theories of democracy have more or less explicit views on people's motivations, on their level of understanding on politics, on their political behaviour, and also on how political institutions shape their behaviour. It is possible to study these views empirically. Also the normative arguments for and against different forms of democracy are not conceived in vacuum, but affected by the experience on different democratic institutions. Finally, normative arguments are used in the political debate on the adoption and the use of democratic institutions and hence they influence the empirical reality. In the *Part II* of my thesis I will analyse some historical experiences of the referendum in Western

democracies. In the *Chapter 4* the institutional frameworks of referendums are analysed, and in the case studies the referendum is analysed as a part of political process with real political actors. The purpose is to illustrate the link between the normative and ideological argumentation on the referendum, and the motivations and interests of the participants of the political process.

Notes

1 This has been proved mathematically by Miller 1986.

2 This is the reason why the legislation on minority rights would not be considered to be appropriate for being decided in referendum. Also the existence of the minority rights may be considered to be so fundamental for the democratic system that majoritarian procedures cannot be appropriate for settling them. (Magleby 1984, 76).

3 In game-theoretical terms, this situation may be described as a n-player Prisoners' Dilemma-game, in which those people voting in 'Rousseauan' manner are acting cooperatively and those who vote according to their own interests are acting non-cooperatively. However, the whole act of voting and participating in politics cannot be based on people's self-interest, because the cost of voting is likely to exceed the expected utility of the act. This would imply that mostly those who have public concerns, or rather have public- than self-regarding stands, would participate anyway. As Goodin (1983, 89) argues, this can be considered as a mechanism of 'laundering preferences' internal to democratic systems.

4 Bentham, Jeremy: *A Fragment of Government* (1776).

5 In addition to these, representation may be thought to be based on the metaphysical link between the rulers and the ruled. In metaphysical representation the power is concentrated in the hands of a 'Hobbesian' sovereign, who may formally act on behalf of the citizens. However, in metaphysical representation there does not exist any concrete mechanisms by which the activities of the sovereign would be controlled. (Pitkin 1969, 8-9.)

6 McLean (1991, 188-189), for example, argues that the use of statistical sampling methods would produce better forms of microcosm representation than any of those electoral systems expected to bring about proportional representation. However, the proportional electoral systems make the representatives accountable unlike the statistical methods.

7 Elitist theories of democracy may be contrasted also with pluralist theories (Dahl 1976; Miller 1983). In elitist theories of democracy the people are clearly divided to 'elites' and 'masses'. The only way in which the elites are related to the masses is the electoral accountability. According to pluralist theories, on the other hand, the political decision-making takes place between different groups representing conflicting cleavages in the society. The social pluralism meaning cross-cutting cleavages, and political pluralism meaning changing majority coalitions between different groups. Both of these prevent any social group from becoming too dominant in the political process which enhances the long-run stability of the democratic system.

8 Even Rousseau, who distinguished between three forms of government, democracy, aristocracy and monarchy, argues that elective aristocracy is the best form of government (1762/1968, 114-116.)

9 "Communities which most of us would readily recognize as democracies have burned heretics at the stake - the republic of Geneva did in Calvin's time - or otherwise persecuted them in a manner repulsive to our moral standards - colonial Massachusetts may serve as an example." (Schumpeter 1992, 240-241.)

10 The individual freedom means here negative freedom, i.e. freedom from external coercion. The idea of freedom underlying populist and participatory conceptions of democracy is the individual self-determination.

11 The Hobbesian problem of social order can be described as a n-person Prisoner's dilemma game, in which non-cooperation is the dominant strategy. The introduction of sanctions changes the payoffs and therefore also the structure of the game in such a way, that cooperation becomes the dominant strategy. There is, however, a problem inherent in this solution: the establishment of the controlling and sanctioning authority can also be described as a n-person Prisoner's dilemma.

12 The historical foundations of liberal theory of democracy are in the combat of the Europeans and Americans against absolute monarchy in the 17th and 18th century. In its way, this historical background explains, why the idea of the conflict between the state and the individual is so characteristic to liberal philosophy. The tension between anarchist and realist variations of liberal theory engenders what Barber calls American paradox: "repudiated the cynicism of Europe and called for a political order based on the most elevated view of man's capacities, and then designed a constitution based on the very lowest expectations". (Barber 1984, 81.)

13 Benjamin Barber (1974, 135) describes the process of individualization in Western societies: "Individuation, atomization, and alienation were characteristics processes through which men combatted and ultimately overcame feudalism. The subsequent history of European political institutions has taken the form of permanent contest between liberated, atomized man and the vestigial imperial state, given a new lease on life by nationalism, bureaucracy and technological progress. No history of the West (...) has missed the centrality of this dualism to the Western political tradition. Representative government, natural rights, the theory of social contract and consent, freedom as the absence of external impediments on movement, power as a necessary evil, private rights as the final objective of public law - each of these characteristic foundations of our political thought and institutions finds its seeds in the birth of modern European man out of the feudal womb."

14 Participatory theory differs from Rousseauan theory in two respects. First, as mentioned above, participatory theory is designed for large and pluralistic societies whereas Rousseau's theory is only applicable in small and homogenous societies, and, second, in participatory theories there does not exist any objective common good which is found out in individual deliberation, but certain institutional arrangements are needed for the development of right kind of public thinking.

15 The participatory theory has a significantly different view on the social fragmentation and polarisation than the pluralist theory. According to the pluralist theory, the fragmentation of the society is creates more checks-on the social groups trying to access the power. Polarization may maintain the stability of the democratic system: "To overstate the point, every ally is sometimes an enemy and every enemy is sometimes an ally. Consequently, *polarization of politics along ideological lines is held in check...*" (Dahl 1976, 347.)

16 The most radical participatory theorist would actually prefer open ballots, because they assume that open ballots would make individuals more responsible for their voting decisions. This may be criticised for the reason that open ballots could be lead for conformism and oppression of dissidents.

PART II: ANALYSIS OF AGENDA-SETTING

PART II: ANALYSIS OF AGENDA-SETTING

4. Referendum as a Part of Democratic Decision-Making

4.1 Classification of Issues

Gordon Smith (1976, 3) argues that the classification of referendums along the subject-matter of the issues may only be descriptive, not analytical. Smith puts forward a threefold division: decisions on constitutional matters and others concerning the basic nature of the state; the determination of important lines in public policy; and the resolution of moral issues which have rather social than political salience. In the following table the main categories are divided into subcategories and an example of each type of issues is given (See also Möckli 1994, 153):

Table 4.1 Classification of Issues

ISSUE TYPE	EXAMPLE
RULES OF POLITICAL ORGANIZATION	
1. New Constitution	Italy 1993
2. Civil rights	Australia 1967: aboriginal rights
3. Local autonomy	Scotland 1979: devolution
4. International agreements	Switzerland 1992 : EEA-agreement
5. Transfer of sovereignty to supranational organisations	Denmark 1992: Maastricht Treaty
6. Territorial issues and secession	Denmark 1916: sale of Danish West Indies
7. Organisation competence	Italy 1993: abolition of tourist, public enterprise and agriculture ministries
8. Voting age	Denmark 1953, 1961, 1969, 1971, 1978
9. Church and state	Ireland 1972: lifting the special position of the Roman Catholic church
PUBLIC POLICY	
1. Taxation and budget policy	California 1990: funding for railway
2. Energy, environment, traffic	Sweden 1980: nuclear power

3. Consumer protection, prices, land use	Denmark 1963: land reform bills
4. Defence	Switzerland 1989: abolition of army
5. Social policy	Sweden 1957: supplementary pension plans
6. Agriculture	Switzerland 1992: farmers' inheritance regulation
7. Education and culture	Switzerland 1978: University and Research Act
8. Coordination	Sweden 1955: right or left-hand traffic
9. Work and employment	Switzerland 1988: 40-hour work week
MORAL ISSUES	
1. Alcohol, tobacco, drugs	Italy 1993: decriminalise personal use of soft drugs
2. Gender issues, abortion	Ireland 1993: abortion
3. Lifestyles	Switzerland 1993: legalising casinos
4. Crime and punishment	Italy 1995: repeal compulsory residence for mafia suspects

Möckli (1993, 153) distinguishes between those referendums which are about policy issues and those which are more about votes of confidence of the political leaders. When the referendum has the character of being a vote of confidence, there are two types of referendums, noncompetitive and competitive referendums. The noncompetitive referendums are only an acclamation of the leader's power and there are no real alternatives for giving the support to the leader (for example, Germany in the 1930s). In competitive votes of confidence the support for the leader is really put to a test. As an example of this kind of referendums Möckli mentions the referendum in Belgium in 1950 on the return of King Leopold II.

Sometimes referendums turn out to be votes of confidence for the political leaders even when they are formally held upon some policy issue. This was the case in the French referendum in 1969 on the senate power and regional devolution, which President de Gaulle made a referendum on his own popularity. Therefore, in addition to the question put forward in the ballot paper, the referendum question had another dimension, the personal position of the president. After the narrow defeat in the referendum, de Gaulle felt obliged to resign. (Morel 1996.) Furthermore, it may be argued that many

referendums turn out to be votes on the popularity of the political leaders who promote the proposals to be voted upon. Especially referendums on low-salience issues may become votes on the popularity of the government (see Franklin & al.1994).

Many referendums do not fit to any of the categories put forward in the table 4.1. very well, because, apart from the possibility of being votes of confidence of political leaders, referendums may be held upon issues which have many different dimensions. For example, in the Swiss referendums on traffic restriction, the issue is very much about environmental policy but also that of public economy. Of course, there is no *a priori* way of classifying the issues according to whether there are one or more issue dimensions. The character of an issue submitted to the referendum is determined by the attributes by which the voters assess the issue in question. This, in turn, depends on the historical and social circumstances in which the referendum takes place. A proper reconstruction of issue dimensions would require knowledge on these contingent factors, and therefore the classification of issues as such does not seem to be a very fruitful exercise.

4.2 Classification of Institutions

There is a considerable variation between different institutional provisions for referendums, and therefore the analysis of the role of the referendum in political systems must be based on an appropriate classification of institutions. There are several institutional classifications of referendums applying different criteria, put forward for example by Smith (1976), Suksi (1993) and Uleri and Gallagher (1996). Moreover, there

does not seem to be a general consensus on the criteria the classification should be based upon. To certain extent, the way in which the institutions are classified depends on the purpose of the classification. Especially those who look at referendums mainly from the perspective of constitutional law and those who focus more on political interaction tend to different approaches.

The aim of this work is to analyse how the referendum works as a part of democratic process, and, especially, what kinds of effects the referendum has on the political agenda, and, therefore, I will focus on the criteria relevant for these purposes. There is a rather limited amount of comparative literature on how different types of the referendum work in democratic systems. The problem of creating a satisfactory classification is that there is such a large variation between the practices in different countries that it is difficult to define a limited number of criteria that would explain most of this variation. Sometimes minor constitutional differences may change the functions of the institution dramatically. Furthermore, extra-constitutional factors may even be more important for understanding the use or non-use of referendums as the constitutional rules. Therefore, the constitutional differences as such are not sufficient for understanding the functional differences between the referendums, but it is important to look at the actual practices as well. For example, the Californian and Swiss popular initiatives differ considerably from each other, and it is possible to question to what extent they represent the 'same' institution even though they have been classified under the same category of institutions.

The countries to be studied here are 22 western democracies, more precisely West

European and Anglo-Saxon democracies. The purpose is not to look at the referendums of all democratic countries, let alone all countries of the world. This kind of global analysis has been made by Suksi (1993). The purpose in this thesis is to create a taxonomy of referendums which is based on the distinctions between the roles of different political actors at the initiation and the agenda-setting stages of the referendum. This is the reason why it somewhat differs from for example Suksi's classification in which more emphasis has been given on the constitutional regulation of the institution.

In the classification of the institutions, the criterion introduced by Smith in his article 'The Functional Properties of the Referendum' (1976) will be followed. Smith judges the quality of the referendum as a political institution, and argues that a comparative analysis of the referendum depends on the adequacy of the primary classification. He argues that the most relevant classification between institutions is made according to how the referendum is initiated. Smith's argument is that the political actor who initiates the referendum should be taken as a basis of the classification.

According to the way how referendums are initiated, they may be classified as either *mandatory* or *non-mandatory (facultative)*. Mandatory referendums are constitutionally required upon certain issues. Non-mandatory (*facultative*) referendums are triggered only at certain political actors' request. Furthermore, using Suksi's (1993) terminology, non-mandatory referendums may be classified either as *passive*, when they are initiated by certain actors in the representative government, or as *active*, when they are initiated by a certain number of citizens.

However, in order to get a comprehensive picture of the institutional variation, a second factor needs to be taken as a basis for classification. In addition to the *initiator* of the referendum, the *source of the legislative proposal* on which the referendum is held needs to be taken into account. Uleri (1996, 10-11) puts forward a distinction between those referendums which are *law-promoting* and those which are *law-controlling*. In law-promoting referendums the author of the proposed law and the promoter of the referendum is the same political actor, whereas in the law-controlling referendums the referendum is not initiated by the author of the law proposal. Mandatory referendums are always law-controlling, whereas non-mandatory referendums may either be law-controlling or law-promoting.¹ The following table summarizes the classification of the referendums according to how they are initiated and who has formulated the law proposal to be voted upon:

Table 4.2 Categories of Referendums

Initiator of the Referendum	Law-Controlling	Law-Promoting
Constitutionally Required	mandatory	-
Passive	abrogative and suspensive	<i>ad hoc</i> /optional referendum
Active	abrogative and suspensive	popular initiative

If the referendum is mandatory, the constitution specifies the issues on which the referendum is required. Mandatory referendums are typically required on such issues as the constitutional amendments or the delegation of national sovereignty in international agreements. Mandatory referendums are necessarily constitutionally regulated. Sometimes, instead of 'mandatory referendums', the concept of 'constitutionally

required referendums' is used. Because the referendum is based on a constitutional requirement, mandatory referendums are law-controlling, and they function as a check on legislation passed in the parliament.

There are different types of law-controlling non-mandatory (facultative) referendums, all of which may be called *rejective referendums*. Like mandatory referendums, these referendums function as a retrospective check on legislation. The initiation procedures of rejective referendums are constitutionally regulated. The non-mandatory law-controlling referendum may be initiated by a certain number of citizens when, using Suksi's terminology, the referendum is active. The referendum may also be initiated by some actors in the representative government (the head of the state, the prime minister, the president or the king, parliamentary minority), or local or regional governments, when the referendum may be characterized as passive.

Furthermore, in functional terms, there is a rather important difference between *suspensive and abrogative referendums*. The suspensive referendums are held upon legislative proposals which have already been accepted by the parliamentary majority but which have not yet been enacted as a law. The abrogative referendums are held on laws which are already in force. Abrogative and suspensive referendums are often initiated by the parliamentary minority. In the countries in which the abrogative referendum is used most often, Italy and in Switzerland, the referendum may be initiated by a certain number of voters. In Italy the abrogative referendum may also be initiated by five regional councils and in Switzerland by eight cantons. Furthermore, the Italian abrogative

referendum differs considerably from other rejective referendums, because there is no limit on the length of the time period between the implementation of the law to be voted upon and the referendum. This will be discussed in the *section 4.6* of this chapter.

In general, law-controlling referendums function as a retrospective check on parliamentary decision-making, which means that the law proposal submitted to the referendum has already been supported by the parliamentary majority. Law-controlling referendums are pro-status-quo institutions, because they complicate the procedures to change the legislation. Their impact on the political agenda is also indirect: they force the parliamentary majorities to take into account the public opinion, or the opinions of the intensive parliamentary or public minorities.

The terms *ad hoc* or *optional referendums* are used to refer to institutions of passive law-promoting non-mandatory referendums, which are initiated by the representatives and held on law proposals put forward in the normal parliamentary way. The *ad hoc* and optional referendums are usually held before the final decision in the parliament. Therefore, *ad hoc* and optional referendums are typically consultative, not binding, which means that the parliament has the ultimate decision-making power. These are the most widespread practises of referendums in the 22 sample countries. *Ad hoc* and optional referendums are sometimes called 'facultative' or, even, 'extraordinary' referendums. It must be also pointed out that the term 'optional referendum' is sometimes used to refer to all forms of non-mandatory (facultative) referendums, also to those which are law-controlling (rejective referendums).²

Furthermore, Gallagher and Uleri (1996) make the distinction between the *ad hoc* and optional referendums. The *ad hoc* referendums are not constitutionally regulated unlike the optional referendums. Gallagher and Uleri admit, this distinction does not have much practical relevance when the parliamentary majority makes the decision to have a referendum, because in both cases the referendum is used at the discretion of the parliamentary majority. It may be argued that in most of these cases, the power to initiate the referendum is effectively in the hands of the government. In many constitutions the possibility of a referendum initiated by the parliamentary majority is just briefly stated without much regulation on how the referendum should be conducted. I will, however, follow Gallagher's and Uleri's suggestion to use the term *ad hoc* referendum for referendums not regulated in the constitution, and the term optional referendum for referendums which are regulated in the constitution.³ There are also a few cases in which optional referendums are initiated by some other actor of the representative government than the MPs, for example France where the power to initiate a referendum is effectively in the hands of the president although constitutionally he shares this power with the parliament.

The *popular initiative* refers to law-promoting non-mandatory referendums initiated by a certain number of citizens. Using Suksi's terminology, popular initiatives are active. The popular initiative for a referendum also includes a draft for a law proposal to be voted upon. In other words, the popular initiative allows the citizens to raise issues on political agenda. The citizens demand the referendum by signing a petition supporting a law proposal which is drafted by citizens' committee. This kind of initiation procedure

is constitutionally regulated, and also the decision made in the popular vote typically has immediate legal consequences.⁴ The popular initiative is used at the national level only in Switzerland.

According to the agenda-setting procedures, the referendums may be classified as follows: 1. mandatory referendum; constitutionally required on some legislative proposals put forward by the government and approved by a parliamentary majority; 2.1. rejective referendums: 2.1.1. suspensive referendum; initiated by a certain political actor on a legislative proposal passed by the parliament but not enacted as a law; 2.1.2. abrogative referendum: initiated by a certain political actor on a legislative proposal passed by the parliament and enacted as a law; 2.1. *ad hoc* and optional referendum; initiated by the parliamentary majority, or some other actor in the representative government on a legislative proposal put forward but not yet approved in a parliamentary way; 2.3. popular initiative; initiated by a certain number of citizens on a law proposal put forward by a citizens' committee. The referendum may be seen as a part of political process which starts from the law proposal, and ends at the final political decision.⁵ The following diagrams describe these processes in each type of the referendum:

a) Law-Controlling

1. Mandatory (law-controlling, decisive)

government(p) → (constitution)* → referendum(d)

2. Non-mandatory

2.1 rejective

2.1.1 suspensive (law-controlling, decisive)

passive: government(p) → parl. majority → parl. minority*/head of the state*/other* → referendum(d) (decisive)

active: government(p) → parl. majority → citizens* → referendum(d)

2.1.2. *abrogative* (law-controlling, decisive)

passive: government(p) → parl. majority(d) → parl. minority* /head of the state*/other* → referendum(d)

active: government(p) → parl. majority(d) → citizens* → referendum(d)

b) Law-Promoting

2.2 *ad hoc or optional* (law-promoting, advisory, in some cases decisive)

government(p) → parliamentary majority*/president* → referendum → parliamentary majority(d)

2.3. *popular initiative* (law-promoting, active, decisive)

citizens (p)* → (government) → referendum(d)

* stands for the actor who initiates the referendum

p refers to the actor who makes the legislative proposal

d refers to the actor who makes the final decision

As pointed out above, referendums may be either *binding* or *consultative*, according to their effects on the final decision-making. This refers to the judicial status of the referendum. Those referendums which are binding *de jure* have immediate normative consequences, because in this case the referendum may be the final or otherwise decisive stage of the decision-making procedure in the issue in question. After the referendum has been held, the parliament should have no discretion with respect to the political decision: either the result of the referendum has immediate normative consequences or the parliament is constitutionally obliged to follow the outcome of the referendum, like it is the case in some initiative-based and abrogative referendums.⁶ Mandatory and popular initiative-based referendums are typically legally binding, as well as suspensive and abrogative referendums.⁷ *Ad hoc* referendums initiated by the parliamentary majority are not constitutionally binding, whereas some of the optional referendums may be binding if that is mentioned in the constitution.

The procedures for optional and *ad hoc* referendums are regulated in the constitutions and/or have been used after the World War II in 15 of the 22 western democracies in the sample.⁸ If all those countries which have ever held a referendum had been included, this would undoubtedly be the largest category. Mandatory referendums are in use in 7 countries in the sample. Popular initiative -based referendums exist only in Switzerland, but it is also widely used in California and other American states. Suspensive referendums have been actively used only in Denmark and Switzerland, but also countries like Austria, Ireland, Italy, Spain and Sweden have constitutional provisions for a suspensive referendum although they never have put to practise. Abrogative referendums are widely used in Italy and in Switzerland. In the Table 4.1 the countries in the sample are classified under certain categories according to what kinds of institutions of the referendum they have. The cases of binding referendums are printed in bold (compare with Gallagher 1996, 226-229):

Table 4.3 Classification of Institutions:

	Legislation	Constitution or International agreements
Law-Controlling		
1. Mandatory (constitutionally required)		Australia Austria Denmark Iceland¹ Ireland Spain Switzerland
2. Non-Mandatory		
2.1. Rejective		
2.1.1 Suspensive		
2.1.1.1 <i>Popular petition (active)</i>	Switzerland	Italy
2.1.1.2 <i>Parliamentary minority (passive)</i>	Denmark	Austria Denmark² Italy Spain Sweden
2.1.1.3 <i>Other (passive) : president, prime minister, regional or local gvt</i>	Ireland Switzerland	Greece Italy
2.1.2 Abrogative		
2.1.2.1 <i>Popular petition</i>	Italy Switzerland	
2.1.2.2 <i>Other (passive): president, prime minister, regional or local gvt</i>	Iceland Italy Switzerland	
Law-Promoting		
2.2 Ad hoc or Optional		
2.2.1 <i>Parliamentary Majority</i>	Australia Austria Belgium Canada Denmark Finland Greece United Kingdom New Zealand Norway Sweden	
2.2.2 <i>Other</i>	France Greece Portugal Spain	
2.3 Popular Initiative		Switzerland

¹ required on the position of the state church

² alternative for 5/6 parliamentary majority on transfers of national powers to international organizations

The table contains those countries where the referendum is not constitutionally regulated but where there have been *ad hoc* referendums initiated by the parliamentary majority after the World War II, such as Belgium, Norway and the UK. The table does not contain such democracies in which there are no constitutional clauses on the referendum and which have not experienced any referendums at the national level since the World War II, such as Germany, Luxembourg, the Netherlands and the US, although in these countries there may be referendums at the sub-state level. Furthermore, those cases of *ad hoc* and optional referendums in which the constitution does not specify the nature of the issues to be submitted to a referendum are classified under the category 'legislation', although it may be more common that these kinds of *ad hoc* referendums are held upon constitutional issues'. The table shows clearly that different kinds of institutions coexist in some countries (Switzerland, Denmark, Australia, Ireland, Italy, Sweden). There are also some democracies which have not applied any of these procedures. For the more detailed description of the institutions see *Appendix I*.

The frequencies of referendums illustrate the importance of the referendums in the countries in the sample. The following table has the number of referendums held between 1945 and 1996 in the sample countries. For all referendums in these countries see *Appendixes II and III* (See also Gallagher 1996; Butler & Ranney 1994):

Table 4.4 Number of Referendums 22 Democracies 1945-1996

Country	1945-9	1950-9	1960-9	1970-9	1980-9	1990-96	Total
Australia	4	1	2	11	6	-	24
Austria	-	-	-	1	-	1	2
Belgium	-	1	-	-	-	-	1
Canada	-	-	-	-	-	1	1
Denmark	-	2	6	3	1	2	14
Finland	-	-	-	-	-	1	1
France	4	1	4	1	1	1	12
Germany	-	-	-	-	-	-	0
Greece	1	-	1	2	-	-	4*
Iceland	-	-	-	-	-	-	0
Ireland	-	1	2	5	4	6	18
Italy	1	-	-	3	12	24	40
Luxembourg	-	-	-	-	-	-	0
Netherlands	-	-	-	-	-	-	0
New Zealand	3	-	2	-	-	4	9
Norway	-	-	-	1	-	1	2
Portugal	-	-	-	-	-	-	0
Spain	1	-	1	2	1	-	5*
Sweden	-	2	-	-	1	1	4
Switzerland	12	45	26	86	62	73	304
United Kingdom	-	-	-	1	-	-	1
United States	-	-	-	-	-	-	0
Total excl. Switzerland	14	8	18	29	27	42	138

* 2 of Greek and 3 of Spanish referendums have been held under the democratic Constitutions or during the transition to democracy.

In addition to nationwide referendums, in many countries referendums are used at the sub-national level. Referendums have been widely applied on issues concerning territorial disputes. For example, in 1920s several territorial disputes, those between the losers of the World War I, Austria and Germany, and their neighbouring states, were solved by referendums held under the control of the League of Nations. Ever since, several referendums have been held upon territorial issues or secession. Germany has not had any nation-wide referendums ever since, but it has a constitutional provision for territorial referendums. According to the German Constitution, territorial changes between the

states (Länder) are subject to a referendum. Canada has had only one national referendum (on Charlottetown Accord in 1992) but has used regional and territorial referendums quite frequently. Newfoundland had in 1948 a referendum on its status with respect to Britain and Canada (discussed in the *Chapter 3*), and more recently, there have been referendums (1980 and 1995) on the independence of Quebec. Apart from territorial referendums, many countries have provisions for referendums at sub-state level (the US states and Swiss cantons) or local level (eg. communal referendums in Finland, the Netherlands and Switzerland).

4.3 Towards Normative Analysis of the Referendum

4.3.1 Governmental Control over Referendums

Before a more detailed institutional analysis, I will shortly review some of the earlier normative discussions on the referendum and introduce more concepts for analysis of the institutions. Ian Budge (1993) distinguishes between two institutional forms of direct democracy: *unmediated popular voting* and *party-based direct democracy*. Budge defines unmediated popular vote in the following terms: law proposals are made in the form of popular initiatives after the public debate, and most political decisions are made in referendums. In reality, unmediated popular voting is not in use in any country. There are, however, political systems in which the citizens at least in principle can actively participate in the agenda-setting by making popular initiatives. Budge describes the defects of this kind of system of perpetual initiatives and referendums:

"Referenda often stimulate a temporary influx of ill-informed and normally apathetic electors whose participation adds further unpredictability to the result and introduces greater inconsistency and incoherence to the process of decision-making. An additional fear is that popular majorities would not limit themselves, so that minorities would be disregarded and even suppressed before they had the opportunity of transforming themselves into future majorities." (Budge 1993, 138.)

As a counterargument against Budge's criticism one can point out that the use of measures of popular self-government (like popular initiative) may be combined with institutional safeguards which limit the powers of majorities. This was the case, for example, in Barber's model of strong democracy.

The other form of direct democracy put forward by Budge, party-based direct democracy, means that the referendum is used alongside with representative decision-making, and that the power to submit an issue to a referendum is in the hands of the parliamentary majority, which may choose to put some important legislative bills to popular votes. In this respect, party-based direct democracy would most resemble *ad hoc* and optional referendums of the classification put forward earlier. Budge (1993, 141) does not see any reasons why parties should not adopt the same role in organizing popular referendums as they do for legislative voting. The motivation behind party-based direct democracy is pragmatic: to make the decisions more reflective to the public opinion. In other words, Budge considers the party-based direct democracy to be a realistic, and in some cases a preferable alternative for parliamentary decision-making. He does not seem to take very seriously the problems of agenda-manipulation which may arise when the governments control the referendum.⁹

Gordon Smith (1976) makes a distinction between those referendums which are initiated effectively by the governments and the others which are outside their control. *Controlled* referendums are initiated by the ruling party or coalition. The ruling party/coalition determines the issues on which it holds a referendum, and it also decides on the alternative to be voted upon, and the timing of the referendum. *Ad hoc* and optional referendums, especially, may be classified under this category. According to Smith, mandatory referendums are semi-controlled, because they are held only on issues supported by the parliamentary majority. Mandatory referendums also sometimes allow the government to control the timing of the referendum. Furthermore, the government may anticipate the issues on which the referendum will be held and thus adjust its policies to the public opinion. The initiation of *uncontrolled* referendums is outside of the control of the ruling party or the coalition, and therefore, the popular initiative-based referendums are uncontrolled. In popular initiatives the citizens act as agenda-setters, although, as it will be pointed out later, there are many ways in which the ruling coalition may anticipate and intervene into even these kinds of referendums.¹⁰

The difference between controlled and uncontrolled referendums is not a categorical one, but referendums may be seen on a continuum, in which the fully controlled and uncontrolled referendums represent the extremes. Applying Smith's terms to the other categories of the classification, one can argue that suspensive referendums - especially those initiated by the voters - are at least in theory more uncontrolled than mandatory referendums, because in these referendums the government cannot fully anticipate which parts of the legislation will be submitted to the referendum. On the other hand, the

petition for a suspensive referendum is costly, and, therefore, not equally possible to all groups of citizens. The same basically applies to the abrogative referendums. However, the Italian institution of abrogative referendum is more uncontrolled than other forms of rejective referendums, because there are not very strict limits what parts of legislation may be abrogated. This shows that the classification put forward above does not fully explain the extent of the governmental control on the referendums, because some minor differences in the procedures may have considerable functional effects.

There are several examples of the attempts by the governments to control the referendum and to manufacture the support of the popular majority for their policies. There are more and less sophisticated ways of doing this. One extreme is the forgery and oppression exercised by the most authoritarian governments. Formulation of the question and formatting the ballot slip in a suggestive way are other strategies used by the governments.¹¹ Also democratically elected governments may try influence the outcomes of referendums by using their agenda-setting power, by the timing of the referendum, by formulating and framing one alternative in a favourable way, or by otherwise advocating a certain alternative in the referendum campaign. It must be pointed out that this kind of control is not only possible in the case of *ad hoc* referendums, although, as Smith argues, the variation of measures of control may be the largest in this type.

The Nordic referendums on the EU-membership in 1994 provide a good example of an attempt by the governments to control the referendum result. All three referendums were linked together with the so-called domino-strategy, which meant that the three pro-EU

Nordic governments agreed on the timing of the referendums. The most safely pro-EU Finland voted first, then Sweden, and finally the most anti-EU Norway. The result of the Finnish vote was expected to encourage the voters in Sweden to vote 'yes', and the Finnish and Swedish yes-votes were expected to convert some of the reluctant Norwegian voters to vote 'yes' to the EU. The strategy was expected to work because a certain proportion of the voters in these countries were supposed to make their voting decisions conditionally on what happens in the other Nordic countries. The domino-strategy was backed by active pro-membership campaigns by the political establishment and rather weak opposition, especially in Finland and Sweden. The strategy worked out only partially, because a sufficient majority was found both in Finland and in Sweden but not in Norway. Of course, it is rather difficult to assess what the impact of the strategy was, but it is possible to speculate that at least the opposite order would have brought about different outcomes. The domino-strategy may also be used as an example of how the information provided by the opinion polls may be used to manipulate the procedures. (Jahn & Storsved 1995.)

Apart from the controlled and uncontrolled referendums, Smith makes also another distinction: between *pro-hegemonic* and *anti-hegemonic* referendums. This distinction refers to the final outcome of the referendum, whether it is in the line of governmental policies or not, i.e. whether it supports or undermines the position of the political elites. The results of pro-hegemonic referendums may be characterized as pro-elitist and anti-hegemonic referendums as anti-elitist. Basically, controlled referendums may be expected to be pro-hegemonic, because the government may decide to hold a referendum only in

situations and only in a way which is advantageous for it. There are, however, cases in which controlled referendums have turned out to be anti-hegemonic. Good examples are the two Norwegian referendums on European integration in 1972 and in 1994. Most of the political establishment supported the membership in both occasions, but the electorate rejected the EEC-membership in 1972 and the EU-membership in 1994. More uncontrolled popular initiative-based referendums are prone to be anti-hegemonic, because they give citizens an opportunity to raise issues which the government tries to avoid. It must be pointed out, however, that there are certain ways in which the governments may try to affect the results of the more uncontrolled referendums and to water down popular petitions and initiatives. These will be discussed further in conjunction of the Swiss initiative-based referendums in the *Chapter 7*.

Smith's and Budge's conceptions of the advantages and disadvantages of different kinds of institutions differ considerably. Budge criticises the popular initiative-based referendums (in Smith's account, uncontrolled referendums) for increasing the power of the irresponsible and easily manipulable electorate, whereas Smith has a negative view on controlled referendums (in Budge's account, party-based), because they can be manipulated by the government and the ruling coalition. Budge considers the party-based direct democracy as a means of enhancing discussion on the values between the public and the political elites, whereas Smith emphasizes the possibilities of manipulative abuses of controlled referendums and innovativeness of the popular initiative:

"...it can be assumed that strong control will only be associated with referenda that have foreseeable results in favour of the governing authority. The reverse applies for an uncontrolled referendum: the whole point of a popular initiative is to bring about changes which for one reason or another are resisted by the government." (Smith 1976, 6.)

4.3.2 Referendum, Majoritarian and Consensual Democracy

In his study of comparative politics, Arend Lipjhart (1984, 59) discusses the status of the referendum in the context of representative democracies. He puts forward two conceptions of representative democracy, consensual democracy and majoritarian or Westminster democracy. Consensual democracy may be characterized by executive power-sharing in grand coalitions, separation of powers, a bicameral legislature with minority representation, a multiparty system, multiple dimensions of party competition, proportional representation, federalism, and a written constitution providing for minority vetoes. The majoritarian model, on the other hand, is marked by the following features: the concentration of executive power in a one-party cabinet, executive dominance of the parliament, unicameralism, a two-party system, a single dimension of party competition, a plurality electoral system, unitary government and parliamentary sovereignty.

Lijphart's opinion is that the referendum as a form of direct democracy does not fit to his classification: it cannot be regarded as part of either majoritarian or consensual democracy because it is the antithesis of representative democracy. His view is that the referendum basically does not fit to the Westminster model of democracy which is based on the principle of parliamentary sovereignty:

"Implicit in the systems of direct democracy is the presumption that sovereignty lies with the people of the nation. Therefore, the referendum is theoretically incompatible with the notion of parliamentary sovereignty, central to the Westminster model of democracy. The concentration of all political authority in the national representative chamber allows no room for a competing authority resident in the citizenry. In other words, a parliament is not sovereign if any of its laws can be overruled by the voters." (Lipjhart 1984, 58.)

The discussion in this chapter shows, like Lipjhart argues, that although referendums are in contradiction with the principle of parliamentary sovereignty, various forms of referendums have different status with respect to the parliament. Mandatory, suspensive and abrogative referendums function as a check on the parliament, popular initiatives as a competitive source of legislative proposals, and *ad hoc* and optional referendums as a means of legitimizing decisions, resolving parliamentary deadlocks and settling issues which the parliament fails to settle.

The referendum appears to be a majoritarian institution: they offer two solutions and tend to close the door to further considerations. Therefore, they may be considered to be unsuitable also to consensual forms of democracy. However, Lipjhart (1984, 31-32, 80) comes to the same conclusion as many others that some forms of referendums may function as a check on parliamentary majorities, especially the mandatory, suspensive and abrogative referendums. The case of Switzerland proves that the referendums reinforce the consensual character of the government: the threat of the referendums used as a retrospective check forces the government to find a wide support for the legislative proposals. Furthermore, the popular initiative gives the groups not represented in the consensual government an opportunity to raise issues on political agenda, and therefore the institution has counterbalanced the arrangement which has kept the composition of the coalition government constant over time.

4.4. *Ad Hoc* and Optional Referendums

4.4.1 Reasons for *Ad Hoc* and Optional Referendums

The aim of the discussion in this chapter and in the case studies is to illustrate what kinds of roles different political actors have at the initiation and the agenda-setting stages of referendums. I will start the discussion from the most ‘controlled’ referendums, *ad hoc* and optional referendums, then analyse the ‘semi-controlled’ law-controlling referendums, and finish with the most ‘uncontrolled’ forms of referendums, popular initiatives. Of the countries in the sample, the following ones have held *ad hoc* or optional referendums after 1945: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Iceland, Italy, New Zealand, Norway, Spain, Sweden, the United Kingdom.

Ad hoc and optional referendums are not usually legally binding, which means that they cannot be considered to be an integral part of decision-making procedure. This means that they are not direct legislation. *Ad hoc* and optional referendums are usually framed as a rejection or an acceptance of a legislative change proposed by the government, the yes-vote expressing the support for the change, and a no-vote the support for the *status quo*. Sometimes *ad hoc* and optional referendums, which are not binding *de jure*, are interpreted to be binding *de facto*. This means that the parliament or other representative body which initiates the referendum also makes a (pre)commitment to respect its result. It is quite difficult for the representatives to overcome the result of this kind of the referendum even though it would not be legally binding. It may be said that the

referendums turn out to be *politically* binding. It must be pointed out that even though the results of judicially consultative referendums may be interpreted to oblige the members of the parliament 'morally and politically', it is by no means clear how these results should bind any single MP. For example, the MPs may feel more responsible for the opinion of the majority of their own constituency than the majority of the whole population of the country. (Lagerspetz 1995, 52.) In fact, the obscurity of a role of the MPs in these situations may be the reason why the referendum is often accused to undermine the responsibility of the representatives.

If the result of the referendum is not respected, the status of the referendum is nothing more than that of an 'official opinion poll'. This kind of conduct may appear extremely elitist for those who support direct democracy or citizens' sovereignty, because it quite obviously reveals that the representatives consider themselves to have better capacities for the decision-making than the citizens. This kind of action may be justified, however, by such arguments that the circumstances change radically between the referendum and the parliamentary decision-making or that some new information comes up. This may be used as an explanation why the Swedish government in 1967 decided on the change to right-hand traffic despite the result of the referendum 12 years earlier, when only 15.2 % of the voters supported it (the turnout was just 53.2 %).

Ad hoc and optional referendums are often justified in terms of the popular sovereignty: it is considered to be important that in certain issues the political decisions reflect the will of the majority of the people, and thus it is necessary to consult the opinions of the people

in order to achieve a legitimate outcome. Referendums are used for legitimation when a political issue is very important in terms of the existing political order and a legitimate decision is needed, or when an issue is very contentious and such a decision is needed which would remove the issue from the political agenda. Decisions on such issues as constitutional changes, territorial changes and transfers of national powers to supranational organisations are often considered to need legitimation by the popular majority even if the referendum would not be required in the constitution. This, to certain extent, explains the recent referendums in Eastern European countries during their transition to democracy and the referendums on European integration in West Europe.

Sometimes the referendum is used to achieve symbolic legitimation for the governmental policies. This is very often the case in the manipulated referendums held in authoritarian states. Also democratic governments have used the referendum to achieve symbolic legitimation, although this may only be possible in low-salience issues which are not too contentious. For example Italy had an *ad hoc* referendum in 1989 in conjunction with the European Parliamentary election about whether or not the Italian members of the European Parliament should be given the authority to draft the text for a Treaty of European Union (*Maastricht Treaty*). In this referendum, 88% of the voters supported the proposal. (Bogdanor 1994, 62.)

If the issue is divisive and the support for the governmental policies is not self-evident, the referendum may be interpreted as a vote of confidence for the government. The government may be seen to be obliged to resign if the opposite side wins in the

referendum. Holding a referendum can be seen as a risky strategy because the failure of the governmental policy to win in the referendum may lead to resignation of the government. This happened, for example, in the Norwegian referendum on the membership in the EEC in 1972, when the Labour government resigned after the majority of the voters rejected the membership. The referendum, however, was not purely motivated by legitimation purposes, but also by the internal division of the Labour party. Furthermore, framing the issue as a vote of confidence was used as a strategy to bring pressure to the party supporters to follow the line of the party's leadership in the referendum. (Wyller 1996.)

The Norwegian example shows that legitimation is not the only reason why parties and other political actors promote *ad hoc* and optional referendums: the referendum may serve some latent functions in addition to the manifest function of consulting people's opinions in an important issue. If the democratic process is considered in Schumpeter's terms as competition between power elites, especially between the political parties, the referendum may be perceived as an instrument in this competition. Political actors may promote referendums for strategic reasons, which may be divided to *policy outcome maximizing* and *power-maximizing motivations*. Furthermore, power-maximization means both the maximization of the *electoral support* and the maximization of the *office* in the government (Compare with Strøm 1990.) The referendum used for policy outcome and power maximizing reasons may be seen as instances of political manipulation, in other words, as ways to make the political agenda and the decision-making procedures more beneficial for a certain political actor.

When an *ad hoc* or an optional referendum is initiated by the parliamentary majority, the reasons for referendums may be found in the situation within the parliamentary parties and coalitions. If the executive initiates the referendum, it may be used to consolidate his or her position. The strategic reasons for initiating optional and *ad hoc* referendums may be characterized as follows: i) policy-outcome maximizing: the sufficient majority is not reached in the parliament when the governmental party/coalition is divided on the issue or when there is a minority government; or a party (in opposition) promotes a referendum in order to achieve a certain policy outcome by a referendum when it is not possible in the parliamentary way; ii) power-maximizing reasons: the governmental coalition/party is divided on the issue and the referendum is used to avoid a split of the coalition/party; the referendum is promoted in order to remove a difficult issue from the electoral agenda, and thus to prevent the party from being identified with a divisive policy platform; or the referendum initiated by the executive may be used to consolidate his or her power.

Sometimes the relevant political actors may have many different reasons to promote a referendum, and it may be quite difficult to distinguish between various motivations and intentions. Because the total number of *ad hoc* and optional referendums is relatively small, it may be impossible to make far-reaching generalisations on the motivations behind them, although it is necessary to look at all situations when the referendum option has been raised by some political actor, not just the actual referendums.

4.4.2 Examples

It may be argued that the representatives are willing to resort to the referendum option when the parliamentary decision-making system is not working adequately for their purposes. *Ad hoc* and optional referendums are used for legitimising political decisions, seeking for support for the party's policies, escaping parliamentary deadlocks, defusing political issues, separating issues from electoral agendas, and consolidating the powers of the executive. I will now give some examples of *ad hoc* referendums motivated by strategic considerations:

ii) a party may promote a referendum to seek support for its policies when it is not possible for it to achieve the support of the parliamentary majority; this is typically the case when the party is in the opposition or when there is a minority government and a sufficient majority cannot be reached in the parliament

A party in the parliamentary minority may promote a referendum especially if there seems to be a possibility of achieving a popular majority when the opinions in the parliament do not accurately reflect the public opinion. This was a reason why the Swedish Communist party promoted the referendum on the nuclear power issue in 1975. The anti-nuclear power position was in the minority in the *Riksdag*, which did not fully reflect the public opinion. The reasoning behind was that what was not possible to be achieved in the parliament would probably be achieved in the referendum.

In the Danish referendum on the Single European Act (SEA) in 1986, the referendum option was also used as a means to achieve a certain policy outcome despite the fact that

the parliamentary majority was against it. For several times the bourgeois minority government formed in 1982 and lead by Poul Schlüter was confronted by an 'alternative majority', consisting of the opposition parties, the Socialist People's Party, the Social Democrats and Radical Liberals. The alternative majority was also behind the fact that the SEA, the agreement achieved in intergovernmental negotiations, was rejected in the *Folketing*. Instead of calling for new elections and achieving the parliamentary support in this way, the government called an advisory referendum. The majority of the voters supported the governmental position of ratifying the SEA, and after the referendum SEA was passed in the *Folketing*.¹² (Svensson 1996, 42.)

iii) the governmental party/coalition is divided on the issue and the referendum is used to avoid split of the party/coalition

Ad hoc referendums are also held in order to avoid deadlocks within the governmental party/coalition. When this is the case, the referendum may be seen an external arbitrator which may guarantee the continuation of governmental cooperation despite the division. This requires, naturally, that contending parties or factions have a common ground for accepting the referendum as a method of solving the dispute. In other words, the continuity of the coalition or the unity of the party is preferred so much that all the parties or factions are ready to put the issue to voters and take the risk of the loss in the referendum.

This was the motivation behind the British referendum on staying in the EEC in 1975. The Labour Party was divided in the issue, and the idea of the referendum was first put

forward by Tony Benn in 1970. This was commented James Callaghan: 'Tony has launched a rubber life-raft into which the whole party may one day have to climb'. The Labour Party did not commit itself to the referendum option right away, but only two years later in 1972. In the same year, Britain became a member of the EEC under the Conservative government. Two years later, in 1974, the Labour got into power, and the terms of the EEC membership were renegotiated by the new government. The party remained divided in the membership issue: for example the Prime Minister Harold Wilson supported the continuation of the membership with the renegotiated terms, but the left-wing of the party, Tony Benn as a leading figure, still opposed it. The Labour MPs mostly committed themselves to respect the outcome of the referendum in the parliamentary vote, which prevented the split of the party and also ensured the continuation of the Labour government. (Balsom 1996; Bogdanor 1981, 90-93.)

Furthermore, referendums initiated by the head of the state may in some situations be used in solving disputes between legislative chambers. The Australian constitution allows the referendum to be used as an instrument in solving conflicts between the two houses of the Australian legislature (Senate and House of Representatives). The Governor-General may submit a proposal concerning a constitutional change to the electorate if either the houses rejects a constitutional change, but the other approves it for a second time. When the referendum is used to maintain the unity of a coalition or a party or to seek an escape from a parliamentary deadlock, the purpose of the referendum is power-maximizing, in other words, the referendum is not used in order to achieve any particular decision, but any decision in a way which would not cause permanent division within the

party or the breakdown of a coalition. Sometimes the internal division of the party goes between the party leadership and the voters, when the following reason for the referendum may come up.

iv) the issue threatens the electoral success of a party and the referendum is used to remove the issue from the electoral agenda

The reason why the governmental parties are sometimes unwilling to take the responsibility for a decision may be the fear that the decision will have damaging effect on their electoral success. This is typically the case when there is a division in the opinions of the party leadership and its supporters, which has been the case for example in the European integration issue and the Danish Social Democratic Party in 1972, which will be discussed in the *Chapter 6*.

Also the Swedish referendum on the European Union membership in November 1994 shows how the referendum is used by parties as a vote-maximizing strategy. For the Social Democratic Party it was important not to have the referendum simultaneously with the parliamentary election in September 1994, but rather two months later in November. The supporters of the party were not as united in their support for the membership as its leaders, and the party leadership was afraid that this fact would lead to electoral defeat if the electoral campaign and the referendum campaign were led simultaneously. (Gilljam 1996, 19.) This implies that the referendum was used as a means to separate issues from the electoral agenda and thus used as a vote-maximizing strategy.

v) the referendum is used to consolidate the powers of the executive and to promote the policies favoured by him or her

In some countries the president or the prime minister may have the power to initiate the referendum, although typically the decision is dependent on the opinion of the parliament. In those cases in which the president, the prime minister or the king has some role in initiating procedure, the referendum may become an important instrument of the struggle for power between these institutions. This was the case for example in some referendums recently held in Russia (April 1994)¹³, and the referendums initiated by president De Gaulle at the early stages of the French Fifth Republic. In the Constitution of the French Fifth Republic, accepted in the referendum of 1958, the powers of the president were somewhat ambiguously defined. However, according to the Constitution (*Article 11*), the president had the right to resort to an optional referendum. President De Gaulle used this right for three times in the early 1960s in order to establish a presidential government and strengthening his authority in relation to the parliament and the parties.

First two of the referendums initiated by the president were about Algeria: in January 1961 the French voted on Algerian self-determination and in April 1962 on Algerian independence. The third referendum initiated by president De Gaulle, held in October 1962, was the most controversial one: it was about reinforcing the status of the president by electing him directly. The way in which this referendum was initiated was, in fact, unconstitutional, because in the *Article 89* of the Constitution it is stated that amendments to the Constitution must be approved by the parliament first. As a consequence of the presidential manoeuvring the government resigned and, later, the president dissolved the

parliament. All the traditional parties campaigned for the defeat of the referendum proposal. The common line among the opposition was the defence of parliamentary democracy - whereas de Gaulle put the dispute in terms of the choice between himself and the instability of the times of the Fourth Republic. His threat of resignation after the possible defeat unleashed accusations of Bonapartism. The result was a victory but not a triumph for De Gaulle (61.7 % of voters voted 'yes' and the turnout was 77.2%). The referendum of October 1962 led to the formation of the new party system and politicisation of the presidency. It did not lead to the consolidation of the presidency above parties, which was the original purpose of the referendums. (Cole & Campbell 1989, 94-95; Frears 1991, 9-20, 209-215.)

4.4.3. Consequences of Referendums

There is not a single explanation for the fact that certain issues are submitted to *ad hoc* or optional referendums and others not. One should not underestimate the importance of the political culture, national experiences or international examples in explaining the demand for referendums. These explanations apply, for example, to the referendums on European integration. Also, *ad hoc* and optional referendums are sometimes used on issues in which the decision is expected to be particularly legitimate, for example constitutional changes or transfers of national powers to supranational organisations. Furthermore, parties and individual politicians may have long-lasting ideological preferences over the role of referendums in the political system. However, the fact that certain issues are actually submitted to a referendum may often be explained by strategic

considerations.

The examples show that referendums are often promoted and actually used in issues in which the parties' issue positions do not follow the traditional political dimensions and party alignments. In other words, the divisions within a party or a coalition formed along the dominant dimension are likely to raise demands for the referendum. In these kinds of situations, referendums are used to promote governmental stability by removing the issue from the governmental agenda. The referendum is an external arbitrator which provides a legitimate outcome when it is difficult to determine a stable outcome, or when the decision would cause the breakdown of the divided party or coalition. The European integration issue has divided the political right and left in for example Denmark and Norway. In Denmark as well as in Norway there has been a division also between the opinions of the political elites and the voters.

Sometimes the parties are under a pressure to make such compromises, either within the governmental coalition or in intergovernmental negotiations, that are not in accordance with its supporters' preferences. In this kind of situation, the party may use the referendum as a means of avoiding the identification with the policy platform not acceptable to the voters in order to avoid the decrease of the electoral support. In other words, the referendum option is used by the parties as a means to balance between the pressures created by its coalition/negotiation partners and its voters.

The *ad hoc* and optional referendums affect the inter-party-competition by shaping the

electoral agendas. In general, they tend to stabilize the existing party system. If used frequently on the same issue, referendums may prevent the 'correct' representation of certain issue dimension in electoral politics. The frequent referendums on the European integration issue are a reason why the anti-integration sentiments of the Danish electorate have not been channelled to larger electoral support for the anti-integration parties. According to Gallagher (1996, 103), there is a similar situation in Ireland, where the moral dimension has not emerged in electoral politics, because moral issues have been settled by referendums. The main reason for referendums in these countries has been the constitutional requirement, but this applies also to *ad hoc* and optional referendums when they are frequently used.

The use of *ad hoc* and optional referendums as an instrument in the competition between the elites may raise the questions whether they can be justified, or whether they are just about deluding the people. However, because the referendums are often used in the situation when the governmental parties or coalitions are internally divided, none of the parties can dominate the agenda-setting procedures either, for example on the issues like the question-setting and the timing of the referendum. The division within the political elites may also prevent any of the sides from becoming too dominant in the campaign. In fact, the governmental control may be more extensive in those referendums which are principally used for legitimizing purposes, and even then the fairness of the campaign is an important element of the legitimacy of the outcome. From a normative point view, more important than the reasons and motivations for submitting an issue to a referendum may be the way in which the referendum campaign and the ballot are carried out. Despite

the strategic element, the *ad hoc* referendums give an opportunity for the citizens to influence the policies more directly, which may also improve citizens' level of information and interest in politics.

4.5 Mandatory Referendums

Some countries have constitutional clauses which require that certain issues, typically amendments to the constitution, must be submitted to the popular vote after having been passed in the parliament by a sufficient majority. The mandatory referendum on constitutional amendments is required in Australia, Denmark, Ireland and Switzerland. In Austria the mandatory referendum is required on amendments which would change the four fundamental principles of the Constitution. This was the reason for the 1994 referendum on the membership in the European Union. In Spain, similarly, the mandatory referendum is required on total revisions and revisions which effect the basic principles of the Constitution. In Iceland the referendum is required on changing the position of the state church. In principle, mandatory referendums are triggered 'automatically' by the constitutional requirement. In practice, the interpretation of the constitution and the necessity of mandatory referendums may become a matter of a political dispute, especially when there is no independent constitutional court which would interpret the constitution, like it is the case in Denmark.

The rationale behind the mandatory or constitutionally required referendums is that

it is considered to be important that those political decisions dealing with the fundamental rules of the political system, such as constitutional issues, transfers of powers to supranational organisations and territorial issues, will not be against the will of the majority, and therefore the opportunity to reject the proposals on these issues is given to the electorate. In this respect, constitutionally required referendums make the citizens an integral part of the legislative process - at least in the most important constitutional issues.

The referendums on transfer of national powers to supranational organisations (used in Denmark, France, Switzerland) may be justified in terms of popular sovereignty or liberal constitutionalism, according to which the political power is delegated by the citizens to representatives who are accountable for the will of the people. When it comes to transferring the power to some organization which is beyond the control of the citizens, the opinion of the people must be consulted first. For example, John Locke claimed: "The Legislative cannot transfer the power of making laws to any other hands. For it being but a delegated power from the People, they who have it cannot pass it to others." (Locke, Second Treatise para 41, see Bogdanor 1994, 47.) Similar ideas have been used to justify the referendums on territorial changes. The idea that territorial changes should not be carried out without the consent by the people living in the territory has been put forward already by the 17th century natural law theorists, for example by Grotius. (Suksi 1993, 238.)

Mandatory referendums make it more difficult to change the legislation and, therefore, they tend to maintain the legislative *status quo*. This provides a grounds for criticism

against them: they may maintain the *status quo* in such situations in which it is discriminative against some group of citizens. This happened for example in Switzerland, where the constitutional amendment concerning women's suffrage was rejected in a mandatory referendum in 1959, and was not approved in a referendum until 1971 (Kobach 1993). Furthermore, in Australia numerous constitutional reforms have been rejected in the mandatory constitutional referendums because of the double majority requirement. The double majority means more than 50% of all votes and the majority of the votes in the majority of the states, ie. in four out of six states. The rejections of the constitutional reforms have also been a result of the obligatory voting, which have brought to polls disinterested voters who tend to vote in favour of the *status quo*. (Hughes 1994, 154-173.)

A British constitutional historian Dicey put forward a conservative argument for the mandatory referendum. His view was that constitutional referendum can function as a check for legislative (usually constitutional) changes accepted by the parliamentary. In this respect, the functions of the referendum much resemble those of multicameral legislation because it limits the powers of the parliamentary majority. Just like multicameral legislation, the purpose of the constitutionally required referendum is to be an extra procedural hurdle in decision-making. According to Bogdanor, however, the referendum is a particularly democratic check, because the electorate is directly consulted in it, and because it also limits the dominance of parties. (Bogdanor 1981, 14-19.)

Although mandatory referendums are used retrospectively, they also have effects on the

preparation stages of laws. According to Bogdanor (1981, 14) mandatory referendums are expected to have an anticipatory effect on representative decision-making: "knowledge that electorate would have the right to pronounce upon a bill might encourage MPs to seek improvement in legislation so that it becomes more acceptable to the electorate". Furthermore, the knowledge of a coming referendum makes the representatives more reflective to the opinions of the majority of the electorate. A similar kind of argument also applies to the suspensive and abrogative referendums, although in these cases the referendum is used only if some intensively feeling parliamentary or electoral group so demand, which, in a way, makes it more uncontrollable and more difficult to anticipate.

It must be noticed that this liberal democratic veto-argument is entirely different from the radical argument promoting the referendum and they are supported by rather opposite political forces. For example in Denmark and in Sweden the referendum was originally supported by the political left, but later on the constitutional referendum was promoted by the Conservatives. In Denmark the constitutional referendum was adopted in 1953 - at the same time when the upper chamber of the parliament was abolished - to have a restraint on parliamentary majorities at least on constitutional issues (Miller 1982). Similar reasons for the adoption of mandatory (or suspensive) constitutional referendum have been put forward also in New Zealand. The mandatory and other law-controlling referendums in Denmark will be discussed in the *Chapter 6*.

4.6 Suspensive and Abrogative Referendums

The provisions for suspensive referendums in the sample countries have been rarely put to practice. For example, the following constitutional provisions have never been implemented. The Austrian Constitution provides for a suspensive referendum, initiated by 1/3 of the members of the parliament, on partial constitutional amendments. In Greece certain bills may be submitted to a suspensive referendum by the demand of the President and the agreement of 3/5 of the MPs. In Spain the partial revisions of the Constitution may be submitted to a suspensive referendum after they are passed by the parliament, if 1/10 of the members of either Chamber of the parliament so demand. In Sweden the Constitutional Amendment from the year 1979 provides for a suspensive referendum for constitutional amendments between the readings in two subsequent parliaments if required by certain minority of the parliament.

The Irish Free State Constitution (1922), which was influenced by the other republican constitutions, had a provision for a suspensive referendum which could either be initiated by 3/5 of the members of the Senate or by a popular petition signed by at least 1/20 of the electorate. This provision was never used and it was deleted from the Constitution of Irish Republic in 1982. (Chubb 1983.)¹⁴ Also the current Irish Constitution provides for a suspensive legislative referendum: a bill (not a constitutional amendment) which has passed through both houses of the parliament, *Oireachtas*, can be put to referendum before it has been signed into law by the president if it is challenged by a petition of a majority of the members of the *Senate* and at least 1/3 of the members of the *Dàil*. This

joint petition is addressed to the president who may submit the bill to a referendum which is held in a period of eighteen months. The law is vetoed if the majority of the voters are against it and if the total number of the voters against it are at least a third of the votes on the register. This provision has never been implemented either.

It must be pointed out that the suspensive referendums may also have indirect influence. This means that the mere *possibility* of the referendum changes the nature of the political process. In fact, the instances of political actors raising the option of suspensive referendum in political debates are more common than actual referendums, which is the case for example in Denmark (Rasmussen 1993). Denmark is also one of the few countries which has actually experienced suspensive referendums. According to the Danish Constitution, a suspensive legislative referendum may be initiated by 1/3 of the MPs. If the bill is submitted to a referendum, it is rejected if the majority of the voters and 30% of the electorate vote against it. The referendums on four laws on the land use in June 1963 were held under this provision. These referendums, which will be further discussed in the *Chapter 6*, show that the suspensive referendum can protect the interests represented by parliamentary minorities. (Svensson 1996, 44.) In Switzerland laws and decrees - except for those which are declared urgent - and international treaties are liable to a referendum if 50.000 citizens sign a petition demanding it or at least eight cantons demand it within ninety days of the publication of the law while the law is suspended. The Swiss suspensive referendums will be dealt more in detail in the *Chapter 7*.

Sometimes the suspensive referendum is an alternative to a large supermajority: for

example in Denmark the transfer of national powers to international authorities the majority of 5/6 is required in the *Folketing* or an ordinary majority and the submission of the bill to the voters. In Italy there is a possibility to submit a constitutional amendment to a referendum if it has not been supported by a sufficient majority: there may be a suspensive referendum if the constitutional amendment fails to get 2/3 majority in the second reading in both houses of the Parliament. The referendum must be initiated by 5 regional councils, 1/5 of the members of the Chamber or Senate, or 500.000 electors within three months after the constitutional amendment has been passed in the parliament. (Uleri 1996, 108-9.) Furthermore, in France a constitutional referendum is an alternative to a procedure in which the law is passed by the 3/5 majority of the Senate and the National Assembly meeting together as Congress, and the president has a right to decide on the procedure. So far, there have not been any referendums under this provision. (Morel 1996, 66-86.)

Although both the suspensive and mandatory referendums are retrospective checks on the legislation, there is a crucial difference between them: the suspensive referendum is avoidable if the demands of the potential initiators of the referendums are satisfied. Therefore, suspensive referendums are rather consensual than majoritarian in character, because they make the government to seek a consensus with the parties in the minority or with other potential initiators of the referendum. Suspensive referendums may also promote the interests of the minorities: they function as an incentive for the ruling coalition to make such legislative proposals which do not create active opposition among those who may initiate the referendum. This may be the case even if the opposition

would not have a clear support by the majority of the voters, because the costs and delays caused by the referendum may encourage the government to seek a consensus.

The difference between abrogative and suspensive referendums is that abrogative referendums are used on laws which are already in force whereas suspensive referendums are used after the parliamentary majority has passed the law but before it is enacted. The abrogative referendum is provided in the Italian, Swiss and Icelandic Constitutions. In Iceland the President can initiate a referendum if she or he refuses to approve a law within two weeks after the parliament, *Althing*, has passed the bill. The law will be enacted, but it must, as soon as circumstances permit, be submitted to a referendum and it will become invalid if it is rejected in the referendum. This provision has never been put to practise.

In Switzerland abrogative referendums are used instead of suspensive referendums on the laws which have been declared as urgent. The same number of signatures, 50.000, is needed for the petition for both abrogative and suspensive referendums. Moreover, those abrogative and suspensive referendums which are initiated by citizens, are actually often promoted by 'political insiders' rather than by grass-root movements, perhaps because the procedural hurdles for initiating the referendum are quite high. In Italy the provision for the abrogative referendum (*referendum abrogativo*) has recently been extensively used. The provision for abrogative referendum was adopted in the Constitution of 1953. This provision was not, however, activated until in 1970 when the law on the implementation of the provision was passed.

The Italian abrogative referendum may be initiated by the signatures of 500.000 citizens. Some abrogative referendums have been initiated by regional councils, which is also provided by the Constitution (referendums in 1993 on the abolition of Agriculture and Tourist Ministry). Certain types of issues, for example tax and budget laws and acts on ratification of international treaties cannot be submitted to the abrogative referendum. After the submission of the petition, the Constitutional Court makes the decision on the admissibility of the referendum. If the referendum is admissible, the government decides the date of the vote. The ballot question is formulated: "Do you desire the repeal of the law...?", which means that a yes-vote is a vote against the law. The law is repealed if the majority of the total electorate participates in the referendum and the majority of the voters votes against the law. If the law is repealed in the referendum, it remains in force for two months. After this, the Parliament may pass a new law if it is in harmony with the result of the referendum. The dissolution of the Parliament may be used as a mechanism to suspend a referendum, and this has happened for three times. (Uleri 1996, 106-110.)

Apart from two, all Italian referendums have been abrogative. The implementation of the constitutional provision for the abrogative referendum was a matter of dispute during the 1960s. The reason for its implementation in 1970 was that the centre-left-coalition government was divided on the issue of divorce. The Christian Democrat Party agreed to approve the divorce law only if a law on the implementation of the abrogative referendum is adopted. The first abrogative referendum was, consequently, on the repeal of the law on divorce. The referendum was held after numerous postponements in 1974,

and the repeal of the law was rejected (40.7% yes, turnout 87.7%). This was a landmark in Italian political history because it meant a defeat to the position supported by the Catholic Church (Furlong 1994, 157-158).

There have also been some other abrogative referendums initiated by the Catholic groups. By the 1980s, there were a variety of political forces, especially in the political left, promoting abrogative referendums. A few referendums have been initiated by environmental groups. The main promoter of the abrogative referendums, however, has been the Radical Party (PR) which has tried by the petitions to raise new issues on the political agenda and thus changing the existing party alignments and coalition patterns.

The number of popular initiatives for abrogative referendums has increased considerably: in 1974-80 there have been three abrogative referendums, in 1981-90, 14, and in 1991-5, 21 referendums. In June 1995 the Italians voted upon 12 petitions. The increasing number of abrogative referendums has created pressures to complicate the procedures for making a petition. Until 1987, all abrogative referendums had resulted in no-votes, the petitions for repealing the law were rejected. Since 1987 there have been yes-votes on many important issues, such as on political reforms in 1993, which brought about the electoral reform and the abolition of certain ministries. In this occasion the abrogative referendum was an important factor in solving the political crisis. For the list of abrogative referendums see the *Appendix II*. (Uleri 1996, 110-117.)

As Uleri (1996, 110-117) summarizes it: "Italian referendum experience seems indeed

largely an unexpected, unforeseen and above all undesired consequence of choices and necessities internal to the parties and coalitions that first founded and then governed the republican democracy." The Italian experience on abrogative referendums shows that the institution may be used by 'political outsiders', small parties, popular movements and interest groups to change the political agenda. It has also proven to be considerably radical measure encouraging the activity of new social movements, populist political parties and entrepreneurs.

4.7. Popular Initiative

4.7.1 Institutions of Popular Initiative

The referendum may also be initiated by *popular initiative*, in other words, by the request for a referendum and a law proposal made by a certain number of citizens. Law-promoting popular *initiatives* must be distinguished from the popular *petitions* for abrogative and suspensive referendums (Butler and Ranney 1978, 23-24). The popular initiative offers the citizens an opportunity to participate directly in political agenda-setting by demanding a referendum on a certain issue, and therefore the initiative at least in principle makes the political agenda-setting process less elitist. The popular initiative combined with the referendum may be claimed to be a measure of direct legislation, because it gives the citizens an opportunity to raise issues on the political agenda and also to make decisions upon them (see Magleby 1984). Initiative-based referendums may be seen as an element of "the government by the people", which exist side by side with

representative decision-making. Initiative-based referendums are used in national level only in Switzerland and in 23 states of the United States, most notably in California.

Initiative-based referendums have been supported by radical democrats and theorists of participatory democracy. Barber (1984), for example, supports popular initiative-based referendums, which provide citizens a possibility to participate in the public agenda-setting and in the decision-making upon single issues:

"A people that does not set its own agenda, by means of talks and direct political exchange, not only relinquishes a vital power of government but also exposes its remaining powers of deliberation and decision to ongoing subversion. What counts as an "issue" or a "problem" and how such issues or problems are formulated may to a large extent predetermine what decisions are reached." (Barber 1984, 181.)

Barber (1984, 198-208) prefers multi-choice format to yes/no-format in referendums, because it gives the referendum more the nature of giving a judgment than making a choice and hence creates more 'public orientation'. He suggests two readings in referendums as a check for inconsistencies. Barber also argues that some of the problems of social choice can be circumvented in the more participatory forms of democracy. First, the problem of agenda-manipulation is not as serious in direct as in representative democracy, because in direct democracy public agenda is more open to citizens' interests. Second, Barber argues that intransitivity of social preference orderings is due to outcomes being scaled on multidimensional policy space. This is typical to representative democracy, in which voters have to choose between parties and candidates who represent positions over many separate issues. The separation of issues and issue-by-issue voting is characteristics of direct democracy, and thus it is probable that the outcomes of

referendums more closely reflect the preferences of the majority than the outcomes of elections. This is the case especially when such preference aggregation methods which take into account fuller information on voters' preferences are used.

The view that the popular initiative makes the agenda-setting more democratic is often questioned by the criticism that some well-organised interest groups may control the agenda-setting process in the systems of popular initiative. It may also be argued, that where the electorate is prone to extremism, the initiative may become tyrannical (Bogdanor 1981, 88). As mentioned before, Barber considers the initiative and the referendum only as a part of the larger agenda for strong democracy: "referendum and initiative processes divorced from innovative programs for public talk and deliberation fall easy victims to plebiscitary abuses and to the manipulation by money and elites of popular prejudice." (Barber 1984, 262-264.)

4.7.2 Normative Theory and Existing Practices

The Swiss direct-democratic institutions will be studied in the *Chapter 7*, and therefore I will now concentrate on the American experience of 'direct legislation'. The historical background of the American direct democracy is the European political philosophy, especially the religious ideals of the Pilgrims (Möckli 1994, 65). The first forms of American direct democracy were the Pilgrims' town meetings in New England in the early 17th century. Magleby (1984, 20-27) distinguishes two periods of the expansion of the modern forms of citizens' participation in American politics. The first expansion

was the result of the activity of the Populist Party and the Progressivist movement of the late 19th and early 20th century. Progressivism represented urban well-educated and self-employed middle-class, and it was a reaction against the rising power of business corporations and labour unions. The progressivists promoted the initiative-based referendum together with such measures as the recall, direct primaries and women's suffrage. As ideals of direct democracy, the progressivists held the New England town meetings and direct legislation in Switzerland. During the Progressive Era both the referendum and the initiative were adopted in fifteen states (Luthardt 1994, 56).

Since the Progressive Era, the states have become more cautious about the adoption of provisions of direct democracy. Most of the states which have some kinds of direct-democratic institutions adopted them during this time, and only eight states have adopted both the initiative and the referendum after 1915. Extension of citizens' participation was, however, promoted by some democratic movements in the 1960s and 1970. These movements considered citizens' participation especially as a cure for political corruption. As a result of these movements, since the mid-1970s, more than twenty states have considered adopting the initiative. However, only Wyoming and Florida have actually done so in 1968, and Illinois in 1970. Popular initiatives, like other institutions of direct democracy, have been much more widely adopted in the West of the United States: only six states east of Mississippi allow popular initiative. This may be explained by the facts that the West was a stronghold of the Progressive movement, and that the Western states were at a more developmental stage during the Progressive Era. (Magleby 1994, 222-223; Möckli 1994, 112.)

The constitutional regulation of the popular initiative varies from state to state. The most important institutional differences are those between direct and indirect initiatives and constitutional and statutory initiatives (Möckli 1994, 110-111, 219). In a direct initiative the law proposal is submitted to referendums without any considerations in the legislature, whereas an indirect initiative is considered and possibly passed in the legislature. If the legislature rejects the initiative, the promoters of the initiative need to collect some extra number of signatures in order to put the issue to a referendum. Indirect initiative has been adopted in 10 US states and it has become more popular since the Progressive Era. Apart from statutory initiatives, some states have provisions for constitutional initiatives. The promoters of the initiative usually aim at making constitutional initiatives rather than statutory ones, because the initiatives passed as a constitutional law may only be changed in another popular vote.

Also, the number of required signatures required for the initiative varies between the states. Sometimes there are requirements also for the geographical distribution of the signatures, which have often turned out to be a significant hurdle. The circulation time of popular initiatives is limited, varying from 50 to 360 days - the average is 120 days. Because the initiatives are normally voted together in conjunction with the general elections, the ballot papers may end up being quite lengthy, which may cause confusion and fatigue among voters. If the proposal has been accepted by the majority in the referendum, it is subjected to the judicial review. Quite a few proposals approved in the ballots are declared partly or entirely invalid by the courts either because they are unconstitutional or because the rules on making the initiative have been violated. The

judicial review is also the mechanism by which the minority rights are protected from the discriminative outcomes of the initiative ballots.

The total number of initiatives on ballots in the US States decreased considerably during the 1940s and 1950s and was at lowest in the 1960s. Since then the number has increased again, and during the 1990s more initiatives than ever before are expected to be voted. This cannot only be explained by the raise of grass-root political activism, but also by the emergence of a new kind of 'initiative industry' which will be discussed later on. The most frequent users of initiatives between 1898 and 1992 have been California and Oregon. (Magleby 1994, 229-232, 235-41.)

The reality of popular initiatives may, in some respects, resemble rather the negative visions of plebiscitary politics than the ideals of participatory democracy. Nowadays the initiative campaigns in the American states are largely carried out by professional political consultants, and the initiative has become a large-scale political business, or 'industry', as Magleby puts it. Also Rourke & al. (1992) argue that the referendum has ceased to be a radical measure in the US politics. One landmark in this was the Federal Supreme Court decision in 1978 in the case between First National Bank of Boston and the Attorney General of Massachusetts. In this case, the Bank argued that its constitutional right of freedom of speech had been limited by the Massachusetts Supreme Court decision to uphold a state law which forbade the bank's contribution to a referendum campaign against a proposal on the state income tax. The Federal Supreme

Court, however, reversed this decision. The implication of this decision was that the participants of referendums were now exempted of campaign financing and disclosure laws. (Rourke & al. 1992, 156-158.) Another milestone in the development of the 'initiative industry' to its current range was the Federal Supreme Court declaration in 1988, in which the rules on paid signature collection were declared unconstitutional. This meant that, for example, Colorado needed to allow professional signature collection. Today political consultancy firms collect the signatures by mail and, often simultaneously, request campaign contributions. Also, it has become common to circulate several petitions simultaneously.¹⁵ (Magleby 1994, 228.)

The fact that popular initiative is often used by the well-organized or the wealthy may be proven by looking at the issues raised by initiatives. As Magleby writes about California:

"In the 1978 and 1980 elections alone, voters decided initiatives on such diverse subjects as casino gambling, a state lottery, tax and spending limitations, the drinking age, branch banking, right to work, obscenity, beverage container deposits, apportionment, land-use planning, the death penalty, school busing, the hunting of mourning doves, milk prices and abortion. Absent from this list are issues that would arise from groups lacking the financial resources or organizational skills necessary to meet the signature requirements. In recent years there have been few initiatives to increase welfare expenditures, provide mass transit, or require building access for the handicapped." (Magleby 1984, 74.)

The voters' volatility increases the importance of the campaign spending, especially the spending against the propositions seems to pay off well. Magleby (1994, 242-244) offers some statistics about the sources of the campaign funding between 1952 and 1990: 66% of it came from the business, 12% as individual contributions, 9% from officeholders,

7% from political groups, 5% from issue groups, and only 1% from labour. Sometimes the campaign spending gets large proportions, especially when business interests are involved. In 1988 101 million dollars were spent in California on the campaign on five initiatives on insurances. This was more than three times more than what was spent on governor's election two years later.

4.7.3 Initiative, Referendum and Median Voter Preferences

Some American scholars (Ingerberman 1985; Gerber 1996) have analysed the impact of popular initiatives and referendums to the extent of which the policy outcomes reflect the median voter preferences. Although also the governmental initiative-based referendums are often justified on the grounds that they increase the likelihood that the policies reflect the preferences of the majority (median voter preference) on some issue, the agenda-setting power of the government limits this positive effect. Gerber (1996, 101-102) argues that the existence of a provision for a popular initiative-based referendum makes it more probable that the laws will reflect the median voter preference, because the 'legislators may want to anticipate the behaviour of the potential initiative proposers and draft laws to preempt their initiatives'.

Gerber (1996) argues that the existence of the institution of popular initiative increases citizens' influence over the political process in two ways: directly by enabling them to raise political issues on the political agenda and indirectly by effecting the policy choices of the representatives. Gerber characterizes the indirect effects of the initiatives by a

dynamic, spatial game between the Legislature, the Proposer of the initiative, and the median voter. Among others, the model is based on the following assumptions: one-dimensional issue space, unitary legislation, and actors that are fully informed of each other's preferences. One-dimensional issue space may be justified on the basis that the initiatives normally deal with one issue. The assumption on unitary Legislature simply excludes all the interaction between the legislators from the model. It is also assumed that the 'Legislatures' preference' is the one emerging in the legislative preference-aggregation process. In the spatial analysis, Legislatures' preference is referred as Legislature's ideal point. Gerber admits that the assumption on the perfect information is often violated in reality, and that the asymmetries of the information may change the situation considerably. As a test case of her model Gerber puts forward the issue of parental consent of teenage abortions, in which she compares the legislation in the states with and without initiatives.

Gerber considers the popular initiative as a non-electoral constraint on Legislatures' behaviour. She compares the unconstrained situation to the situation in which the constraint of the popular initiative exists. In the unconstrained situation the Legislature always chooses its own ideal point. In the analysis of the constrained situation with popular initiatives it is assumed that the voters always vote for the alternative which maximizes his or her utility. The potential Proposer of the initiative needs to consider whether the costs of making the initiative exceed the benefits of the successful initiative. Because the Proposer is fully informed on voters' preferences, it will only propose winning initiatives. Furthermore, it is assumed that legislation is costless to the

legislators. In this situation, the extent of the constraint created by the initiative on the Legislature depends on the relative preferences of the players and costs caused of making a proposal for the Proposer. The anticipatory effect of the initiatives on the Legislature may be explained as follows: when there is a possibility of an initiative on a certain issue, the Legislature prefers to pass a law in order to avoid an initiative which may be further away from the Legislature's ideal point. In the constrained situation the policy outcomes are more likely to be closer to the median voter preference, because the aim of the Legislature is thus to provide a law which the median voter prefers to the Proposer's best response. As Gerber (1996) puts this: "In other words, the Legislature averts the initiative proposal by buying off the Voter, not the Proposer. By doing so, the Voter is again made better off."

Gerber's model has two conclusions: First, the interest groups may affect the policies even in the cases when no initiatives are made. Second, the existence of the popular initiative encourages the legislature to pass laws closer to the median voter preference. In Gerber's model it is actually assumed that popular initiative has similar anticipatory effects as the suspensive, abrogative and mandatory referendums, which also should bring the legislation closer to the median voter preference. In mandatory referendums this anticipatory effect is more 'automatic' and not dependant on the activity of interest groups. Therefore, in the game-model describing the mandatory referendums there are just two players, the Legislature and the median voter, and the Legislature is expected to legislate such laws which is acceptable to the median voter but yet closer to the Legislature's ideal point than the *status quo*.

There are, however, several limitations for Gerber's model. First, the legislature has many other constraints than popular initiatives, and moving towards the median voter preferences may be very costly indeed to some members of the legislature because of the electoral constraints. Second, in the case of Swiss popular initiatives Gerber's model should be adjusted: because the referendums do not automatically follow the initiatives there are more ways for the legislature (the Federal Council) to react to the initiatives. The reactions are not in a similar way 'anticipatory' as in Gerber's model, because after the initiative has been submitted the promoters of the initiative and the Federal Council may bargain over the withdrawal of the initiative. In the Swiss system, the governmental counterproposals made after the submission of the initiatives are the legislature's main responses to initiatives. (See *Chapter 7*.)

Third, the popular initiative brings the policy outcomes closer to the median voter preference only on issues in which there are interest groups which may them. There are good reasons to believe that certain interest groups are more able to make initiatives than the others: the resources for making the initiative are not equally distributed in the society. This is related to Magleby's (1994, 240) point that the initiatives very rarely reflect the issues which the largest numbers of voters consider to be the most relevant, such as the state economy or unemployment, because there are no organisations promoting initiatives on these issues. Fourth, in Gerber's model is the assumption that the preferences are fixed and remain stable over the time. Because of this assumption, the model fails to take into account the importance related to campaigning and

preference-formation. Magleby (1994, 249-250) concludes that voters tend to be more volatile in initiative issues than for example in candidate elections, and that up to 70% of voters may change their opinions during the campaigns. This implies that campaigning has a big importance on voters' decision-making, and that it may be possible to 'purchase' initiatives. Finally, it may be asked whether the median voter preferences should determine the policy outcomes. As Gerber (1996, 125) herself points out, the members of minority groups represented in the legislature but far from the median voter preferences may be better off without popular initiatives.

4.8 Conclusions

In this chapter, the role of different forms of referendums in political systems has been characterized both in terms of normative argumentation and empirical experience. The purpose has been to establish a link between the normative theories of democracy and different institutional forms of democracy, and to analyse how the reality matches with the theoretical discussion in the *Part I*. It may be argued that all types of referendums increase the possibilities of popular participation. Only the most manipulative practices of the referendum in dictatorial countries do not really have any function of expression of political opinions. They are more about the symbolic confirmation and legitimation of the existing government. Referendums are also potentially educative devices if they encourage people to discuss and deliberate about political issues. On the other hand, the most typical criticism raised against all types of referendum is that citizens do not have a sufficient ability to make sound political judgments and that, because of the expansion

of the state activity, political issues in modern societies are too complicated and often too remote to be understood by laypeople. Furthermore, referendums are often considered to lead to inconsistencies in policies because they tend to separate issues.

I have argued that there are also many differences between what kind of role different forms of the referendum play in political systems. Also different forms of referendums have been justified and criticised from different theoretical points of view. In fact, the variation of the use and the functions of the referendum is so wide, that it is almost inevitable to agree with Gordon Smith (1975) that there hardly ever will be 'a general theory of referendum'. The referendum serves very different political purposes depending not only on the institutional regulation of the referendum discussed in the earlier section but also on the kind of representative democracy, electoral system, party system, state structure (federal-unitary), political culture and so on. It may be argued, however, that a great deal of the functional variation can be explained by the classification put forward in this chapter.

The differences between various forms of referendums may also be expressed in terms of their impact on the political agenda. In the case of *ad hoc* referendums, the political representatives fully control the agenda. The mandatory referendums function as a popular check on legislation, and they are triggered 'automatically' by the constitutional demand, but those who are authorized to interpret the constitution may influence the use of the referendums. In the case of suspensive and abrogative referendums, the opposition groups, either parliamentary or popular, may choose the issues in which they want to

exercise their veto. The popular initiatives and the Italian abrogative referendum allow the citizens also define new policy issues to be raised on the decision-making agenda.

The following table summarizes the functional differences and normative justifications and criticism of the five different types of referendums. The table is based on the earlier normative discussions on the referendum and the arguments put forward for and against different forms of referendums:

Table 4.5 Properties of Referendums

Type of the Referendum:				
	Ad Hoc and Optional	Popular Initiative	Mandatory	Abrogative and Suspensive
Justifications	increasing popular self-government, participation and deliberation; civic education			
	legitimizing important decisions by consulting popular will	popular self-government	check on legislature; correcting mis-representations of majority will;	a check on legislature
		anti-elitist agenda-setting	limit the power of parliamentary majorities	protect the interests of minorities
Objections	citizens' inability to solve political problems tyranny of majority, inconsistencies of policies, problems in the representative system			
	manipulation by the ruling coalition	over-representation well-organised interest groups	favouring the <i>status quo</i>	decreasing the efficiency of decision-making; <i>pro-status quo</i>
	undermining the responsibility of representative decision-makers			
Procedural features studied	strategic considerations of political parties	collective action problems of making initiative	anticipatory effect on parliamentary decision-making	collective action problems
		representatives' reactions to initiatives		representatives' reactions to the threat of the referendum

The table shows the relationship between different institutional forms of referendums and various notions of democracy. The *ad hoc* and optional referendums have probably the weakest normative grounds. As Gallagher (1996, 250) describes the problem of these kinds of referendums: "When parties and parliaments have the power to decide when

and whether referendums should be held, philosophical arguments in favour of more referendums may not count for much." The law-controlling referendums, on the other hand, may be understood in terms of liberal theory of democracy with its emphasis on limited power of government with institutional checks and balances. Law-controlling referendums have been promoted by those in favour of constitutional *status quo*, liberals and conservatives. Popular initiative and *active* suspensive and abrogative referendums more clearly enhance and rely on citizens' activism. Especially the agenda-setting function of popular initiatives is supposed to increase popular self-government and public deliberation and participation. The popular initiative has often been promoted by radical and participatory democrats.

The discussion in this chapter and the case studies in the following chapter clearly shows, however, that the reality does not always match with the theoretical hypotheses on the functions and dysfunctions of referendums put forward, and that the functional differences between the institutions cannot be understood fully without reference to the other characteristics of the political system. Moreover, there is considerable variation within the main categories which can only be understood by looking at how referendums actually function in certain political systems, which is the purpose of the case studies.

Notes

1 Furthermore, some researchers emphasize the judicial distinction between those referendums which are constitutionally regulated and those which are not. This distinction is only relevant with respect to those referendums which are initiated by the parliamentary majority, because all other forms of referendums are constitutionally regulated.

2 The use of terminology varies in the discussion: for example Swiss researchers Trechsel and Sciarini (1996) use the term optional referendum to refer to popular initiative-based referendums in Switzerland. Trechsel, Alexandre; Sciarini, Pascal (1996): *Direct Democracy in Switzerland: Do Elites Matter?* Paper presented at the ECPR Conference in Oslo, March 1996.

3 Simon Hug (1995) puts forward a classification of referendums in Western democracies based on three dichotomies: 1) mandatory and facultative referendums, 2) active and passive referendums (according to whether or not the voters have an active role in calling a referendum), 3) referendums where the policy on the ballot stems from the government and where it stems from some other group. Furthermore, he claims that mandatory referendums always concern policies adopted by the government and citizens never have an active role in initiating them and that facultative referendums with passive citizens never concern policies proposed by outside groups. This leaves four referendum types which differ according to the strategic interaction between the government and the opposition, i.e. 1) mandatory/passive (I refer to this category with the concept of mandatory referendums); 2) facultative/active vote on governmental policies (popular initiative-based abrogative and suspensive referendums); 3) facultative/active vote on opposition policy (popular initiative); 4) facultative/passive (optional referendums). In my opinion Hug fails to distinguish the fifth category, which I have referred to as 'representative initiative-based abrogative/suspensive referendum'. In Hug's classification this should be facultative/passive/governmental policy.

4 Linder (1994) distinguishes between 'constitutional' or 'obligatory' referendum, and 'legislative' or 'optional' referendum in Switzerland. Obligatory referendums cover all the forms of referendums on constitutional issues and international treaties, whereas the 'optional' referendums are those held on normal laws. This classification does not, however take into account the source of the laws proposal in the case of constitutional referendums, because some of them are based on popular initiative. The classification makes sense in the case of Switzerland where the referendum does not automatically follow from the constitutional initiative but there is a long-lasting parliamentary negotiation stage between the initiative and the referendum.

5 It must be pointed out that especially with the abrogative referendums the expression of 'final legal decision' is ambiguous, because the parliamentary decision as such is sufficient to pass the law, and the referendal check is used only retrospectively. Especially in Italy the laws may have been in force for a considerable period of time before they are submitted to an abrogative referendum.

6 In the US states also the judicial review can void the results of the referendum.

7 The result of a legally binding referendum can only be overcome by a parallel procedure, which was the case for example in the Danish referendums on *Maastricht Treaty* (and Edinburgh Agreement) in 1992 and 1993.

8 The countries are: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

9 It may be argued that the electorate may be more vulnerable to the agenda-manipulation than the representatives, because they lack the information and capacities required for counteracting governmental manoeuvring.

10 This argument may better apply to those American states in which the wording of the alternatives is directly decided by those who initiate the referendum, whereas in Switzerland the representative institutions can much more control the initiative process, for example by using delaying power (see the section 6.3.)

11 For example, when Austrians in 1938 voted on the *Anschluss*, there were actually two separate issues, first agreeing with the joining to the German '*Reich*' and secondly expressing the support for National Socialists in the German *Reichstag*. In a democratic environment, the expression of the support for Hitler's list in the *Reichstag* would have been considered to be legitimate only if the majority had already agreed with the *Anschluss*. The questions were, however, voted inseparably and there were just two alternatives given in the ballot paper, yes and no, meaning that yes-vote would mean agreement and, respectively, no-vote disagreement with both proposals. Also the circle to be crossed for the support of yes-alternative was twice as big than the one for no-alternative. The result of the referendum was more than 99% support for the *Anschluss* and the National Socialists and in the turnout was in average 99%. (Möckli 1994, 78-9.)

12 The referendum may also be a means to fulfil a requirement for a parliamentary supermajority. The MPs often consider themselves to be obliged to follow the result of the referendum. Therefore, the result of the referendum tends to 'amplify' in the parliament. For example, in Norway and in Finland a 2/3 majority was required for the approval of the EU-membership in the parliament, and in Norway especially the parliamentary opposition was strong enough to block the decision. Therefore, the referendum could have been the only possibility to achieve a positive outcome, although this did not happen in Norway. The reasons why the EU-membership issue was submitted to the referendum were, however, manifold in both countries, so it is hard to argue whether or not these kinds of calculations were behind these referendums.

13 The Russian President Boris Yeltsin tried to break the stalemate between himself and the legislature by the referendum in April 1993. This referendum was expected to give him the mandate for his political program and economic reforms. With the December 1993 referendum he sought approval for the new Constitution which would give more powers to the president and establish a new Federal Assembly as a substitute to the Supreme Soviet and the Congress of People's Deputies. (See Hill & White 1995.)

14 Articles 48 and 50 of the Constitution of Irish Free State provide for an abrogative referendums based on popular initiative on laws and constitutional amendments.

15 For more details on the practices of making the initiative, see Magleby 1994.

Introduction to the Case Studies

In the following three chapters, referendums in three West European democracies, Sweden, Denmark and Switzerland, will be examined. These three countries were selected among the 22 countries in the sample, because their referendums differ from each other with respect to the agenda-setting and initiation procedures. The aim of the case studies is to analyse how different referendums work as a part of the political system, and how referendums are used by different political actors.

Sweden, Denmark and Switzerland are different from each other with respect to the frequency referendums: in Sweden there have been 4 national referendums between 1945 and 1996, less than 1 per decade. Denmark has experienced 10 referendums since 1945, 2 per decade. In Switzerland different forms of referendums are an integral part of legislative processes, and between 1945 and 1996 there have been 306 federal referendums, nearly 60 per decade (Gallagher & Uleri 1996). In addition to the numbers of referendums, the countries are different with respect to the variety of the institutional provisions for referendums. Sweden has only had consultative referendums based on the decision made by the parliamentary majority. The 1979 Constitution also provided for a referendum on constitutional laws initiated by a parliamentary minority, but so far no referendums have been held under this provision. Denmark has a much larger institutional variation, with four different constitutional provisions for referendums and the *ad hoc* referendum initiated by the parliamentary majority. Finally, according to

some scholars in Switzerland there are 11 different provisions for referendums at the federal level alone (Gallagher & Uleri 1996). In addition to the direct-democratic institutions at the federal level, there are various provisions for referendums at local and cantonal level.

The frequency of the referendums and the number of constitutional provisions indicate the overall significance of the referendums in political systems. The Swiss political decision-making system is thoroughly affected by different kinds of direct-democratic institutions which have a profound impact on Swiss democracy. In Denmark referendums have been more frequent and they have had many effects on the parliamentary decision-making, whereas in Sweden the referendum is something which is only resorted to when the political parties have failed to find any other solutions.

The political systems in these countries are also quite different from each other. Sweden and Denmark are unitary states with parliamentary forms of government, whereas Switzerland is a federal state, consisting of linguistically and religiously different parts. Furthermore, the Swiss federal government is consensual rather than parliamentarian, in the sense that its party composition has remained stable since 1959 and it represents the most important cleavages of the society. This will be further discussed in the *Chapter 7*. The Swiss federalism and consociationalism may raise some questions about the comparability of the three countries. The approach in this section is not, however, systematic comparisons of institutions, because I emphasize the differences between the three cases. However, it is appropriate to ask to what extent the Swiss experience is

applicable to more parliamentary systems.

Suksi (1993), for example, has solved the problem of making meaningful comparisons between different practices of referendums by using so-called matched-pair method: he compares countries with similar institutional provisions with each other. First he compares the countries with mandatory referendums, Denmark and Ireland, and then the occasional users of *ad hoc* referendums, Finland and Sweden. (See Suksi 1993, 181-182.)

Suksi's emphasis was in the constitutional history and the regulation of referendums, and the normative argumentation for and against referendums, whereas the emphasis in this thesis is more on the interaction between different political actors within certain constitutional rules regulating the use of referendums.

The aim of the case studies is to test the arguments for and against different forms of referendums put forward in the *Chapter 4*, ie. those regarding the *ad hoc* referendum as a strategic option for political parties; the mandatory referendums as a check on the legislature; and the popular-initiative-based referendums increasing popular influence on popular agenda; and all forms of referendums enhancing citizens' deliberation and participation in politics. Because the purpose is to test and adjust theoretical hypotheses, the case studies are, using the terminology put forward by Lipjhart (1971), 'theory confirming' or 'theory infirming'. Some elements in each case are apparently deviant from the theoretical propositions put forward earlier, which is used to modify the theories.

The first case to be examined is the referendum on the nuclear power in Sweden in 1980.

All Swedish referendums, the nuclear power referendum included, have been consultative and initiated *ad hoc* by the parliamentary majority. Second, I will analyse the Danish referendums on European integration, especially the two referendums on Maastricht Treaty in 1992 and in 1993. Most of the integration referendums in Denmark have been law-controlling and held under the constitutional provision which requires a binding referendum on the issues concerning transfer of powers from national to supranational organizations. Depending on the interpretation, these referendums have been either mandatory or suspensive. Finally, I will analyse the popular initiative-based referendums in Switzerland since 1945.

In each case, I will consider three aspects. First, the discussion in each case will begin with a characterization of the constitutional provisions for referendums and their historical background. I will discuss different political actors' motivations and the normative arguments used in the constitutional debates on referendums. Second, I will analyse the actual practices of the referendums. I will consider the whole referendum process from the initiation of the referendum to the final outcome of the vote, and, moreover, its implications to the policies implemented. I will focus on the question which are the reasons why a certain issue are submitted to the referendum, who are the crucial actors promoting the referendum, and what are their motivations. I will also consider which were the groups with especially high interest in the issue and in which ways these groups (interest groups/political establishment) participated in the referendum campaigns. In each case, I am also going to consider such questions as to what extent the referendum increased the citizens' interest in politics and their level of information; how

balanced the campaigns are in terms of the media coverage, and, especially in the case of popular initiative, the influence of economic interests and ideological groups. Third, I will make a broader analysis of the impact of the use of the referendum on the political decision-making in each country. I will discuss the role of referendums in the political systems and the consequences of the referendums on representative decision-making.

The difference in the frequencies of referendums has certain implications to the ways in which referendums will be analysed: in the Swedish and Danish case the style is more descriptive whereas the extensive use of referendums in Switzerland allows more systematic and also quantitative analysis. In the Swedish case, the referendum is analysed as an instrument used by the parties in the struggle over the political agenda. In the Danish case, I consider the ideological background of the referendum, liberal constitutionalism and the idea of restricted power of parliamentary majorities, and contrast it with the real-world practices in which the constitutional requirements may be a matter of interpretation. In the Swiss case, I will first discuss the constitutional history of direct democracy, and then concentrate on the impact of the popular initiative on the political agenda. Furthermore, in the Swiss case I will not focus that much on one particular case, but on the influence of the popular initiative on the political agenda-formation in the Swiss consociational political system.

5. Party Politics and Referendum - Swedish Nuclear Power Referendum

5.1 Constitutional and Historical Background

During its history, Sweden has experienced altogether five referendums. The first referendum was held in 1922 on issue of the prohibition of alcoholic beverages. The proposal for the prohibition was rejected by the voters: 49% of the voters voted for and 51% against. The turnout was relatively low, only 55.1%. The second referendum was held in 1955 on the issue of driving on the left or right side of the road. In this referendum, the majority of the voters were in favour of staying on the left-hand side. However, twelve years later the government decided to change to right-side traffic following the trends in the Continental Europe. It was argued that because of the low turnout (53.2%), the outcome of the referendum was not representative.

The referendum held in 1957 on a politically more disputable issue, the supplementary pension plans. The referendum was held in order to resolve the deadlock in the *Riksdag*. The Centre - Social Democrat Coalition government was divided on this issue, and in the parliamentary vote none of the proposals achieved an overall majority. In the referendum three alternatives were voted upon, each of them were formulated and promoted by some of the major parties. Unfortunately, none of these alternatives could achieve an overall majority in the referendum, and the deadlock in the parliament was not by any means solved until a Liberal MP took the Social Democrat position. This ill-conceived referendum devalued the referendum institution in many people's eyes and it was one

reason why the referendum was not used for two decades. The nuclear power referendum was held in 1980 and, finally, in 1994 the Swedes voted upon the EU-membership. (For the results of the referendums, see *Appendix II*.)

In Sweden all referendums held so far have been initiated by the majority of the *Riksdag* passing acts on consultative referendums. Since 1979 the Constitution has also allowed a suspensive referendum on constitutional amendments which have already been passed in the parliament. The request for a rejective referendum must be initiated by 1/10 of the members of the *Riksdag*, and the request must be supported by 1/3 of the members of the parliament. The referendum must be held in conjunction with the parliamentary election. The constitutional amendment will be rejected if the majority of voters votes 'no', and if the number of those voting no is more than half of those who participated in the general election. This implies that the abstention from the referendum may be interpreted as an approval of the constitutional amendment. (Ruin 1996, 172.)

The constitutional provisions for the consultative and suspensive referendums may be seen as outcomes of a lengthy political dispute. This dispute has been related to the two major changes in the Swedish political system: the introduction of the parliamentary form of government with universal suffrage and proportional representation in early this century, and the introduction of the unicameral parliament with a three-year mandate in the late 1960s. The arguments for the adoption of referendums were first put forward by the political left, ie. the Social Democrats and the Liberals (*Folkpartiet*). In 1907 the Liberal Party made a proposal according to which the referendum would be used when

the two houses of the *Riksdag* could not reach a consensus. In 1917 the *Riksdag* discussed the proposal for the adoption of the initiative and the binding referendum. This proposal was not passed in the 1st Chamber because of the Conservative opposition. The arguments put forward at this stage of the discussion dealt with parliamentary sovereignty and the limits on parliamentary powers. In the 1921 a referendum committee was appointed to investigate the possibility of a binding referendum. Again, a decision was made in the *Riksdag* not to adopt the binding referendum. However, a constitutional provision for a consultative referendum was adopted in 1922, mainly because of the Liberal Party's willingness to submit the prohibition issue to a referendum. (Hermansson 1993; Suksi 1993, 212-215.)

During the early 1950s, a constitutional reform committee suggested a decisive referendum on constitutional issues (a law-controlling referendum) and a consultative referendum initiated by a parliamentary minority (1/3 of the members of both chambers). Neither of these proposals were adopted. By this time the parties' positions on the issue had changed radically. Now the Social Democratic Party was the dominant party and the main opponent of the referendum, and the law-controlling referendums were promoted by the Bourgeois parties which were in the opposition. The Social Democrats argued that the referendum contradicts the principles of parliamentarism and considered the referendum as a pro-status-quo institution which could be used to water down their reform policies. The Bourgeois parties supported the referendum more or less for the same reasons why the Social Democrats opposed it: they considered the referendum as a check on strong parliamentary majorities. By 1960 the proposals of the constitutional

reform committee were finally eradicated by the Social Democrats.

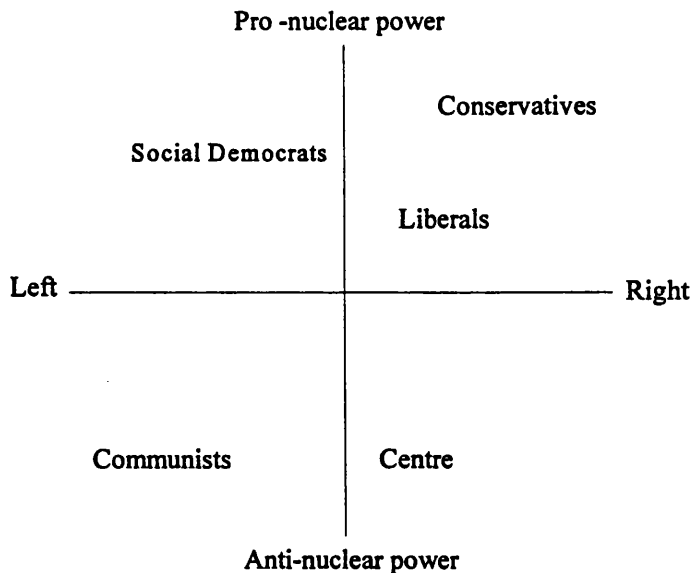
In 1963 a new constitutional reform committee suggested a law-controlling referendum initiated by the parliamentary minority on constitutional issues. The *Riksdag*, still dominated by the Social Democrats, did not adopt this proposal. Only a provision for an *ad hoc* referendum was adopted in 1974. During the Social Democratic rule in the 1960s and 1970s no provisions for a law-controlling referendum were adopted. The proposals put forward by the constitutional committees were not seriously considered until the Bourgeois governments since 1976. The reforms eventually made in 1979 were, however, rather small, and the current provision for suspensive referendum hardly will create a significant threat against the governmental power, and it is also likely to be used very rarely. (Hermansson 1993, 166-181.)

5.2 Energy Policy Issue in the 1970s

The issue of nuclear power dominated the Swedish political agenda throughout the 1970s and it lost its salience only after the referendum in 1980. Holmberg and Asp (1984, 11) describe the 1970s as 'the nuclear power's decade' in the Swedish politics. Ruin (1982, 148-149) considers the raise of nuclear power issue on a political agenda as a part of an emergence of a new issue dimension, environmentalism, which did not follow the traditional left-right dimension. Environmentalism questioned the prevailing ideology of economic growth, and gave increasing emphasis to the protection of physical environment.

The environmentalism- economic growth which divided both the political right and the left. According to Laver and Hunt (1992, 303-311), the Bourgeois parties' policy platforms were close to each other on such issues as foreign policy, public spending and services, which may be seen as constituents of the left-right dimension. These parties' policy platforms were further apart in such issues as supporting urban vs. rural interests, decentralization and environmentalism. On the other hand, the Communists (*Vpk*) and the Social Democrats were relatively close to each other on the left-right dimension, but they had clearly different positions on the environmentalism-economic growth dimension.¹

Figure 5.1 The Five Main Parties' Positions in the Left/Right and Pro/Anti-Nuclear Power Axis



The environmental dimension to a certain extent coincided with another dimension in the Swedish politics, urban-rural. The Social Democrats, the main proponents of the

centralized welfare-state, supported policies promoting technological development and economic growth, whereas the Communists and the Centre Party had a more reserved attitude to technology and growth. Especially Centre Party also supported a more decentralized form of government. In the nuclear power debate the economic growth, energy and welfare were the most repeated themes. The supporters of nuclear power denounced the opponents of nuclear power as unrealistic 'doomsday prophets'. (Asp & Holmberg 1979, 36.)

During the early years of the decade, the emphasis in the nuclear power debate was in the environmental risks of the nuclear energy, but the oil crisis shifted the focus to the problems of energy management and the disadvantages of the dependency on oil. The nuclear power issue became politically contentious in the spring 1973 when the parliamentary group of the Centre Party took a position against the development of nuclear energy. Since then, the Centre Party has been the locus of the anti-nuclear power sentiments. The idea of having a referendum on nuclear power issue, on the other hand, was first put forward by the Communists in *Riksdag* in 1975 in conjunction with the discussion on the *Energy Bill* introduced by the Social Democratic government. The Communist Party's proposal was motivated by the fact that the anti-nuclear power representatives were in the minority in the *Riksdag*, which did not fully represent the anti-nuclear power sentiments of the public. The Communists thought that what was not possible to be achieved in the parliament was perhaps possible to be achieved in the referendum.

The Energy Bill put forward by the Social Democrats suggested the construction of 13 nuclear power reactors, together with certain measures for energy conservation. The bill was passed in the *Riksdag* in May 1975 with the support of the Conservatives (*Moderaterna*). The Liberals, who wanted only 11 reactors, the Centre Party and the Communists voted against the Energy Bill proposal. Furthermore, especially the Social Democrats and, to some extent, the Liberal Party were divided on the nuclear power issue so that the supporters of these parties were more anti-nuclear power than the party leaders. These positions remained more or less the same until the referendum.² (Holmberg & Asp 1984, 32-34.)

In the 1976 election, the Social Democrats lost their dominant position in *Riksdag*, and found themselves in the opposition for the first time after 46 years in power. According to most interpretations, the nuclear power issue had contributed to the defeat of Social Democrats, although it was not the only reason. The nuclear power issue dominated the electoral campaign especially during the last weeks of the campaign. This happened despite the fact that the Social Democrats tried to avoid the issue in their campaign because of the internal split of the party. Communists, on the other hand, were rather united and against the nuclear power, but they did not want to jeopardize their coalition chances with the Social Democrats by raising the issue. The pro-nuclear power Conservatives and the Liberals also did not want to risk their coalition prospects with the Centre Party.

The Centre Party, however, tried to appeal to the anti-nuclear power sentiments of the

public and thus maximize its electoral support. During the campaign, the Centre Party committed itself to a strict anti-nuclear power position. Already during the campaign, this was expected to create problems in the possible Bourgeois coalition government which was the only realistic alternative for the Social Democrat rule. Despite this, the Centre Party leader, Thorbjörn Fälldin, put forward a proposal according to which no new nuclear power plants would be charged and all nuclear power reactors would be phased out by 1985. Furthermore, he stated that the Centre Party will not participate in any government which gives permissions for building new nuclear power plants or for charging new reactors. (Lewin 1984, 315.)

After the election, the Conservatives, the Liberals and the Centre Party formed a coalition government in which the Centre was the biggest party, and its leader Thorbjörn Fälldin became the prime minister. The nuclear power issue proved to be difficult already at the formative negotiations. The strict commitment not to give permissions to built or charge reactors and to the phase-out of the existing reactors may have been beneficial in terms of the electoral result for the Centre Party, but it caused serious problems with its coalition partners. In the Bourgeois Government Declaration by the new government in 1976 an energy committee was set up. This committee was supposed to prepare for the major energy political decisions to be made in 1978. The Declaration also contained a proposal to have a referendum on energy policy if the opinions were still divided in 1978. In other words, the referendum option was used as a mediating device. In the meanwhile, the new government had given a permission to a company to charge a new nuclear reactor, *Barsebäck 2*. The critics of the Centre Party interpreted this and the compromising tone of the Declaration so that the Centre Party has betrayed its voters.

(Björklund 1982, 255, Lewin 1983, 320-323.)

In 1977 the *Nuclear Stipulation Act* was passed in the *Riksdag*. According to the act it was forbidden to start any nuclear power plants unless the reprocessing and storage problems of spent fuel are satisfactorily solved. The Act also contained a reference to the future referendum as a measure to solve disagreements within the coalition. In the autumn 1978 the coalition government needed to consider the applications of the permissions to charge two new nuclear reactors, ie. *Ringhals 3 and Forsmark 1*. The government rejected the applications on the basis that the applicants had not shown where the waste could be stored, but the applications would be reconsidered after further more geological examinations on the storage of the radioactive waste. The further examinations were not considered to be real obstacles for charging the reactors, and therefore the opposition and the media blamed the Centre Party for breaking its electoral promise again. As a response to the negative publicity, an ultimatum by Prime Minister Fälldin followed, according to which either all work on another nuclear power plant, *Forsmark III*, should be stopped or a referendum should be held. The coalition partners rejected the ultimatum and as a result the Centre Party left the government. (Vedung 1979, 42-75.)

The situation within the Bourgeois Coalition government shows how the referendum option is raised when the parties are strongly committed to their issue positions and therefore the normal parliamentary compromising and bargaining are not possible. After its strong pre-commitment to the anti-nuclear power position, the Centre Party faced a storm of criticism by the opposition and the media after each concession it made in the

issue to its coalition partners. Prime Minister Fälldin's ultimatum may be interpreted as the last resort for the Centre Party to save its credibility under the criticism. The referendum option put forward in 1976 could not, after all, guarantee the continuation of the coalition because the parties, especially the Centre Party, were strictly committed to their positions and there was constant pressure for making decisions. Furthermore, the Centre Party's commitment to the anti-nuclear issue position during the electoral campaign may be interpreted as a rather successful vote-maximizing strategy, which proved not to be as successful in terms of the governmental cooperation.³ (Compare with Strøm 1990.)

After the breakdown of the Bourgeois coalition government a new Liberal minority government came into power. This government prepared a new *Energy Bill* with the support of the Conservatives and the Social Democrats, and the Committee was appointed to examine the possibility of the abolition of the *Nuclear Stipulation Act*. By this time, the referendum upon the nuclear power issue did not seem probable, because now - in addition to Social Democrats - also the Liberals and the Conservatives were against the referendum, and therefore there was no parliamentary majority supporting it.

The Harrisburg nuclear power plant accident in the US in March 1979 shocked the Swedes, and increased the popular pressures against the further development of nuclear energy, also among the pro-nuclear power parties, Social Democrats, Liberals and Conservatives. As a consequence, the Social Democrats began to promote a referendum on the nuclear power issue. They were now supported by the Liberals and the Conservatives. In spring 1979 the majority in the *Riksdag* decided that the referendum

would take place six months after the election in September 1979, in other words, in March 1980.

One of the motivations behind the Social Democratic proposal for a referendum was that the party wanted to avoid the repetition of the situation of 1976 when the nuclear power issue caused the setback of the party, especially considering the anti-nuclear power sentiments caused by the Harrisburg accident. Therefore, the initiation of the referendum may be seen as an attempt of the Social Democrats to remove the issue from the electoral agenda. According to Holmberg and Asp (1984, 53-55) this explanation may be confirmed by the data on the extent to which the party leaders dealt with the nuclear power issue during the electoral campaign. Especially the Social Democratic leader Olof Palme avoided the nuclear power issue, and concentrated on the economic situation and employment. As Holmberg and Asp point out, the referendum strategy was not very successful because nuclear power issue, after all, dominated the mass media during the electoral campaign. Also the electorate, especially the supporters of the Centre and the Communists, considered it to be the most important issue of the elections. The Social Democrats could not regain their dominant position in the election, and a new bourgeois coalition government was formed with the Centre leader Fälldin as a prime minister again.

The Swedish nuclear power referendum is a case in which the promoted the referendum on an issue which divided the parties and the traditional coalition patterns. For the bourgeois parties the motivation for promoting the referendum option was to keep the governmental coalition together despite the division on the issue, whereas for the Social

Democrats the reason was to avoid electoral defeat. In Strøm's (1990) terms, the referendum option was raised by different parties to promote their policy goals (Communists), seek office (Bourgeois Coalition Government) and votes (the Centre Party, Social Democrats). The following table summarizes the political actors who raised the idea of having a referendum on the nuclear power issue during the 1970s and their motivations for doing this:

Table 5.1 Motivations for Raising the Referendum Option

<i>Year</i>	<i>Political Actor</i>	<i>Political Situation & Motivation</i>
1975	The Communist Party	under-representation of the anti-nuclear power public opinion in the parliament
1976	Bourgeois Coalition Government	maintaining coalition cooperation
1978	Fälldin ultimatum	maintaining party's credibility
1979	Social Democrats	fear of electoral defeat caused by the growing anti-nuclear power public opinion

5.3 The Nuclear Power Referendum

After having made the decision to hold a referendum, the *Riksdag* decided that there would be no further decisions on the nuclear power issue until after the 1979 election, and the Centre Party and the Communists were given the right to formulate a 'no' alternative, whereas the *Energy Bill* was to serve as the basis for a 'yes' alternative. It was especially in the interests of the Centre Party that the alternatives would not be formulated by the parliamentary majority, because the pro-nuclear parties dominated the *Riksdag* and therefore were able to vote through an anti-nuclear power alternative they would prefer. The Centre Party found this inconvenient because the party would

necessarily be identified with the anti-nuclear alternative and a badly formulated alternative was feared to lead to an electoral defeat. For these reasons, Centre Party insisted on its right to formulate its own alternative, which, respectively, meant that the other parties had a similar right.

In March 1980, when the referendum took place, there were six functioning nuclear power plants in Sweden. Four others were ready but not working and two more under construction. The agenda of the referendum was agreed upon within the party leaders of five parliamentary parties. The referendum was framed as a choice between three alternative policy outcomes (*ett linjeval*). The alternative 1) was put forward by the Moderates, the alternative 2) by the Social Democrats and the Liberals, and the alternative 3) by the Centre and the Communists. The alternatives put forward to Swedish voters were the following:

1) The old Energy Bill will be carried out, and those nuclear power reactors now under construction will be completed but no reactors will be built. The reactors will be phased out on the basis of security reasons at the end of their working lives.

2) This alternative was similar to the alternative 1), but it also called for research on renewable energy sources, security control at the existing nuclear power plants and the state ownership of all important energy-producing plants in the future.

3) No more reactors will be built, and those in operation will be phased out within a period of no more than 10 years. More resources will be invested in the research on renewable energy and possibilities of energy-saving.⁴

The slogan 'Energy for Sweden' (*Energi för Sverige*) was used to campaign for the first alternative, 'Abolish Nuclear Power! But with Reason!' (*Avveckla kärnkraften! Men med förnuft!*) for the second alternative, and 'Nuclear power? No thanks' (*Atomkraft? Nej*

tack) for the third. These slogans supported the impression that the second alternative was campaigned as a compromising one. The apparent reason why there were two yes-alternatives with similar contents in terms of the nuclear power issue was that the Social Democrats and Conservatives could not get into an agreement on the question of nationalisation of energy production. The Conservatives saw the question purely in terms of the problems the nuclear energy may cause for the future generations, and the Social Democrats did not give any concessions on the issue of state-control.

Another interpretation for the two similar alternatives, especially given by the no-side, was that this was a strategy chosen by the yes-parties in order to maximize the overall support to the yes-side, so that undecided and anti-nuclear power Social Democratic and Liberals would be persuaded to vote for the alternative 2) which was framed 'softer' and less pro-nuclear power than the first alternative. Especially the Social Democrat strategy of presenting the second alternative as a mediating one was considered to be quite aggravating - especially when at the same time it was generally interpreted that votes for the first and the second alternative should be counted together. According to opinion polls, the pro-nuclear power position, in fact, increased its support after the question was put to the people terms of three alternatives rather than two (Little 1980). Each proposal was allocated a campaign fund, and the way in which this was done supports the interpretation of two factual alternatives: the alternative 1) received 8 million kronor, the alternative 2) 10 million kronor and the alternative 3) as much as the two other altogether, in other words, 18 million kronor. This was explained by the higher administrative costs caused by the involvement of two parties rather than one, but clearly shows that the first two alternatives were interpreted substantially to be one yes-

alternative. (Little 1982, 7.)

After the definition of the three alternatives to be voted upon, started the controversy on the interpretation of the results of the three-alternative referendum. The debate did not, obviously, lead to any consensus among the parties. The Prime Minister and the leader of the Centre Party Fälldin took the commonly held position that votes for the first and the second alternatives should be counted together. Surprisingly, the chairman of the national campaign committee for the second alternative considered that if none of the proposals received an absolute majority, but the second and the third alternatives together did, the immediate shutdown of all nuclear power stations would follow. The Social Democrat leader Olof Palme, on the other hand, maintained that if none of the proposals will achieve an absolute majority the second alternative should be implemented, even if alternative 1) gets 49% of the vote, alternative 3) 49% and alternative 2) only 2%, because the alternative 2) was a mediating one. Even this ambiguity of the interpretation of the results among the supporters of the alternative 2) may be seen as a strategy to frame their alternative as a mediating one and more anti-nuclear as the alternative 1).

(Little 1982, 8.)

The turnout in the referendum was relatively low in Swedish standards, only 75 %, and the support for each alternative was as follows:

Line 1): 18.7%
Line 2): 39.3%
Line 3): 38.6%.
spoiled papers 3.4%.

This result was interpreted for example by Swedish radio that the yes-side gained 58% of votes and the no-side 38.6%. This interpretation was overwhelmingly dominant in the media and among the political elite. Right after the referendum the *Riksdag* made the decision, following the alternatives 1) and 2) of the referendum, that those nuclear power plants currently under construction will be completed but no more nuclear power plants will be constructed and the existing ones will be closed down by 2010. More recently, however, when alternative energy resources do not seem to be sufficient to compensate the nuclear energy, the idea of extending the use of the existing reactors has gained more and more support.

The three-alternative set-up of the referendum was a reason for much confusion. In social choice terms, it is possible to ask whether the alternative 2) was irrelevant because it did not differ from the alternative 1) with respect to the main question. The explanation given by the political parties that the referendum was 'ett linjeval', choosing between different policy programmes, does not seem very convincing. The three-alternative format was a result of party-political interests: none of the parties wanted to be identified with an alternative formulated by their rivals, and also the outcome-maximizing strategy of the Social Democratic and the Liberal Parties which wanted to frame their alternative less-pro-nuclear power than the alternative 1). From the procedural point of view the arguments put forward by the no-side against the idea of having two yes-alternatives were quite legitimate. If there were three separate alternatives put forward in the ballot paper they should be considered as separate also when the votes are counted. For example the interpretation of the result given by the Swedish Radio implies that the choice was, *de facto*, between two mutually exclusive alternatives, yes and no, and the

rest of the question-setting was more or less political tactics.

In the Swedish referendum, the problems of interpretation of the result were not as big as they could have been because, in addition that the 'yes'-alternatives gained the majority, also the alternative 2) got the plurality of the votes. The situation would have been much more complicated if the alternative 3) had got the plurality, but not the absolute majority of the votes, because then there had been two alternatives claimed to be the legitimate winner. In sum, having a referendum with three alternatives and not agreeing on the criterion for the winner in advance is a bizarre way of manoeuvring, especially when two of the alternatives had almost the same contents. The consequence of this was, like in 1957, the devaluation of the referendum institution among the Swedish electorate.

This is confirmed by the survey results of Holmberg and Asp (1984, 539-541), according to which the majority of 51% of the Swedish voters were unhappy with the way in which the referendum was organised (the sample size, n=1529). The dissatisfaction was, not surprisingly, largest among the supporters of the alternative 3) and lowest among the supporters of the alternative 2): 67% of the supporters of the alternative 3) were not satisfied with the way in which the referendum was organised, compared for example 58% of the supporters of the alternative 1) and 41% of the alternative 2). At the same time, the supporters of the alternative 3) were the most positive about the referendum in principle, 60% of them thought that it was good that there was a nuclear power referendum, compared to 22% of the supporters of the alternative 1), and 30% of the alternative 2) (n=1558). These results were more or less the same in the surveys made

before and after the referendum.

It was difficult to reach a stable political decision or, using the social choice terminology, determine a majority winner in the nuclear power issue, because questions like the exact number of the reactors and the governmental control over energy production were involved in debate on the issue. The strict commitment of the Centre Party to the anti-nuclear power position, which paralysed the cooperation between the Bourgeois Parties, and the internal division of the Social Democratic Party were, however, the most important reasons for the instability. The referendum result may have been in many ways be arbitrary, but yet, it is likely that the result was more stable than any decision made in the parliament. However, recently the issue has become more disputable again, and even the idea of a new referendum has been put forward by the Swedish Labour Organisation (LO).

Although the implications of the referendum on the Swedish energy policy have not proved to be straightforward, one aim of the referendum was, however, achieved: the nuclear power issue was more or less removed from the political agenda after the referendum, although right after the referendum the supporters of the alternative 3) insisted on carrying on action. As Ruin (1996) puts this, in Sweden the referendum has been an instrument for defusing political issues. On the other hand, one may argue that the reason why the nuclear power issue disappeared from the political agenda was the exhaustion of the Swedish public: the Swedes were simply fed up with the nuclear power issue after the fierce political struggle which lasted almost for ten years. (Holmberg and Asp 1984, 14.)

Despite the fact that the referendum option was used as a party-political tactics, and that the interpretation of the result was ambiguous, it may be argued that the referendum was a very good example on how the referendum increases people's participation and level of understanding in politics. Therefore, it served the ideals of participatory and deliberatory theories of democracy. Holmberg and Asp (1984, 203-210) point out that the referendum campaign was the focal point of the nuclear power debate which lasted for most of the decade. Their survey (n=1548) shows, for example, that as many as 40% of the Swedish electors participated in informal discussions on the issue, 20% in different public meetings, 12% of them wore a campaign pin showing support to one of the alternatives, and 18% propagated their own views to the others. The supporters of the alternative 3) were especially active during the campaign. Holmberg and Asp conclude that, although the voters' knowledge on the technical aspects of the nuclear power issue was quite low, most of the voters had quite consistent opinions on the issue and were able to vote accordingly. However, contrary to the ideas of the participatory theory of democracy, the nuclear power campaign rather decreased than increased the public interest in the politics, and nuclear power especially. The reasons for this negative outcome may have been that the adversary referendum campaign exhausted people's interest in the nuclear power debate, and that the agenda-manipulation by the political parties caused devaluation of the referendum.

Notes

1 Laver and Hunt (1992) analyze the most important issue dimensions in western democracies. The analysis is based on country experts' opinions. Laver and Hunt assess the locations of the parties on certain issue dimensions and also the salience of the issues for each party. Their analysis shows that environmentalism-economic growth issue, of which the nuclear power issue is one element, was very salient most of the Swedish parties. This supports the analysis of the Swedish electoral politics and government-formation in the 1970s as a two-dimensional game. The environmentalism issue was salient especially for the Centre Party whereas the other Bourgeois parties were more concerned about the economic issues

2 The Centre Party had adopted an anti-nuclear stance at the party congress in 1973. This was shortly after followed by the communists.

3 Strøm (1990) argues that the parties seek votes, office and policies. He also points out that there are many possible trade-offs and contradictions between these goals. The Centre Party's vote-maximizing strategy, ie. commitment to the phase-out of nuclear power, may therefore be seen as a failure in terms of governmental office, because it did not leave room for bargaining within the governmental coalition. The breakdown of the Bourgeois coalition government in 1978 has been analyzed by Lewin (1984) as a Chicken-game in which the Centre Party makes a pre-commitment to non-cooperation.

4 More accurately, the alternatives were as follows:

Referendum on the issue of nuclear power

There are now six working nuclear power plants in Sweden. Furthermore, four reactors are ready and two under construction. *Riksdag* has decided that a referendum on the role of nuclear power in the future's energy supply will be held in 23 of March 1980. The referendum deals with three different proposals.

(And then, alternatively:)

I vote for the proposal number

1) Nuclear power will be abolished in the pace which is possible considering the demand for electricity needed for maintaining employment and welfare. Among other reasons, in order to diminish the dependency on oil and while awaiting renewable energy resources will at most the 12 nuclear power plants which now are working, ready or under construction be used. No more nuclear power plants will be built. Security reasons will be decisive for the order in which the reactors will be phased out.

I vote for the proposal number

2) Nuclear power will be abolished in the pace which is possible considering the demand for electricity needed for maintaining employment and welfare. Among other reasons, in order to diminish the dependency on oil and while awaiting renewable energy resources will at most the 12 nuclear power plants which now are working, ready or under construction be used. No more nuclear power plants will be built. Security reasons will be decisive for the order in which the reactors will be phased out.

Economical use of energy will be strongly pursued and further stimulated. The weakest groups of the society will be protected. Action will be taken in order to control the consumption of electricity, for example ban the direct electric heating of new buildings.

Research and development on renewable sources of energy will be carried out under the control of the society.

Efforts for improving environmental standards and security at the nuclear power plants will be made. A particular security investigation will be undertaken for each reactor. In order to increase citizens' control a local security committee will be established for each nuclear power plant.

The energy production by oil and coal power plants will be avoided.

The society will have the main responsibility for the production and the distribution of electric power. Nuclear power and other significant future electricity production plants will be owned by the state and the community. Profits from hydroenergy production will be withdrawn by taxation.

I vote for the proposal number

3) NO for continuing construction of nuclear power.

The currently functioning nuclear power plants will be phased out within at most ten years. A plan for diminishing dependency on oil will be made by choosing between

- continuing and intensifying energy saving
- intensively increasing investment on renewable energy sources

Stricter security norms will be imposed on functioning reactors. Reactors which are not yet charged will never be used.

The mining of uranium will not be allowed in our country.

If the current or a future security analysis so require, this alternative calls evidently for the immediate closure of nuclear power plants.

Activity against the nuclear proliferation and nuclear weapons will be intensified. No processing is allowed and the export of reactors and reactor technology will be terminated.

Employment will be increased by alternative production of energy, more effective energy economy and increasing the development of resources.

6. Denmark - Referendums on European Integration

6.1 History of Danish Referendums

The adoption of the referendum in the Danish Constitution was first advocated by the Social Democratic Party which mentioned the referendum in its party programme as far back as in 1876. After the introduction of the parliamentary form of government in 1901 and throughout the first half of this century, the political left, the Social Democrats and the Radical Liberals (*Det radikale Venstre*), promoted the institution. The Social Democrats supported the referendum as a radical measure combined with the popular initiative, and the Radical Liberals promoted the referendum on the most important issues, especially on constitutional amendments, and also the popular initiative. In 1915, the mandatory constitutional referendum was adopted as a result of a compromise between the Radical Liberals who based their arguments on the idea of popular sovereignty and the Conservatives (*Højre*) who required protection for minorities. The provision for the mandatory constitutional referendum was essentially the same as today: the amendments to the Constitution needed to be submitted to a referendum and required the support of the majority of the votes cast of and 45 % of the eligible voters (in 1953 the threshold was lowered to 40%). Before the 1915 reform, the constitutional *status quo* was protected by the requirement of the support of the majority for the constitutional amendments in two subsequent parliaments. (Suksi 1993, 183-186; Svensson 1996, 34-35.)

The first referendum in Denmark was held in 1916 on the issue whether or not Denmark should sell the Danish West Indies to the United States. This proposal was voted in a *consultative* referendum, in other words, the referendum was not held under the constitutional provision adopted in 1915. The turnout was only 37.4% and 64.2% of the voters voted 'yes' (Svensson 1996). The second referendum in Danish history was held in September 1920 upon constitutional reforms. Because the Social Democrats were not satisfied with the extent of the reforms, they recommended for their supporters to abstain from the polls. The party's supporters seemed to follow the recommendation, because the turnout was just 49.6%. However, 96.9% of those who turned out to the polls voted 'yes', which made a narrow winning total, 47.6% of the total electorate, which was just more than the 45% threshold of the 1915 Constitution.

In the 1930s the Social Democrats and the Radical Liberals, both of which still promoted more extensive use of referendums, had gained a majority in both chambers of the parliament, *Rigsdag*. These parties supported a parliamentary reform in which the Upper House of the parliament, *Landsting*, would be abolished. At the same time the Conservatives, who were concerned about the protection of the minority interests after the parliamentary reform, had begun to consider the referendum as a realistic substitute for the *Landsting*. As a compromise, the Social Democrats, the Radical Liberals and the Conservatives put forward a constitutional proposal for the legislative referendum, according to which either 2/5 of the MPs, or 1/3 of the MPs supported by 10% of the electorate could initiate a law-controlling referendum on bills passed by the parliamentary majority. In order to be repealed, the majority of the voters and 35% of the

electorate should vote against the law. After these constitutional changes had been approved in the *Rigsdag*, they were submitted to the constitutional referendum in May 1939. The Liberals (*Venstre*) advised their supporters to abstain from the vote (like the Social Democrats did in 1920), and the constitutional changes were defeated because only 44.46% of the whole electorate supported the proposal, which was below the 45% requirement of the 1915 Constitution. Of those who turned out to polls 91.9% voted 'yes' and thus the defeat may be explained by the low turnout, 48.9%. (Suksi 1993, 183-186.)

After World War II there was a new attempt to change the Constitution so that the *Rigsdag* would be replaced by a unicameral parliament, the *Folketing*, and the referendum. The idea of law-controlling referendums as a substitute for the *Landsting* was promoted by the Liberals and the Conservatives who formed a coalition government between 1950 and 1953. Also the Radical Liberals supported this for ideological and strategic reasons. The Social Democrats accepted the institution in front of the united Bourgeois parties, but tried to make it as weak as possible by requiring the threshold of no-voters of the total electorate as high as possible. The reasoning behind this was that now the Social Democrats believed that the law-controlling referendums were directed against their reform policies. The new Constitution was approved in the referendum in May 1953, in which 78.8% of the voters approved the new Constitution. The turnout was 59.1%, which means that 45.8% of the whole electorate voted for the new Constitution, which was just above the threshold. In 1953, simultaneously with the referendum on the new Constitution, there was a referendum on voting age as a result of which the voting age was lowered from 25 years to 23 years. (Suksi 1993, 183-186; Rasmussen 1996, 18-

23.)

In the 1953 Constitution, there were four different sections concerning the referendum, which still today regulate the use of the referendums in Denmark. There is a provision for *mandatory constitutional referendums (Section 88)*: a constitutional amendment requires the approval of the majority of *Folketing* and the support of 40 % of the total electorate (as mentioned before, until 1953 the threshold was 45%). Secondly, the *rejective (suspensive) legislative referendum (Section 42)* is used when one third of the members of the *Folketing* make a request to the prime minister to subject the bill to a referendum within three working days from the final approval of the bill. If the majority of the *Folketing* does not withdraw the bill, a majority of the votes and 30% of the total electorate is required to reject the bill in a referendum. Measures of a number of areas cannot be submitted to a referendum (for example, finance, governmental loans, salaries and pensions, direct and indirect taxes).

Thirdly, there is a provision for a referendum on *transfer of national powers to international authorities (Section 20)*: majority of 5/6 is required in the *Folketing* or an ordinary majority and the submission of the bill to the voters. In the referendum, like in the rejective legislative referendum, a majority of the votes and 30% of the total electorate is required to reject the bill. This provision was adopted partially in anticipation of the Danish entry to the European Common Market. Fourthly, the Constitution (*Section 29*) requires that laws on changing the *voting age* must be submitted to the referendum. The fifth possible type of the referendum, a consultative *ad*

hoc referendum may be initiated by the parliamentary majority, although this is not constitutionally regulated. (Suksi 1993, 183-186, 194; Miller 1982, 58, Svensson 1996, 34-36.)

The 1953 Constitution framed the referendum as a check on legislative and constitutional changes and a device for the protection of the popular minorities. This is particularly obvious in the referendums on transfer of national powers to international authorities and in law-controlling legislative referendums, which are clearly framed as a veto by parliamentary minorities. Also, the mandatory constitutional referendums are a *pro-status-quo* institutions and therefore anti-majoritarian. The *pro-status-quo* character of the referendum in 1953 Constitution may be explained by the fact that the Conservatives and the Liberals, which are not otherwise very pro-direct-democracy in their ideological outlook, now considered the referendum as a corrective institution with respect to representative decision-making. (Suksi 1993, 183-186.)

More recently, in their electoral campaign in 1988, the Radical Liberals promoted a constitutional reform with more extensive use of referendums, although the party did not attempt to carry out these reforms during its participation in the government in 1988-90. Furthermore, the opposition parties in the left, the Socialist People's Party, and in the right, the Progress Party (*Fremskridtpartiet*), have expressed their support for more referendums. The Progress Party has also been the most active promoter of the suspensive referendums since its breakthrough into the politics in 1973. According to Svensson, these demands express more anti-elitist sentiments of the alienated groups of

the society rather than genuine demand for further democratisation of the Constitution. (Rasmussen 1996, 130-135; Svensson 1996, 36, 49-50.)

The referendums held under the 1953 Constitution have dealt with three broad types of issues, land use, voting age, and European integration. The referendums on European integration will be analysed in the following section. The table 6.1 displays all 10 referendums held in Denmark since 1945. The letters in the brackets refer to the constitutional status of the referendum: M stands for mandatory referendum, R for rejective (suspensive) referendum, T for transfer of powers, and O for *ad hoc* (optional) referendums. The referendums on transfer of national powers to supranational organisations may be considered to be suspensive (non-mandatory or facultative). However, because the 5/6 majority in the *Folketing* is quite difficult to achieve, the referendum is, in fact, quite 'mandatory' in character. (Suksi 1993, 205.)

Table 6.1 Danish Referendums since 1945:

Year	Issue	yes-votes	turnout	yes-votes of the electorate
1953	New Constitution (M)	78.4	59.1	45.8
				no-votes of the electorate
	Voting Age lowered from 25 to 23 or 21 (M) ¹	54.6	57.1	n.a. ²
1961	Voting Age lowered from 23 to 21 (M)	55.0	37.3	n.a.
1963	Approval of agricultural acquisition law (R)	38.4	73.0	44.5
	Approval of state small-holders law (R)	38.6	73.0	44.3
	Approval of municipal purchase rights (R)	39.6	73.0	43.6
	Approval of nature conservation law (R)	42.6	73.0	41.5
1969	Voting age lowered from 21 to 18 (M)	21.2	63.6	n.a.
1971	Voting age lowered from 21 to 20 (M)	56.5	83.2	n.a.
1972	Joining EEC (T)	63.3	90.1	32.9
1978	Voting Age lowered from 20 to 18 (M)	53.9	63.4	n.a.
1986	Single European Act (O)	56.2	74.8	n.a.
1992	Maastricht Treaty (T)	49.3	83.1	41.7
1993	Maastricht Treaty (T)	56.7	86.5	n.a.

¹ yes-alternative means support for 23 years, no-alternative support for 21 years

² n.a. means means that the requirement for a minimum share of no-votes of the total electorate did not apply to the referendum in question

(Source: Svensson 1996, 39)

So far there have been no referendums under the *Section 88* of 1953 Constitution providing for the mandatory constitutional referendum. The first referendum under the new Constitution held in 1961 dealt with voting age. In this referendum, the voting age was lowered from 23 to 21 years. Later on, there have been three other referendums on the voting age: in 1969, 1971 and 1978 (see the table 6.1). In 1969 the majority of voters rejected the proposal to lower the voting age from 21 to 18. Two years later, the voting age was lowered from 21 to 20 years, and in 1978 the voting age was finally lowered from 20 to the current 18 years.

The referendum in 1963 was held on a more politically divisive issue: public regulation

of the land use. The referendum in 1963 has remained the only occasion of the application of the suspensive referendum under the *section 42* of the Constitution. The ruling coalition government between the Social Democrats and Radical Liberals put forward a legislative programme to cope with the problems of rapidly rising land prices and purchases of Danish land by foreigners before the expected entry to the European Common Market. These laws would have increased the public regulation of private property, which the Bourgeois parties found unacceptable. The referendum was initiated by the parliamentary minority consisting of the Liberal and the Conservative members of the *Folketing*, and it was required against four laws passed in the *Folketing*. All four laws were rejected in the referendum by the negative majorities ranging from 57.5 % to 61.6%, and the turnout was as high as 73%, which meant that clearly more than the required 30% of the total electorate voted against the laws. This proves that the rejective referendum may protect the minority interests and also be corrective with respect to the misrepresentations of the public opinion. However, the requirement of 1/3 of the members of the *Folketing* has proven to be quite difficult for small parties to overcome. As Svensson has described, the protection of minorities offered by suspensive referendums applies only to a minority of a substantial size. (Miller 1982, 59-60; Svensson 1996, 44-51.)

6.2 Preceding Referendums on European Integration

It has become common to submit the issues related to the European integration process to referendums. So far, the Western European countries have experienced 16 referendums

on issues related to EEC/EU and two referendums on European Economic Area. Five of these referendums have been held in the 1970s, three in the 1980s, and eight in the 1990s. Denmark has held four referendums on the European integration. The first one took place in Autumn 1972, and it was about Danish membership in the EEC. The referendum was held under the *Article 20* of the 1953 Constitution. This means that it was a referendum on delegation of national sovereignty to supranational organisations and, therefore, it was a binding referendum, and, depending on the interpretation, suspensive or mandatory.

Interestingly enough, the main political parties decided to hold the referendum despite the support of the membership in the *Folketing*. As mentioned earlier, according to the Danish Constitution, the membership agreement should either be passed by 5/6 of the members of the *Folketing*, or the majority of the *Folketing* and then submitted to a referendum. The Social Democratic Party, however, took a position that the referendum should be held regardless of the support achieved in the *Folketing*. Already in May 1971 a central Social Democratic politician (Per Hækkerup) suggested an advisory referendum on the membership issue before the vote in the *Folketing*. The reason behind this suggestion was clear party-political tactics: the EEC issue was feared to cause the Social Democratic Party a loss of votes to the anti-EEC Socialist People's Party in the election in the Autumn 1971, because the rank-and-file supporters of the Social Democrats were divided on the membership issue. Also, it was quite clear that the 5/6 majority would not be achieved in the *Folketing* to be elected, and hence the referendum would take place anyway, so there was no reason for not using the referendum also to remove the issue from the electoral agenda. (Petersen & Elklit 1973.)

Later on in spring 1971, the Social Democratic Party more officially demanded a binding referendum after the parliamentary vote regardless of whether the 5/6 majority was achieved. This proposal was agreed by the Radical Liberals and more reluctantly also by other Bourgeois Parties, and was passed in the parliament already during the spring 1971. By referring to the coming referendum, the Social Democrats tried to remove the membership question from the agenda of the election in September 1971, and thus not to be identified with the pro-membership position. Also the Radical Liberals were internally divided on the issue, which explains their support to the Social Democratic proposal. (Petersen & Elklit 1973, 198-213; Svensson 1996, 40-41.) The Social Democrats were only partially successful in their strategy: the party increased its share of the popular vote from 34.2% in 1968 to 37.3%, but its main rival on the anti-EEC side, the Socialist People's Party, also gained support moving from 6.1% to 9.1% of the total vote. However, a minority Social Democratic government was formed after the election. (Miljan 1977, 181-189.)

Later on, the timing of the referendum turned out to be a political issue. The supporters of the membership wanted to hold the referendum before the Norwegian membership referendum, whereas the opponents wanted to vote after Norwegians who, according to the opinion polls, seemed to be more reluctant to join the EEC than the Danes. The idea was to bring about a similar bandwagon or domino effect as in the Nordic referendums on EU-membership in 1994. This confirms, again, that the governments may try to manipulate referendums by using the information provided by the opinion polls. To the disappointment of the supporters of the membership in both countries, the Social

Democratic minority government decided to let Norwegians vote first - perhaps to calm down the opponents of the membership, especially when the Social Democratic government was dependent on the support of the Socialist People's Party in the *Folketing*. (Petersen & Elklit 1973.)

In the parliamentary vote in December 1971 on the authorization of the government to sign the Treaty of Accession, 141 MPs voted for, 32 against and 2 abstained. This result did not fulfil the 5/6 requirement and therefore the referendum was, as expected, also a constitutional necessity. The turnout of the referendum was 90,1%, highest ever in the Danish history, and 63,4 % of the voters voted for the membership, which was 57% of the total electorate. It must be pointed out that although 30% of the total electorate voted against the bill, it was approved because the other constitutional condition for the rejection of the bill, the majority of no-votes, was not achieved.

In the 1972 referendum, like in the following referendums on European integration, the main argument for the membership was based on the possible economic advantages of the membership, and the main argument against the membership expressed the fear of the loss of political sovereignty. As the outcome of the referendum reveals, the 'economic logic' overweighed the political arguments. Already in this referendum, like in the other referendums on the integration issue later on, there was a confrontation between the main parties and the political and economic elites on one hand, and social organisations, the radical left and grass-root movements on the other hand.

The difference between the opinions of the elites and the public is also confirmed by the comparison of the more than 80% parliamentary support of the membership to the popular support which was just 63%. This may be explained by the fact that the rank-and-file of the Social Democrats and the Radical Liberals remained divided on the issue. (Svensson 1996, 40-42.) This situation confirms the arguments put forward in the *Chapter 2* that even fairly proportional representative systems may distort the majority will in multi-issue elections. Furthermore, the 1972 referendum shows that the referendum may actually be used by political parties to separate issues from the electoral agenda and thus preventing them from influencing electors' choices. In fact, it may be argued that the pro-European composition of the *Folketing* in 1972 was, to certain extent, a result of an intentional strategy by the Social Democrats to prevent voters' alignments based on the integration issue.

The second referendum on European integration in 1986 was about the *Single European Act*. This was, interestingly enough, a consultative and advisory referendum and not held under any specific constitutional provision. *Single European Act* (SEA) changed the division of powers between European institutions so that it gave up more powers to the European Parliament and the Commission compared to the Council of Ministers. At the negotiation stage, the Danish view had been that the Council of Ministers should remain as the key actor in European decision-making. The advisory referendum was called by the Prime Minister Poul Schlüter leading a minority government, because its proposal to accept the *Single European Act* was rejected by the majority of the *Folketing*. The majority consisted of Social Democrats, Radical Liberals, Socialist People's Party and

Left Socialists. During the campaign the Prime Minister assured the Danish electorate that 'The political union is stone-dead' - a statement which was often repeated especially during the 1992 referendum campaign (Siune 1992, 98). In the referendum of February 1986 56.2% of the voters voted in favour of the *Single European Act* and 43.8% against. The Radical Liberal and Social Democratic parliamentary groups committed themselves to follow the result of the referendum. As a result of the referendum the Social Democrats revised their policies to more pro-European direction and also Danish European policy took generally a more active form, especially in the so-called social dimension (Borre 1986; Petersen 1995, 198-204).

It must be pointed out that although the 5/6 parliamentary majority upon the delegation of national powers is rather drastic, the popular *support* needed in the referendum on these issues is lower than in constitutional amendments. This fact has been important because in the 1972, 1992 and 1993 referendums on European integration the interpretation of the Constitution has been contentious. Those against the new integration treaties have argued that the issues in these referendums were constitutional, which would have raised the procedural hurdle of the ratification of the treaties. Furthermore, the *Single European Act* was interpreted by the opposition to be a question of transfer of national powers rather than an issue to be solved in a consultative referendum. In the absence of an independent constitutional court, the interpretation of the Constitution has remained politically contentious even after the referendums. In fact, after the 1993 referendum, a question of the judicial basis of the referendum was made to a Danish court. (Siune 1994, 32.) For example in Ireland all referendums on European integration

(membership in 1972, the Single European Act in 1986, and the Maastricht Treaty in 1992) have been constitutional. The referendums in 1972 and 1992 were based on a parliamentary decision, and in 1987 the Supreme Court made the decision that the *Single European Act* was in contradiction with the Irish Constitution. (Gallagher 1996, 91.)

6.3 Referendums in 1992 and 1993

The third and fourth Danish referendums on the European integration were fundamentally about the same issue: the acceptance of the Treaty on European Union. The treaty was a result of one-year negotiations between the European governments, and the final agreement was reached in Maastricht in December 1991. The goal of the Maastricht Treaty was to create a European political union with integrated political and economic system. The Treaty included various elements, such as building up a European Monetary Union (EMU), European citizenship and new social dimension. The Treaty also implied changes in Union's decision-making rules: the cases for the unanimity rule and for the extended use of majority rule were defined. In many respects the Maastricht Treaty went far beyond the Danish visions of the future of European integration, especially the ideas of political union with the increase of the powers of the Parliament and the Commission, common foreign and security policies and the EMU, although in the final draft of the Treaty Denmark got a special protocol on the EMU allowing it to have a referendum on the issue and hence not finally committing to it. (Petersen 1995, 206.)

The majority of close to 80% of the members of the *Folketing* supported the Treaty in the

parliamentary readings. This was not, however, enough to avoid a referendum because of the constitutional requirement of 5/6 majority in the *Folketing* in the issues concerning transfer of national powers to international organizations. In the parliamentary vote, only Socialist People's Party and The Progress Party voted against the Treaty. These parties also recommended their supporters to vote 'no' in the referendum. All the main parties, the Conservatives, most eagerly the Liberals, the Radical Liberals and the Social Democrats campaigned for the Maastricht Treaty. However, it was known that especially a significant proportion of the Social Democratic voters were against the Treaty .

Yet, in the referendum in June 1992 the majority of 50.7% against 49.3% of the voters voted against the Maastricht Treaty, and the turnout was 83.1%.¹ The rejection of the Treaty thus followed from two facts: there were more 'no' votes than 'yes'-votes, and 30% of the total electorate voted against the Treaty. The share of the no-voters was largest among the supporters of the anti-integration parties, the Socialist People's Party and the Progress Party, but also more than 60% of the supporters of the Social Democrats voted against the Treaty (Siune 1993). Furthermore, in this referendum the gap between the parliamentary and the public opinion was wider than ever before, which may, again, be explained by the fact that integration has not become a salient issue in the elections because of the frequent referendums on the issue. There has not been an increase in the support to the anti-integration parties, which have tried to raise the integration issue on the political agenda. On the other hand, the under-representation of the anti-integration opinion in the *Folketing* has been, to certain extent, corrected by the referendums. (Borre 1986.)

After the referendum the anti-unionists demanded that the result of the referendum should be respected and that the government should inform the other member states of Denmark's inability to ratify the Treaty. The pro-unionists feared that this solution would imperil the integration process and lead Denmark's isolation. (Petersen 1995, 209.) The Danish government faced a dilemma: how to find a solution which would keep Denmark in the EU, and which would please both the other EU governments and the Danish electorate. A period of reflections and negotiations followed. The solution was the 'National Compromise', the programme called 'Denmark in Europe', which was agreed upon between seven parliamentary parties - only the Progress Party was not involved. The compromise was initiated by the Socialist People's Party, originally anti-integration in its outlook. The document 'Denmark in Europe' was formulated together with the other opposition parties, the Social Democrats and the Radical Liberals, and the government agreed with it.

The document included four exemptions from the full participation in the European Union: (1) Denmark does not participate in the common defence policy, in other words, it does not become a member of west European Union; (2) Denmark does not participate in the third stage of the European Monetary Union, the single currency and the economic policy obligations related to it; (3) Denmark is not committed to the creation of Union citizenship; (4) Denmark maintains its sovereignty in the areas of justice and police affairs. The document also included demands for more subsidiarity and openness in decision-making. (Svensson 1994, 71-72, Siune & al. 1994, 107-108, Petersen 1995, 217.)

This document was presented to other EU governments before the summit in Edinburgh in December 1992. After days of negotiations, the heads of the European governments approved most of the demands of the document '*Denmark in Europe*'; Denmark was given the right to abstain from the four areas of integration mentioned above. Also the other issues raised by the Danish government, subsidiarity, openness and the enlargement of the community, were covered in the conclusions. In the Danish media, the results of the Edinburgh summit were presented as a great victory for the Danes, although the concessions mainly concerned policies which were not implemented immediately anyway. Some international observers considered the Danish 'victory' in the negotiations as a 'smart illusion' (Reuters, 20th December; quoted by Siune & al. 1994, 25). The outcome of the negotiations was, however, accepted by three opposition parties - the Social Democrats, the Radical Liberals and also the Socialist People's Party, which formerly was on the no-side. Now only the Progress Party remained in the opposition to the Treaty. As a reaction to the success in Edinburgh, also the public opinion turned out to be favourable to the 'new' Maastricht Treaty. (Svensson 1994, 72.)

A less than a year after the first referendum, in May 1993, Danes went to polls again on the Maastricht Treaty, now amended with the concessions made in Edinburgh. The referendum was held despite the fact that the Edinburgh Agreement was actually approved by the sufficient five-sixths majority in *Folketing*. It was, however, considered to be politically necessary to hold the referendum on the issue. A special law on an optional and binding referendum was now constructed by combining the constitutional

Articles 19 and 42 (Svensson 1996, 39). The result of the 1993 referendum was that 56.7% of the voters voted 'yes' against 43.2% who voted 'no'. The turnout was somewhat higher than in the 1992 referendum, 86.5%.

This result raises several questions of the reasons of the different outcomes in the two referendums: Is it possible to explain the change in the voting pattern by the larger turnout in the latter referendum? Did the Danes simply change more positive about the integration process between 1992 and 1993? Was the Edinburgh Agreement the reason for the more positive vote, and to what extent the Danish electorate interpreted the agreement as a substantial change in the nature of the issue? If the substantial content of the Edinburgh Agreement was not the reason for the shift in the opinions, were those Danish voters who changed their minds simply irrational or vulnerable to the political pressure and manipulation by, this time even more united, political elites? (See also Svensson 1994, 69.)²

The difference between the results of the two referendum cannot be explained just by the larger turnout. Siune & al. (1994) found out in their survey that approximately 10% of the voters who voted 'no' in the first referendum actually changed their minds and voted 'yes' in the second referendum, compared to 2% of yes-voters who turned to 'no' (n=948). The ecological analysis shows a few differences in the voting behaviour of the two referendums. First, women turned towards 'yes' more strongly than men, which diminished the differences between the genders - in the 1992 referendum 53% of men and 46% women voted 'yes' compared to 61% of men and 56% of women in the 1993

referendum. Second, young voters were more stable in their voting behaviour than old voters. Third, and perhaps most interestingly, those who were the least interested in politics were the most prone to change their minds between the referendums.³ This may be explained by the fact that this group was probably the most receptive to the argumentation of the political elites of the hazardous consequences if the Danes voted 'no' for a second time. (Siune & al. 1994, 95, 110, 124-125.)

Siune & al. (1994, 113) argue that the difference in the voting behaviour between the two referendums was not due to the changes in the attitudes toward the European integration. Throughout the European integration process, the Danish electorate has been quite consistent in what it sees favourable and what unfavourable in it. In general, the economic integration, apart from the single European currency, has been popular among the Danes, whereas the idea of political union with common security policy and citizenship has been fairly unpopular. The difference between the 1992 campaign and the earlier campaigns in 1972 and in 1986 was that now the EU was not presented only as an economic community but also as a political union, and the Treaty was considered as a stage in the development towards federal Europe. In this situation, voters' perception was that they choose between economic benefits and the sovereignty of the state.

The substantial content of the Edinburgh Agreement does not seem to provide a fully satisfactory explanation for the change in the opinions either. Siune & al. (1994, 108) conclude that 33% of all voters found that the Edinburgh Agreement did not include anything new. Of those who voted 'no' in both referendums 51% thought that the

Edinburgh Agreement did not make any difference in the policies, 24% of the yes-voters did so, and as many as 20% of those who changed their mind from 'no' to 'yes'. This means that at least 20% of those who changed their minds did so for other reasons than the substantial contents of the Edinburgh Agreement.⁴

Siune & al. (1994) argue that a crucial explanation for the change of opinion was how the issue was framed by the media and the political elites. Because of the complexity of the issue, the electors were quite receptive and more dependent on the interpretations and opinions given by the political elites (politicians, business and trade union leaders) and the media (journalists). One major difference between the campaigns of 1992 and 1993 was, which dimensions of the integration issue were emphasized. Compared to the campaign of 1992, in the 1993 campaign the emphasis was in the issues to which the Danes had a more positive attitude. For example, the awareness of the social dimension was reinforced in the 1993 campaign compared to the 1992 campaign. Also, the issues of the Economic Monetary Union and the Single Currency were detached from the campaign agenda because of the Edinburgh Agreement.

The difference between the two referendum campaigns may also be characterized so that in the second one the most controversial dimensions of the Maastricht Treaty were not discussed, and the decision-making on them was postponed to the future. It was a matter of controversy what the real implications of the opt-outs achieved in Edinburgh are, because all these issues were not that much about immediate political reforms but about future developments which have not been fulfilled so far. Very much will depend on the

other developments in European integration. Petersen (1994, 219) argues: "Compared to the situation in late 1992, the implications of the Edinburgh Agreement certainly seem less serious in 1994."

Also, the option of deeper integration in these areas was not completely excluded, but the future cooperation was just defined as a matter of later referendums. Therefore, Denmark may always turn from its path of exemptions to the mainstream of European integration. The issues of the Edinburgh Agreement have not been abolished among the Danish integration options for good. This has proved to be the case especially in the issue concerning the monetary union, which has continuously remained on the political agenda. There was a certain difference between the choices in 1992 and in 1993: in 1992 the yes-option would be framed as a more irreversible option, meaning a commitment to the deepening integration process, whereas no-option left these questions open. After the Edinburgh Agreement, the no-option seemed to be more irreversible, leaving Denmark outside the European mainstream, whereas the yes-alternative left the solutions for the most difficult issues open. In both ballots the choice was perceived as asymmetrical, but in the first vote the yes-alternative was considered to be irrevocable, whereas in the latter referendum the no-alternative was perceived to be so.

In the *Chapter 4* it was assumed that the mandatory referendums would have an anticipatory effect on the governmental policies, and that the government/parliamentary majority would adjust its policies towards the median voter preferences in order to avoid the defeat in the referendum. The reason why the Danish government did not do this

before the 1992 referendum on the Maastricht Treaty was, obviously, that the Treaty was a result of intergovernmental negotiations and therefore the hands of the Danish government were bound. In terms of Gerber's model introduced in the *Chapter 4*, because of the external constraints, the Danish legislature could not react to the constraint of the mandatory referendum, and adjust its policies closer to the median voter preferences. That the external constraints were stronger than the one created by the referendum only shows how little scope for manoeuvring there is for a small country like Denmark within the European Union.

The first Danish no-vote had effect on the events elsewhere in Europe, which changed the nature of the vote in the second referendum - not only in terms of Edinburgh agreement but also in terms of the perceptions of the schedule of the integration process. In sum, the Danish referendums on the Maastricht Treaty had two, rather contradictory lessons: 1) The provision of the Danish Constitution for the referendum gave the electorate the opportunity to voice their opinions, and actually change the course of events; 2) Even the result of a binding referendum is not necessarily the final word in the issue in which the political and the economic stakes are very high.

Notes

1 Also in France there was a referendum on the ratification of the Maastricht Treaty. President Mitterrand initiated the referendum under the *Article 11* of the Constitution. The referendum took place after the Danish one, and the result was a very narrow victory for the supporters (51% 'yes', turnout 69.7%). In Ireland the referendum was held under the constitutional provision in June 1992, and the turnout was 57.3% , and 69.1% of the voters voted 'yes' and 30.9% voted 'no'. (Bogdanor 1994, 55-56, 84.)

2 An alternative explanation for the change of mind of the Danish electorate has been offered by Franklin & al. (1994) who argue that more important than the Danish attitudes to the European integration issue was the popularity of the Danish government promoting the treaties. They claim that: 'Perhaps, after all, the Maastricht referendum in Denmark was really a referendum on the performance of the national government.' Franklin & al. This claim is based on the assumption that the integration issue was a low-salience issue among the Danish electorate. This does not seem to be correct because there were deep divisions in the Danish society and within the parties.

3 Siune et al. (1994) put forward the following survey results:

Percentage of voting 'yes'	1992	1993	Difference
Very much interested in politics	53	61	+8
Somewhat interested in politics	51	58	+7
Only a little interested in politics	49	58	+9
Not at all interested in politics	24	63	+39

Source: Siune et al. (1994)

4 Furthermore, the interpretation of the constitutional and substantial importance of the Edinburgh clauses depended largely on the side of those who judged it. This division of opinions was also reflected in the opinions of the constitutional lawyers who interpreted the agreement.

7. Popular Initiative in Switzerland

7.1 Historical Background of Swiss Direct Democracy

Swiss direct-democratic institutions have been studied by several scholars, and there are quite recent studies which give a comprehensive account on the role of direct democracy in the Swiss political system (Kobach 1993, 1993b; Linder 1993; Möckli 1993).¹ The historical background of modern Swiss institutions of direct democracy may be traced back to the assemblies of German tribes.² The first form of Swiss direct democracy was *Landsgemeinde*, 'the annual sovereign assembly of male citizens possessing the requisite status to vote'. The first records on these assemblies are from the time when the Swiss confederation was formed: the first confirmed meeting took place in the canton Schyzw in 1294.³ *Landsgemeinde* was a practise also in the other mountain cantons which later on became members of the confederation. (Kobach 1993, 16-17.)

Peasants in the medieval Switzerland had probably more rights and freedoms than the most peasants in Europe in the feudal era, for example, they had the right to carry arms. In this respect, it is possible to argue that the Swiss cantons to be egalitarian and, therefore, possibly more democratic. Barber (1974, 137), echoing Rousseau, emphasizes the moral content of freedom in the early mountain communities in his book on communitarian democracy in the canton of Graubünden:

"The Raetian concept of freedom exhibited to a certain immaturity to be sure, but as a result, freedom never came to be thought of as a commodity that might only be enjoyed in the loneliness of the private arena, that condemned men to a solitary sanctuary where

only the alienated were considered free, where the most irrational behaviour, so long as it was impeded by physical coercion, had to be regarded as free, and where the most rational and moral behaviour, if it conformed to the dictates of law and the public will, had to be deemed bondage."

Some scholars, however, have a less romantic vision on the early forms of Swiss democracy emphasizing its illiberal character:

"Although modern popular mythology sometimes characterizes the early alliance as an idyllic mountain democracy, most historians paint a less utopian picture. Like much of Europe in the Middle Ages, the Swiss cantons were ruled by local oligarchies that used heavy-handed approach in dealing with the peasantry." (Kobach 1993,16)

However, in some cantons these practices have continued and adjusted to modern conditions, and they have also influenced the Swiss federal-level practices of direct democracy. Especially during the 19th century Swiss constitutional thought was a influenced by the ideas of the French Revolution, liberal constitutionalism and the natural right ideas. In fact, it is a matter of dispute as to what extent there is a direct continuity between the medieval local traditions and the modern Swiss Constitution, or whether the continuity is rather a myth promoted by the authors of the Constitution. However, the arguments of the movement promoting direct democracy in the constitutional debate in the mid-19th century were a blend of international influences and local traditions. (Linder 1994, 88-92; Möckli 1993, 32-40). Therefore, the development of Swiss direct-democratic institutions may be characterized as more 'organic' than the development of direct democracy in the Western parts of the United States where the institutions were adopted because of the influence of radical democratic movements.

Direct-democratic traditions and practices of the Swiss communes and cantons are probably the most interesting and distinctively 'Swiss' forms of democracy. I will,

however, concentrate on nation-level referendums, and for this reason I will focus on the Swiss federal referendums, which are 19th and 20th century inventions.⁴ In the 1848 Constitution, the forms of political life of the modern, federal Switzerland were first defined. The Constitution was influenced American federalism and the ideas of the French Revolution, and it was an important factor in unifying the linguistically and religiously diverse small societies into a federal state, at the same time securing the identity of the minorities in relation to the German-speaking and protestant majorities. The Constitution included two different provisions for federal referendums, the mandatory constitutional referendum and the initiative for the total revision of the Constitution. As a result of the democratic movement in the 1860s, most cantons adopted the legislative referendum and initiative and popular election of the government and the council of estates (*Ständerat*). The following landmarks characterize the later developments of the federal-level direct democracy: the optional (law-controlling) legislative referendum initiated by citizens or cantons was adopted in 1874, the constitutional initiative in 1891, and the referendum on international treaties in 1921 (Möckli 1994, 60-64).⁵

7.2 Current Direct-Democratic Institutions

Both the initiative and the referendum are used at the federal, cantonal and communal levels (*Bund, Kantone, Gemeinden*). The direct-democratic institutions have many consequences to the political life and the organizational structure of the Swiss society. After the World War II, roughly two-thirds of all referendums in democratic countries

at the nation-state level have been held in Switzerland. In this chapter, I mainly focus on citizens' role in initiating referendums, and therefore I concentrate on the constitutional initiatives and abrogative and suspensive referendums. I will discuss the citizens' participation and the deliberation related to these institutions, and their impact on the organisation of the interest groups. I will also consider the representatives' reactions to initiatives and petitions, and the implications of the popular initiatives and referendums on the Swiss political system more generally.

It may be rather difficult to make generalizations from the Swiss experience on how direct democracy works in the modern state, because the Swiss political system is, in many respects, exceptional. Swiss political system is often considered to be an example of a *consociational democracy*. In consociational democracies, political conflicts are resolved by top-level negotiations between different groups. Consociationalism, or 'politics of accommodation' is defined by Lipjhart (1969) as follows: "Consociational democracy means government by élite cartel designed to turn a democracy with fragmented political culture into a stable democracy." According to Barry (1989), Lipjhart set the following requirements for consociational democracy: the 'élites of rival subcultures' are willing and able to accommodate the divergent interests and demands because they are committed to the maintenance of the system and they see the accommodation as a means to reduce the destabilizing effects of the internal conflicts. In consociational society, interests are represented by different power blocs which do not have consensus between them, and the leaders of which are responsible for negotiating settlements. Switzerland, The Netherlands, Belgium and Austria are the typical examples

of consociational democracies. Linder (1993) characterizes the Swiss political system so that is based on power-sharing rather than power-competition as a strategy to resolve conflicts between the culturally different groups.

Switzerland has a federal structure with 26 cantons and a bicameral legislature, *Federal Assembly (Bundesversammlung)*, which consists of States Council and National Council. In 1959 the executive government, *the Federal Council (Bundesrat)*, was made fully proportional. Since then, the composition of it has followed 'the magic formula', which means that the seven members of the Federal Council represent all major political parties (two Social Democrats, two Christian Democrats, two Radical Democrats and one from the Swiss People's Party). The government is also consensual in the sense that the members of the Federal Council (informally) represent the linguistic cleavages of the society: there are four German-speaking members, two French-speakers and one Italian-speaker.

This arrangement gives a distinctive character to Swiss democracy because since the proportionalisation of the government the elections have not brought about any real political changes. Until recently the electoral support for the major parties has declined, which, consequently, has undermined the legitimacy of the consensual form of government. The 1995 elections, however, showed an opposite trend: the four parties in the government increased their share of support by 4.2 percentage units compared to the 1991 elections, and thus gained 73.9% of the total vote. It may be argued that this feature of Swiss politics, the absence of effective electoral competition and lack of strong

opposition parties, is an important factor in understanding the role that the popular initiative and the rejective referendums have in channelling the opposition and anti-establishment opinions. (Kobach 1993, 36; Caramani 1995.)

The federal referendums are always decisive, and therefore an integrated part of the legislative process. They may either be mandatory, ie. constitutionally required, or non-mandatory, ie. initiated by some political actors such as a certain number of citizens or cantons. A referendum may be initiated by the parliamentary majority only in the case of parliamentary counterproposals on constitutional initiatives. According to some sources, Switzerland has 11 different types of federal referendums. (Trechsel & Kriesi 1996, 187). Kobach (1993, 42) summarizes them in four main categories, which are followed here:

1. *Mandatory constitutional referendum*: All changes to the federal Constitution, total revisions and amendments, must be submitted to a referendum. The Federal Assembly may initiate the total revision of the Constitution. If the two chambers, however, disagree on the principle on the issue of revising the Constitution, the issue may be submitted to a preliminary referendum. If the majority of the voters support the revision of the Constitution, the parliament is dissolved and new elections are held. The new parliament is expected to draft the new Constitution, which must be submitted to another referendum. In the second referendum, a double majority is needed. This means that the proposal for the new Constitution needs to be supported by the majority of the votes in the country as a whole and also a majority of votes in more than half of the cantons (the

Federal Constitution, *Articles* 120, 123). The partial revisions of the Constitution are initiated like normal laws but they also need to be supported by a double majority (the Federal Constitution, *Article* 121, 1). Furthermore, since 1977, the mandatory referendum has been required on all issues concerning membership in *collective security organizations* and in *supranational communities*. A double majority is required for the approval of the membership. It must be pointed out that the referendum is not mandatory in questions like for example joining an international organization or subscribing to a multinational treaty standardizing law. (Kobach 1993; Möckli 1993, 95-96; Trechsel & Kriesi 1996, 188-189.)

2. *Referendum on international agreements (Article 89 of the Federal Constitution)*: According to the constitutional amendment made in 1921, a referendum will be held on international treaties if 50.000 voters or eight cantons so demand. The support of the majority of voters (not a double majority) is required to pass the treaty. In the amendment made in 1977, the possibility of a rejective referendum was extended to 'treaties that cannot be denounced, proposals to join international organisations and acts that imply multilateral standardization of law'. (Aubert 1978, 40-42; Kobach 1993, 44-45; Möckli 1993, 97-8.)

3. *Rejective (facultative) referendums on legislation (Article 89)*: The rejective referendum was first adopted as a part of the completely revised Constitution of 1874. All *laws and decrees* (with limited duration) are liable to a referendum if, within ninety days of its publication during which the bill is suspended, 50.000 (until 1977, 30.000)

citizens eligible to vote sign a petition demanding it, or if eight cantons demand it⁶. To become effective, the law or decree needs to be supported by the majority of voters in a referendum (a double majority is not required).

The *suspensive referendum* may not be possible, if the decree includes an urgency clause which is accepted by the majority of each chamber. Urgent clauses may be in force only for one year or less. Until 1949, the Federal Assembly was able to prevent most rejective referendums by declaring the law in question as urgent. In 1949 this right was limited by the following regulations for abrogative referendums on urgent clauses: a) Urgent clauses that are according to the Constitution are liable for an abrogative referendum after they have come into force. If the referendum takes place and the clause is rejected, the clause will be renounced after a year of its approval and cannot be renewed. b) Urgent clauses which are unconstitutional are submitted to a mandatory referendum within a year of the approval of the clause by the Federal Council. If no referendum is held, the law will be renounced a year after its approval and cannot be renewed. (Möckli 1994, 98.)⁷

4. *Popular initiatives on constitutional changes*: Any seven Swiss citizens who are eligible to vote may begin the initiative process by submitting a request for an initiative and a description of the desired change of the constitutional law. After submitting the request they have 18 months to collect 100.000 signatures to support the petition (50.000 signatures before December 1977 when also the 18-month deadline was imposed)⁸.

There are two types of constitutional revisions that may be pursued through the initiative,

total and partial. The initiative for the total revision of the Constitution was introduced in the Swiss Constitution already in 1848. According to the Constitution (*Article 120, paragraph, 1*), the total revisions of the Constitution are sent directly to the people after the signatures are deposited. If the majority of the electorate votes in favour of the revision, the parliament is dissolved and an election is held to elect a constitutional assembly to undertake the revision. After this, the new Constitution is taken to the people, and the double majority is required. There have been only two initiatives for the total revision of the Constitution (in 1880 and 1935) and both of them have been rejected in the referendum. (Kobach 1993, 16.)

The initiative for partial revisions of the Constitution was first introduced in the Constitution in 1891 (*Article 121, paragraph 2*). There are two different types of initiatives for partial revisions of the Constitution: either they may suggest the general terms of the change (generally-worded), or they can present the precise text of the proposed amendment (specifically-worded). In the generally-worded case, if the Federal Assembly agrees with the proposal, it draws up an amendment following the proposal and submits it to the people. It takes effect if the double majority is achieved in a referendum. However, if the Federal Assembly disagrees with the proposal, which is more likely, the proposal must pass a preliminary referendum in which just the majority of the votes is required. If the proposal is approved by the majority in the referendum, the Federal Assembly must draft an appropriate text and send it to the people again. At the second round, the double majority is required. A specifically-worded initiative needs to be submitted to the people only once, when the double majority is required. A great

majority of the initiatives have been specifically-worded. Before the proposal is put to the ballot, the government can either endorse it, recommend its rejection and/or submit a counterproposal of its own. Typically, counterproposals accept some of the petitioners' demands while omitting others.

The double majority requirement on constitutional amendments and on international issues was adopted in order to prevent the tyranny of the majority and to protect the self-determination of the cantons. This was considered to be important during the formation of the Federal State in which the cantons gave up their sovereignty. More recently, the double majority requirement has been criticised on the grounds that it gives the opportunity for small minorities to block the decision-making, and gives a disproportionate advantage to *status quo*, especially given the increasing asymmetry of the population sizes of the cantons. The population of the smallest canton is just 2% (Appenzell-Innerrhoden) of the largest one (Zürich) (Trechsel & Kriesi 1996, 188).⁹

7.3 The Role of the Direct-Democratic Institutions in Swiss Politics

The table 7.1 displays the number of the Swiss federal referendums per decade and the average turnout in them during the last hundred years. The Swiss referendums held since 1945 are listed in the *Appendix III*.

Table 7.1 Number of Referendums 1881-96

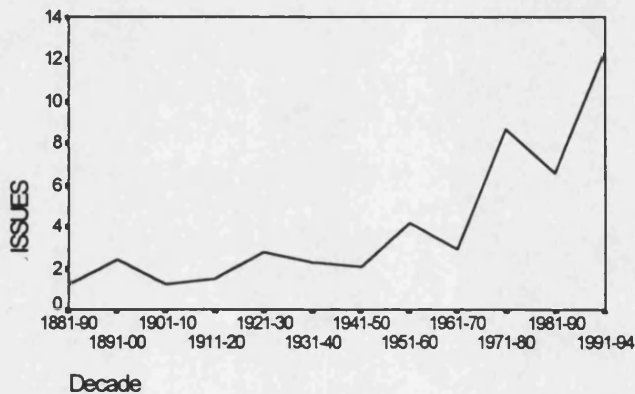
Decade	no refs:	issues	issues/yr	issues/ref.	average turnout ¹⁾
1881-90	8	12	1.2	1.5	59.5
1891-00	18	24	2.4	1.3	57.4
1901-10	9	12	1.2	1.3	54.5
1911-20	12	15	1.5	1.3	55.0
1921-30	17	28	2.8	1.5	60.9
1931-40	17	23	2.3	1.4	62.0
1941-50	18	21	2.1	1.2	58.3
1951-60	30	42	4.2	1.4	50.2
1961-70	23	29	2.9	1.3	45.4
1971-80	30	87	8.7	2.9	39.6
1981-90	27	66	6.6	2.4	39.9
1991-96	18	65	10.5	3.5	42 ²⁾
Total	227	424	3.6		

¹⁾ I have counted the turnout in every single issue separately. This is the reason why my results differ from Kobach's (1993b, 348) who counted ballots with multiple questions as one ballot.

²⁾ The turnout data from 1993 onwards is only at the accuracy of whole percentages.

The table shows an increasing trend in the number of referendums, issues and also omnibus referendums, in which more than one issue is voted upon. This may be explained by the increase in the amount of legislation to be passed, which is due to the expanding scope of the state activity. Figure 7.1. illustrates the average number of issues voted yearly:

Figure 7.1 Number of Referendums 1881-1996



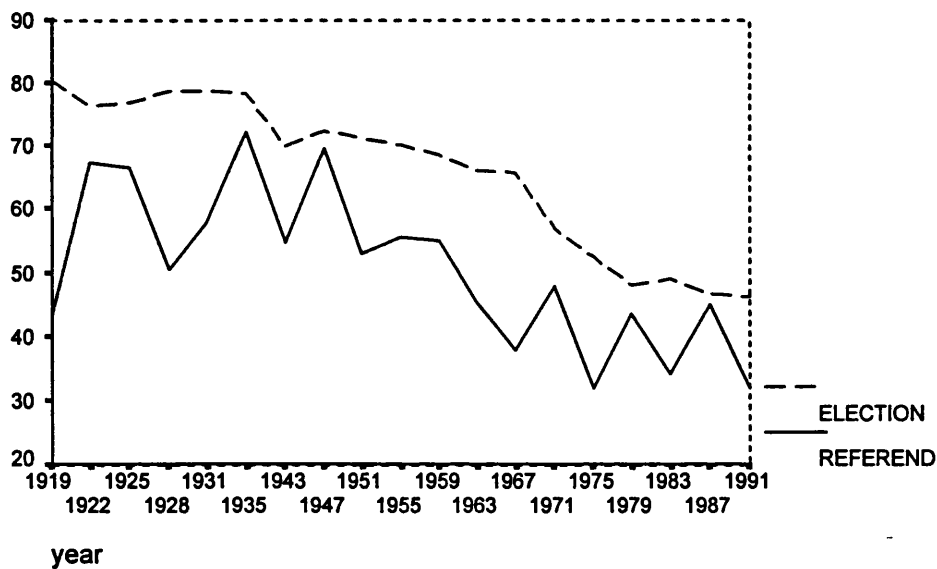
Between 1881 and the end of 1996, there have been 184 mandatory referendums, 120 rejective referendums, and 120 referendums on popular initiatives. The relative frequencies of mandatory referendums, rejective referendums as well as popular initiatives have remained relatively stable during this period of time.¹⁰ Of the mandatory referendums, 136 (73.9%) have been accepted by the majority, whereas only 57 (47.5%) of the rejective referendums have received the support of the majority. This may be explained by the fact that only laws which create active opposition will be submitted to rejective referendums. Only 12 (10%) of those constitutional initiatives which have been submitted to a referendum have been accepted. This will be discussed later on in this chapter. (Trechsel and Kriesi 1996, see *Appendix III*).

There are a few significant differences between the Californian and the Swiss practices of popular initiatives and referendums. First, the number of decisions made by the citizens is much bigger in California than in Switzerland. According to Möckli (1994, 145-146), in California there have been in average 9.5 decisions made in referendums yearly between 1884 when the institution was adopted and 1990, whereas in Switzerland there have been only 2.5 direct decisions yearly between the adoption of the institution in 1848 and 1990, although the number is constantly increasing. Second, in Californian referendums there are typically several issues to be voted upon. Between 1970 and 1990 there have been 326 decisions made in referendums and people went to polls 24 times in California, whereas in Switzerland during the same period of time there had been 158 decisions made in 63 different referendums. In other words, omnibus referendums are

more typical in California than in Switzerland, although they have become more common also in Switzerland.

A specific problem of Swiss direct democracy is that the turnouts in most referendums have been very low. The average turnout also shows a declining trend during the past hundred years. The following figure how shows the electoral turnouts and the turnouts of referendums in electoral years have declined in 1919-1991.

Figure 7.2 Turnout in Elections and Referendums in Electoral Years



There have, however, been a few distinctive occasions of higher turnouts: for example in December 1992, 78.3% of the electorate cast their votes on the issue of the membership in the European Economic Area (EEA). This is an example how controversial and salient issues elicit high turnouts. In average, omnibus referendums have had lower turnouts than single-issue ones and the participation tends to be lower in

ballots on technically complex issues. The explanation for this may be that the voters have more difficulties in taking stands on technically complex issues and on variety of issues in omnibus referendums.¹¹ The decline of the turnouts in the elections and referendums since 1971 has been explained by the fact that since then the women have been allowed to vote, but there are also some other explanations for this development.¹²

According to Kobach, (1993, 85) the problem of Swiss direct democracy is much more the apathy and the low participation rates than the irresponsibility or unpredictability of the electorate, which is often seen as a threat by those who oppose the extensive use of direct democracy. There are several possible explanations for the low turnouts in Swiss politics. One can see this as a sign of the increasing political apathy which is common for most Western democracies. Low turnouts have also been explained by 'the saturation theory': the Swiss electorate is simply tired of frequent referendums. The saturation theory can be supported by the data which shows that the increase in the number of referendums seems to correlate with the low turnout, although the participation numbers in 1970s and 1980s are not significantly lower than, for example, in the 1960s. This fact would support the third possible explanation, suggested for example by Kobach (1993b), according to which the consociational character of Swiss political system seems to make participation insignificant. The decreasing turnout has been the trend also in the National Council elections, especially after the year 1959 when the executive government was completely proportionalized and the 'magic formula' was introduced. It is easy to see why this has affected the electoral turnout: since then the composition of the government has not been dependent on the electoral outcomes, it does not seem to be important to

participate in the elections at all. Kobach offers the consensual character of Swiss government as an explanation also for the decreasing referendum turnout since the 1960s, although the link between these two is not so self-evident. In fact, it could be expected that referendums would have become even more important channels for expressing political protest in the absence of inter-party competition for the governmental office.

The low participation numbers in the referendums raise the question: is it possible for interest groups to achieve their political goals by exploiting the fact that the majority of voters do not participate? Is the referendum, instead of being the measure of defining 'the will of majority', rather, an instrument in service of intensive minorities? Kobach discusses the problem of 'false majorities' by analysing some referendums in which the turnout has been low, and compares the results of these with the results of opinion polls (with samples which are representative with respect to the whole population) on the same issues. He comes to the conclusion that the results of referendums may be biased in favour of some well-organized groups, but the cases of false majorities are quite few. He comes up with only one example, concerning the referendum in February 1983 on energy policy.¹³

An 'individualist' democratic theorist could argue that the low turnout and the false majorities are not real problems, because those who do not vote most probably do not have interests in the issue in question, and those whose interests are involved will vote. In fact, the abstention of the disinterested from the referendums maybe seen as a cure to

the deficit of the majoritarian voting that it does not take into account the asymmetries in the intensities of the preferences. Likewise, the supporters of the epistemic or republican conceptions of democracy would probably not be so concerned about the low turnouts either, because the outcomes may be better if only well-reflected and deliberated opinions are counted.

7.4. Law-Controlling Referendums

It may be argued that the rejective (facultative) referendums make the parliamentary majority accountable to the public on issue-by-issue -basis in the system in which the parties do not have that much of electoral accountability. The possibility of a bill being submitted to a rejective referendum strongly affects the operation of the Federal Assembly. Kobach (1993b, 360) refers to a survey in which the members of the parliament were asked whether they would threaten with a rejective referendum if a law which they oppose would be likely to be passed. 63% of the respondents said they would do so, 40% had actually done so, and 77% of these felt that they had been successful in their threat. The members of Federal Assembly did not usually refer to the party as the organization launching the referendum campaign, but rather some interest group, because their financial strength makes the threat more credible.

Rejective referendums decrease the internal cohesion of the parties of the Federal Assembly. They make the parliamentary coalitions rather loose and not long-lasting, because the possibility of the referendums increases the room for strategic manoeuvring

by the members of the parliament and the minorities across the parliamentary parties. This decreases the internal cohesion of the parties. Furthermore, the threat of the referendum makes it more difficult for the parties to formulate consistent, multi-issue policy programmes, because parts of them may be watered down in rejective referendums. The majority alliances change from issue to issue, which, in more negative terms, can be characterized as a lack of consistent policy programmes. Kobach (1993b, 361) describes this: "Consequently, alliance partners cannot be assured that agreements made by parliamentary parties will survive future referendal challenges. It is difficult to build a lasting coalition on shifting sands." Also logrolling between parliamentary parties is more difficult, because, instead of compromise with the majority, the minority groups may get their way or at least delay the implementation of parliamentary decisions by referendums.

Trechsel and Sciarini (1996) have empirically studied the relationship between the probability of a rejective referendum to be launched with the majority of a law gets in the lower house of the Federal Assembly, National Council, and found a strong negative correlation. Elite consensus, therefore, seems to prevent rejective referendums. This argument may also be supported by such findings that the proportion of the laws challenged and the rejection rates have fallen since 1959 when 'the magic formula' was introduced. (See Kobach 1993b, 343-344.)

The possibility of rejective referendums increases the importance of pre-parliamentary stages of the preparation of laws, during which the government consults the opinions of

parliamentary opposition and interest groups. (See Trechsel and Kriesi 1996.) Neidhart (1970) first put forward a hypothesis that a consequence of referendums is that the political elites seek to integrate all the important actors (potential proposers of initiatives) to the political process in order to avoid a referendum. Furthermore, the possibility of all law-controlling referendums, both rejective and mandatory ones, forces the government to find solutions which are acceptable by the popular majorities, especially because the Swiss voter tends to behave as "*Neinsager*", and reject all arguable proposals.

Although the rejective referendums are often initiated by political insiders, they give opportunities for the electorate to reject the policies of the ruling coalition. In Smith's (1976) terms, they may be anti-hegemonic in character (see *Section 4.3.1*). The Swiss electorate has also for several times showed resentment for bureaucracy and governmental intervention in the referendums. For example in September 1992, two law proposals were brought down in a rejective referendum: the proposal for increasing the salaries of MPs and funding for political parties (27.6% for, turnout 45.6%), and the proposal for improvement of facilities and administrative services for MPs (30.6% for, turnout 45.5%). (Kobach 1993, 258-259.)

The law-controlling referendums may be corrective with respect to the failures of the parties and other representative institutions to reflect the public opinion, like it was argued in the Danish case in the *Chapter 6*. As an example Kobach (1993, 1995) mentions the rejection of the UN membership in a mandatory referendum in 1986 and the rejection of the European Economic Area (EEA) agreement in a mandatory

referendum in 1992. The membership in the UN was accepted by approximately 3/5 majority both in the National Council (112 for and 78 against) and in the Council of States (24 for and 16 against). Of the main parties represented in the Federal Council only the Swiss People's Party took a stand against the membership. Yet, in the referendum in 1986, only 24.3% of the voters supported the membership. The turnout was relatively high, 50.7%. This result reveals a clear division between the opinions of the representatives and the people. Furthermore, the opinions on the membership issue were also divided between the rank-and-file and the leadership of the political parties and other organisations. The situation was similar in the mandatory referendum in May 1992, in which the EEA treaty was narrowly defeated by the majority of 50.3% of voters. As mentioned earlier, the turnout was as high as 78.7%. Again, the MPs in the Federal Assembly voted overwhelmingly for the treaty, nearly 2/3 of the members of the National Council and more than 4/5 of the members of the States Council, which shows the division of the opinions of the elites and the citizens. Frey and Bohnet (1993, 72-73), using public choice terminology, argue that popular initiative and the law-controlling referendums work against the cartelizing and rent-seeking tendencies of the political representatives. The law-controlling referendums allow the citizens to veto proposals in which the Federal Assembly does not represent the public opinion. The popular initiatives remove the agenda-setting monopoly from the politicians and enable citizens to propose issues, including those which the representatives would rather like to exclude from the agenda. Therefore, it may be argued in Gerber's (1996; see *Chapter 4*) terms that initiatives and referendums function as non-electoral constraints on the legislature.

Furthermore, it seems that there is a considerable discrepancy between the Swiss institutions of direct democracy and their Californian counterparts, because it seems that in Switzerland initiatives are used by the Californian institutions are more prone to be exploited by rent-

seekers. This may be explained by differences in the regulation of the institutions. The Californian institutions of popular initiative were dealt with in the *Chapter 4*, and it was argued that the Courts' interpretations of The First Amendment to outlaw campaign spending restrictions have contributed to the development of a professional 'initiative industry'. In the following section the Swiss institutions of popular initiative will be discussed with some further references to California.

7.5. Constitutional Initiative

7.5.1 Institutional Development

The procedures for making a popular initiative have got sophisticated forms during its existence. Nowadays complicated bargaining procedures are related to popular initiatives. The bargaining related to the Swiss popular initiatives has become so important that the Swiss initiatives may hardly be regarded as 'direct legislation'. But, despite this it may be argued that the popular initiative makes the political agenda more reflective to the opinions and concerns of the public.

Between 1891 and 1996, there have been 262 initiatives, 120 of which had been voted in a referendum. Only 12 of them have been successful at the poll. Of the 142 initiatives not voted in a referendum, 4 have been declared invalid by the parliament, 50 have been withdrawn (indirect counterproposal), 15 have been withdrawn and the counterproposal submitted to a referendum, 3 have been written off, 41 have failed to reach the signature limit in time, 23 were at the parliamentary stage, and 6 were pending (See also Möckli 1994, 149) The current procedures for making a popular initiative are as follows (Möckli 1994, 105):

After the initiative committee between at least seven members has been founded, the textual content of the proposed law is formulated. The Federal Office inspects the format, title and the withdrawal clause of the initiative (*Rückzugklausel*). If the Federal Office rejects the proposal, either it may be reformulated or the initiative committee may appeal to the Federal Court, which either rejects it or accepts it. If the proposal is accepted, the collection of the signatures may start: 100.000 signatures are required within 18 months. If the collection of the signatures is successful, the initiative is submitted. The submission of the initiative is followed by the parliamentary stage which may take up to 4-5 years. The parliamentary stage may be characterized as bargaining between the initiative committee and the Federal Council. First the Federal Council reformulates the proposal within 24 to 30 months, and after this the Federal Assembly suggests either the dismissal or the approval of the proposal. If the proposal is approved, the referendum takes place. The request for the dismissal of the initiative may be followed by a counterproposal formulated by the Federal Council, and the initiative committee may or may not withdraw the initiative.

The parliamentary counterproposals have an important role in the negotiations on the withdrawal of the initiative. There are two possible ways in which the initiators can politically have their way through governmental counterproposals. First, there may be a direct counterproposal to amend the Constitution made by the Federal Assembly and be submitted to the referendum. The referendum may be conducted either on both the proposal and the counterproposal, or only on the counterproposal if the initiative committee is satisfied with the concessions made by the Federal Council and decides to

withdraw their proposal. Direct counterproposals contain some of the demands of the initiators, and, because of the parliamentary support, they are often found more acceptable by the electorate than the initiative. More often, however, the government makes an indirect counterproposal which means that the government makes a law proposal which is expected to be passed in a normal parliamentary way. An indirect counterproposal satisfies some of the initiators' demands. Indirect counterproposals also quite often lead to the withdrawal of the initiative. This is in accordance with Gerber's (1996) model put forward in *Chapter 4*, according to which the representatives try to avoid initiatives, or in this case initiative-based referendums, by putting making laws which are closer to their own and the median voter preferences than the proposals put forward by the promoters of the initiatives.

As mentioned before, of all initiatives submitted to a referendum in Switzerland only 1/10 has been accepted in referendums between the years 1881 and 1996. This is relatively low compared to the average of more than 1/3 of all American states. There has been a 33-year period (1949-82) during which none of the initiatives voted upon won a popular majority. There have been, however, five initiatives which have won the majority in referendums since then.¹⁴ However, the impact of popular initiatives, as well as abrogative and suspensive referendums, is much larger than the small numbers of successful initiatives would suggest. As Bogdanor (1994, 65) has argued, in Switzerland as well as in Italy, "the most important referenda...have been those that have not been held." This means that the existence of direct-democratic institutions change the nature of interaction and power relationship between political actors even in cases when it is not actively used. On the other hand, it could be argued that this is true with respect to other

countries and other types of referendums as well: the cases for raising the referendum option on the political agenda may be more important than actual referendums.

In the case of popular initiative this is especially due to the recent development of the bargaining procedures between the initiative sponsors and the government. The procedures for governmental counterproposals and withdrawals were legally provided in 1952. Since then, there have been three revisions of these laws which all had made it easier to withdraw the initiatives. For example in the latest revision in 1978 made the majority of the initiative committee sufficient for the withdrawal (it also made it necessary that there were at least seven members of the committee). Before this a 2/3 majority was required. However, the proportion of withdrawn initiatives was at highest, 50%, in 1950-1960, and it has decreased considerably since then. Kobach (1993b) argues that the explanation for this is that the Swiss political system is now less consociational and more confrontational than during the 1950s and 1960s, and thus it has become more difficult to gain sufficient concessions at the parliamentary stage.

Bruno Hofer (1987) makes the distinction between earlier, 'original concept' initiatives and modern initiatives. Earlier initiatives were made with the intention of triggering the referendum and winning the support of the majority of the voters, whereas modern initiatives aim at winning in the bargaining and the success at polls is not necessarily even the objective of the sponsors of the modern initiatives. Especially a large proportion of the post-war initiatives have been made in order to achieve some concessions from the coalition government during the bargaining of its withdrawal. Therefore, Neidhart's

argument that these pre-parliamentary bargaining procedures have transformed Swiss democracy from 'plebiscitarian' to 'bargaining' democracy applies also to popular initiatives. Kobach, on the other hand, stresses the importance that the initiative committee has some members who are active in politics and thus able to negotiate with the government. (Kobach 1993b, 358 Kobach 1993, 104, 115-116.)

Before 1987 it was not possible to have a 'double yes' in the referendums on popular initiatives, in other words, to vote 'yes' to both to initiative and counterproposal. Before the 'double yes' -option, the governmental counterproposal was a much more efficient threat, which also diminished the utility of taking the initiative to the polls without a deal with the government. Moreover, there have been relatively more successful initiatives since the introduction of the 'double yes' option (4 in 10 years). As Kobach describes the effect of counterproposals before 1987:

"Indeed, before the allowing of the double-yes option in 1987, the constitutional counterproposal was a particularly effective weapon for killing initiatives at the polls. The government could sabotage an initiative by splitting its support. In such cases, the government did not care if its own counterproposal failed to win a popular majority. In fact, failure was sometimes a preferable outcome, as long as the original initiative was dragged down as well."

Also the indirect counterproposals are used by the government to undermine the success of the initiative at polls, and, therefore, they are bargaining weapons between the government and initiative committees. The government may carry out the reforms suggested in the counterproposal despite the fact that the initiative committee has rejected them and takes the issue to a referendum. In this situation, the function of the indirect counterproposal is to persuade the voters to believe that the reforms put forward

in the initiative are no longer necessary. (Kobach 1993, 109, 198.)

The government has also some other ways of watering down inconvenient initiatives. Möckli (1993, 261) mentions some mechanisms by which the parliament can make the initiative harmless: delays, dissociation of the initiative-makers, tactical choice of the referendum day and voting recommendation. Nowadays the initiative process may take up to seven years or more because the Federal Assembly remains free to spend years for the consideration of the proposals. Delay is, in fact, sometimes used as an intentional tactic designed to break an initiative's momentum. Kobach (1993, 106-107) mentions as an example of this the initiative submitted in 1977 to relax Switzerland's banking secrecy regulations. The referendum took place seven years later in 1984 when it had already been lost its momentum, and the proposal got only the support of 27% of the voters.

In this respect, the Swiss system of popular initiatives allows much more manoeuvring by the political elite than its Californian counterpart. In California a referendum on a constitutional amendment may be initiated by collecting the signatures of 8% of the electorate. Referendums on normal statutes can be initiated by 5% of the electorate (Lee 1978, 91-93). The most significant difference between the Californian and the Swiss practices are that in California the vote must take place within 18 months after the submission of the initiative without bargaining between the initiative committee and the parliament. In other words, in California the relationship between the initiative and the referendum is much more straightforward than in Switzerland. Therefore, although all Swiss referendums, especially popular initiative-based ones, are in Smith's (1976) terms

rather uncontrolled because the government cannot initiate them, there is room for elite control even within this institutional framework. Furthermore, Budge's (1993) fear of the dysfunctions of what he calls the unmediated popular vote do not materialize in the case of Swiss popular initiatives, because due to all mediating stages they can hardly be called as 'unmediated popular vote' and the extreme proposals will obviously have difficulties at the parliamentary stage.

Not even the implementation of the successful initiatives is as straightforward in Switzerland as in California. In California the legislative proposal is very carefully formulated already in the referendum, and a successful proposal is enacted a day after the referendum. In Switzerland, on the other hand, there is often room for different interpretations on the legislative consequences of a successful initiative, and the initiative committee needs to be active in controlling that the result of the referendum will be carried out by the government. Möckli recommends that there should be some constitutional mechanisms to control the implementation of the referendum outcome also in Switzerland. He also calls for the media control in order to guarantee the correct implementation of the 'popular will' because of the insufficient constitutional controls. (Möckli 1993, 267-268)

7.5.2 Issues and Impact on Political Organization

The number of initiatives made yearly has constantly increased during the more than a century it has been in use. The increase has been especially significant during the last

three of decades. The number of initiatives submitted was in average 1.3 yearly during the years 1960-69, 3.9 in 1970-9, 4.7 in 1980-1989, and 5.0 in 1990-1996. The significant increase in the numbers of initiatives has been explained by different factors, one of which is the rise of post-materialism as a new political dimension and the new political activism related to this. This also explains the recent increase in the number of initiatives concerning environmental issues. Furthermore, after the 1974 economic crisis, there have been numerous initiatives on the health of the economy, promoted by the parties on the left and the trade unions. (Kobach 1993b, see also Möckli 1993, 150).¹⁵

The issues of all initiatives made between 1891, when the provision for initiatives for partial revisions of the Constitution was adopted, and the end of 1996 may be classified as follows:

Table 7.2 Initiatives by Issue Type

	Number	Percentage
democratisation and political order	28	10.7%
energy/traffic/environment	58	22.1%
consumers/prices/tenants	17	6.5%
defence/military/peace	22	8.4%
foreigners	16	6.1%
workplace and employment	12	4.6%
taxes and economic policy	27	10.3%
social insurance	27	10.3%
women's issues, abortion	9	3.4%
agriculture	8	3.1%
education and culture	9	3.4%
alcohol, tobacco, drugs	12	4.6%
others	17	6.5%
	262	100.0%

Epple-Gass (1992) distinguishes between the 'old' and 'new' issues of initiatives. The watershed in his study is the year 1969. The initiatives between 1891 and 1969 dealt with such issue areas as social policy, democratization and social order, economic policy, peace and military politics. The new themes which have come up after 1969 were environmental protection and women's issues. Social policy issues remained the most typical issues to be raised in initiatives, whereas the issues related to democratisation were less frequently raised. Also the policy on foreigners, especially limitation of their number, has been a common issue for both old and more recent initiatives. Furthermore, the types of issues have changed within each category: earlier in this century alcohol prohibition was an issue, whereas more recently there have been more initiatives on drugs. The category 'other issues' includes such initiatives as the ban on casinos and the successful one on the 1st of August as the Swiss National day. During the 1990s there have also been some initiatives on the Swiss relationship with the European Union.

The initiative gives an opportunity to raise issues for those political movements which are not represented in the consociational decision-making processes. It is, however, a question of debate whether the institution of popular initiative enhances the activity of grassroots movements or whether it is more an instrument of already well-organised interest groups. Kobach (1993b, 355-6) has examined the percentage of the initiatives submitted by the 'political outsiders' between 1974 and 1992, and gained the result that 2/5 of them have been submitted by groups which can be considered to be outsiders, meaning those parties which are not represented in the Federal Council and voluntary organisations. The only political insiders which have extensively used initiatives are the

Social Democratic Party and the Swiss Federation of Trade Unions.

Epple-Gass (1993) points out that more than 1/3 of the initiatives handed in after 1969 have been on issues typical for the new social movements, such as peace movement, environmental and anti-nuclear power movements, women's movement and third world groups. Epple-Gass also argues that the direct-democratic institutions have certain implications to the organization of the civil society in Switzerland because they enhance the activity of issue-oriented citizens' movements. The new social movements have also a special character in Switzerland because they very often start as initiative movements.

Linder (1993, 104-105) distinguishes between 'realist' and 'radical' groups behind the referendums. The realist groups seek for legislative change either at the polls or in the negotiating with the government. This is the way how the Social Democrats and the trade unions try to establish support for their policies in the absence of parliamentary support. The radical groups, on the other hand, aim at political agenda-setting and influencing the public opinion more generally, by raising political taboos and non-issues in their initiatives. The radical initiatives are often made aware of that their chances of the success at the polls are very small. A good example of this was the referendum on the abolition of the army in 1989.

The anti-army initiative was launched by *GSoA (Gruppe für eine Schweiz ohne Arme und für eine umfassende Friedenspolitik)* mainly in order to raise public discussion and in this way to change the public consciousness and the perceptions on the policy alternatives -

contrary to the earlier initiatives by the peace movement which were more directly made to change governmental policies. Before the referendum, the Federal Council tried to counteract the anti-army campaign by creating a 'Subdivision for Peace' within the Department of Defence. This was attacked by the anti-army activists as a cosmetic change. The initiative for the abolition of army was rejected in the referendum, with 35.6% yes-votes and the turnout as high as 68.6%. The government could not, however, ignore the 'successful' initiative because, for example, the head of the Department of Defence (Kaspar Villiger) stated in his appeal to the people to against the initiative that the government would be forced to make reforms if more than 30% supported it in the referendum. The significant support for the anti-army initiative lead to some reforms in the military systems, as well as to the introduction of the civilian service as an alternative for military service. This was approved in another referendum in May 1992 (Kobach 1993, 204-215). Later on, the same organisation, *GsoA*, campaigned against the purchase of military fighters with the initiative which was rejected in a referendum in May 1993 (57.25% against, turnout 56%).¹⁶

On the other hand, the initiative campaigns have proven to be quite exhaustive for the financial and personal resources of small voluntary organizations. The requirement for 100.000 signatures in 18 months has turned out to be quite difficult to overcome: between the adoption of the current signature requirement in 1979 and the end of 1996, as many as 41 initiatives have failed to fulfil this requirement compared to 88 successful ones. (See also Kobach 1993, 95-96.) Another important question concerning the popular initiative is whether or not they can be 'purchased'. As pointed out in the *Section 4.7.2*,

in the American states the popular initiatives have been criticised for becoming an instrument of the privileged groups which can hire professionals to collect the signatures and which have assets to cover the costs of referendum campaigns. In Switzerland there are some restrictions which aim to limit the possibility of 'purchasing' a referendum: for example, the signatures need to be collected by volunteers who are, however, usually paid for each signature.

However, Kriesi's (1994) study shows that the campaign stage is often decisive: especially in more technical and less emotional issues the voters reach their decision just before the vote. Therefore, the risk of manipulation seems to be biggest in technical issues. The Swiss voters have, however, several different sources of information, of which the media, especially the press and the television, and the governmental information booklet sent out together with the ballot papers are among the most important. (Trechsel and Kriesi 1996, 198-9.) Sometimes there has been, however, a considerable discrepancy between the resources available for the sponsors of the initiative and those who oppose it. Kobach (1993, 96) mentions as an example the referendum in 1988 on the prohibition of the real estate speculation, in which 20 million Swiss Francs were spent by groups opposing the initiative. This was much more than what the initiative campaigners had to spend, and as the initiative was defeated in the referendum, some complaints about the 'purchased' referendum were raised. The problems related to the disproportionate campaign spending raises the question of the need for a ceiling for money spent on the campaigns and the possibility of public funding for both sides of the campaign, neither of which are applied in Swiss referendums. (See also Möckli 1994, 274-277.)

7.6 Conclusions

Switzerland is often used as an example of how the use of popular initiatives and referendums could be expanded in modern states. There are, however, some reservations when generalizing from the Swiss experience, and the Swiss experience may not be directly applied to other countries. On the other hand, the experience of how referendums and initiatives enhance consensus among the political elites representing different cleavages of the society, and at the same time allow political outsiders' interests to be voiced, could be a useful example especially for other multi-cultural societies. (See Kobach 1993b)

The popular initiative and the law-controlling referendum have a specific function in the Swiss consociational government. These institutions compensate the lack of inter-party competition for governmental office by providing an opportunity for the opposition, ie. parties outside the governmental coalition, opposition within the ruling parties and the popular movements, to influence the political agenda and challenge the policies of the ruling coalition. The decrease of the party cohesion caused by rejective referendums would possibly have more severe consequences in normal parliamentary systems, and the frequent referendums would probably damage the parties' ability to form coalitions and provide credible and coherent alternatives in elections.

Kobach (1993, 253-255) stresses the mechanisms by which the Swiss direct democracy countervails the problems created by otherwise consensual decision-making. The

consociational government imposes barriers for the interest groups and parties outside the coalition government to voice their opinions. The popular initiative opens the agenda for the political outsiders, which may use the initiative to gain concessions from the coalition government and publicity and popular support for their issue positions. This applies to some of the smaller Swiss parties (the Greens, the *Autopartei*) which are active users of initiatives.

The popular initiative also potentially destabilizes the existing party system, because it gives opportunities to political outsiders to determine the political agenda. The destabilizing effect of the initiative is, however, counteracted by the constant composition of the Federal Council, and the bargaining and negotiation stages between the government and the promoters of the referendum. The destabilizing consequences of popular initiatives would probably be quite different in especially in multi-party parliamentary systems with proportional representation. Moreover, the problems of inconsistencies of policies caused by popular initiatives are probably much bigger in systems in which the referendum automatically follows from a successful initiative.

The control exercised by the Swiss government over the popular initiatives may be, however, in many respects too high. The government may make a big difference with respect to the success of the initiatives, and the initiatives are not treated equally by the political elites. It seems, however, that in Switzerland the popular initiative has maintained some of its innovative character and has been able to enhance political activism at the grass-roots level, better than its counterparts in the American states. Some popular initiatives, as well as rejective referendums, have been clearly anti-establishment

in character. Because the prospects for an initiative to be successful at the polls are relatively low, the initiatives are increasingly used to win concessions in the parliamentary bargaining or to define the issues on the political agenda. Especially influencing the public opinion and the public agenda have become an increasingly important target of the initiatives.

Notes

1 The Issue 2, Spring 1993 of *Publius, The Journal of Federalism* (Vol. 23) includes several articles on the Swiss political system.

2 These kinds of local meetings were also held elsewhere in Europe. For example in Scandinavia the oldest written account on these assemblies is from the year 888 in the *Legend of Ansgar*, which says that an assembly with some sort of governmental power convened at Birka near Stockholm. The Nordic writings from the twelfth and thirteenth century indicate that assemblies existed, in addition to Scandinavia, in other places where there were Scandinavian settlements. According to Lindal (1981, 16-19) "...the assemblies were open-air meetings, generally held at fixed times and locations. Their functions included the arbitration of disputes, condemnation of lawbreakers, selection and deposition of kings, and "legislation". All freemen who were entitled to bear arms were allowed to participate in the assemblies, but there was also a great deal of manipulation by the chieftains. The application of the majority rule was described first by Ari the Wise in *Íslendingbók* (The Book of the Icelanders, ca. 1120-1130), which proves that it has been applied in the 12th century Iceland.

3 The earliest form of the Swiss confederation was *Bundesbrief* formed in 1291 between the cantons Schwyz, Unterwalden and Uri in order to resist the imperialistic aspirations of the Habsburgs (Elazar 1993)

4 The first referendum at federal level was held upon the Second Helvetic Constitution in June 1802 when Switzerland was a Napoleonic protectorate. The Constitution was adopted, although the majority of those who voted in the open ballot voted against the Constitution (92.423 No and 72.453 Yes). The justification given for this conduct was that those who did not vote at all (167.172 men) were supposed to support the Constitution.

5 Here the term 'optional referendum' is used differently than in the previous chapters. Most Swiss scholars used the term optional referendum to refer to the referendums which are initiated by popular or cantonal petition (abrogative and suspensive referendums). As pointed out earlier, in Switzerland there are not optional referendums in the sense I have used the term, to refer to the referendums initiated by the parliamentary majority.

6 The cantons have never initiated a rejective referendum.

7 These two types of vote were actually introduced by a popular initiative launched in 1946 in order to prevent parliamentary abuses of the urgency clause. (Trechsel & Sciarini 1996, 189.)

8 The new legislation on collecting the signatures in 1977 made it more difficult for social organisations to make a constitutional initiative. This meant, among other things, that the organisations had to be more resolute in their opinions of the defects of the constitutional *status quo*.

9 Moreover, Linder points out (1993, 74) that the smallest theoretical minority blocking the constitutional amendments where the double majority is required is just 9% of voters. This means 51% of the voters in the smallest cantons against all other voters, which is, of course, a highly hypothetical situation.

10 Trechsel and Sciarini (1996) have analysed the probability of the success in a referendum by the percentage of yes-votes in the National Council. The correlation is rather strong in the case of mandatory referendums ($R=0.26$) and popular initiatives ($R=0.27$) but weak in the case of optional (rejective) referendums. As Trechsel and Sciarini describe this (1996, 14): "In other words, whereas the intra-elite consensus has a direct influence on the use of the optional referendum, it then loses most of its impact on the opinion formation at referendum." Furthermore, they argue that "...intra-parliamentary consensus over a legislative act fades away as soon as this act is challenged by a successful referendum committee."

11 Kobach points out that 69% of the Swiss electorate votes at least occasionally which means that the number of voters who votes at least once a year in some sort of referendum is much more than the recent average turnout of 40%.

12 The figure is based on the data by Kobach (1993, 84):

	electoral turnout	turnout in referendums
1919	80.4	43.3
1922	76.4	67.4
1925	76.8	66.5
1928	78.8	50.4
1931	78.8	57.8
1935	78.3	72.1
1943	70.0	54.7
1947	72.4	69.6
1951	71.2	52.8
1955	70.1	55.5
1959	68.5	54.8
1963	66.1	45.3
1967	65.7	37.9
1971	56.9	47.8
1975	52.4	32.0
1979	48.0	43.6
1983	48.9	34.2
1987	46.5	45.0
1991	46.2	31.9

13 The proposed constitutional amendment would have transferred authority from the cantons to the central government. The referendum yielded 50.9% majority in favour of the proposition. The turnout was as low as 32.4%. According to opinion polls, however, only 41% was in favour of the proposition.

14 In 1982 the price control initiative launched by Women's Consumer Forum three years earlier got the majority of 56.1% of votes. This victory was especially significant because the proposal had to compete with a governmental counterproposal, and this was before the 'double yes' option was allowed. In December 1987 the initiative to stop the construction of Rothernturm military base yielded a popular majority of 57.8%. In September 1990 54.6% of the electorate voted in favour of the initiative imposing a 10-year moratorium on nuclear plant construction. After this there have been three other successful initiatives: in September 1993, 83.8% of the electorate supported the 1st of August as a public holiday, in February 1994 51.9% of the voters supported a proposal for protection of the Alps from transit traffic, and in June 1996, 77.6% of the voters voted for a proposal for environmentally friendly agriculture. (Kobach 1993b, 356; see *Appendix III*)

8. CONCLUSIONS

8.1 Referendum and Theories of Democracy

As has been suggested by Austin Ranney (1991), the referendum has new practices but old theory¹. Especially, the analogy of between the referendums and the classical forms of direct democracy in ancient city-states and communities is, in many respects, too simplistic and does not give a right kind of account of the complexities of agenda-setting and preference-aggregation in large societies. The aim of this thesis has been to provide a more complex and up-to-date theoretical approach of how referendums are used and what kinds of function they have in modern, liberal democracies.

In Rousseau's theory and the epistemic conception of democracy, democratic decisions are assumed to be somehow 'wiser' than individual judgments. This apparently means that there exists a correct decision which reflects the metaphysical general will. According to Rousseau, the general will is indestructible; it exists despite the beliefs and the behaviour of the people. In the society in which the people promote just their own interests, the general will is silenced and is 'subordinated to other wills which prevail over it':

"Where his private good is not concerned, he wills the general good in his own interest as eagerly as anyone else. Even in selling his vote for money, he does not extinguish the general will in himself: he evades it. The fault he commits is to change the form of the question, and to answer something different from what is asked him: so instead of saying, with his vote, 'It is advantageous to the state', he says, 'It is advantageous to this man or to that party that such or such proposal should be adopted'." (Rousseau 1763/1976, 150-151.)

Rousseauan reasoning has certainly played a role in the discussion and the development of modern democratic institutions. Rousseau's theory complies with our ideas of what kinds of issues are appropriate to be settled by a referendum: those issues which are not too divisive and which affect the whole electorate similarly, and in which, therefore, it is possible to talk about the common good. Also, Rousseau's idea that majoritarian, direct democracy is appropriate only in small and homogenous communities, or in other situations in which the self-interest does not affect individuals' judgements too much may be well applicable also in current societies.

Some theories of representative democracy emphasize the superior capacities of the representatives to make judgements of the common good. The representatives may be considered to be like Burkean trustees (*Section 3.7*), devoted to promote the public interest. The underlying idea in this argument is similar Rousseau's idea that the democratic process should bring about decisions which reflect the common good. Furthermore, it has been argued that the complexity of the political problems in modern societies requires such expertise knowledge which the ordinary citizens do not have; hence it is better to leave decision-making for the representatives. However, as Budge (1993) points out, even the representatives are 'living beyond their intelligence' when making decisions on issues with far-reaching consequences. The other problem with the expertise argument is that it is based on the underlying assumption of the correct decisions, and therefore it ignores the value aspect of the choices and the fact that the political elites may act upon their own specific interests.

Certain values, such as maintaining economic growth, may be dominant in the representative decision-making. There may be, however, differences between the values of the political elites and those of the citizens, as the Danish referendums on European integration, the Swedish nuclear power referendum and other examples show (discussed in *Chapters 5, 6 and 7*). The Swedish nuclear power case also illustrates how the possibility to participate in the referendum encouraged a large proportion of the people to engage actively in serious discussions on the fundamental values of the society.

Following individualist interpretations of democracy, Buchanan and Tullock (1961) put forward their counterargument to Rousseau's theory. They argue that individuals' interests may differ from each other for reasons other than those of ignorance. The democratic ideal is not unanimous consent but arbitration between conflicting interests and preventing any of them from becoming too dominant in the society by institutionalizing checks and balances. Indeed, the idea of underlying common interest does not seem to be applicable in many of the public issues in large, complex societies: there are many cases for genuine interest conflicts, for example political problems may be seen as zero-sum-games in which there are clearly losers and winners. From this perspective, Rousseau's theory may be best applicable in collective action problems where cooperation is the common interest, but even in them there are many trade-offs between individual interests, who is going to contribute and how.

Such authors as Schumpeter or Riker represent a rather cynical view that the role of the people in democratic systems is just the exercise of 'random veto' on the political rulers in general elections. According to Schumpeter and Riker, the will of the people is a

manufactured outcome of the political process, and it cannot be used as a justification for political decisions. Schumpeter bases his argument on the conflictual character of the modern society, Riker on the impossibility of defining the popular will and the 'path-dependancy' of political decisions. Citizens' participation may only be effective in terms of eliminating the worst political rulers, and thus indirectly protecting individual interests and freedom. The referendum is rather difficult to fit in Schumpeter's and Riker's view of democracy as competition between power elites. Especially the *ad hoc* and optional referendums may be considered just another instrument in the hands of the political elites competing for power and trying to maximize their electoral support, and it may be argued that these kinds of referendums actually confuse the rules of competition and blur the responsibility of those in power.

Apart from the theories of democracy based on the assumption of *homo economicus*, the Rousseauan assumptions of the general will and the objective truth in politics are disputable even if political problems are considered on their own right differently from economic interaction. Rousseau's theory can be criticised for being 'inapplicable' in modern politics, and it is apparently in contradiction with the metaphysics with most of the current democratic theories. Sartori (1987, 269), for example, points out that 'logically and rationally true democracy is by no means true democracy that actually exists and functions' and that 'democracies nurtured by the French *'raison'* have in fact turned out to be, empirically, least or non-working democracies'.² The idea of the objective truth in politics is probably the most problematic element in Rousseau's theory: it has been exploited as a justification for dictatorial policies. Furthermore, the idea of the deliberation which takes place within the individuals and not in the communication

between the people is in contradiction with the participatory models of democratic deliberation. The idea of purely individual deliberation may also be used as an excuse for plebiscitary practices, in which atomized individuals formally participate in politics without much deliberation or actual influence.

The view that the political reason does not exist in the singular may be more acceptable than Rousseau's idea of *the* general good. Barber's (1984) theory on strong democracy is therefore another survivor after the criticism against majoritarian forms of democracy. Barber's theory is based on the assumption that there is no truth in the moral and political problems - or that it is not yet known. The approach to political decision-making is somewhat similar to that of Rousseau's: it is considered in terms of finding the best solutions to political problems rather than maximizing individuals' welfare. Barber's conception of human beings is, however, more modest than Rousseau's: man's reason is, indeed, to certain extent 'a slave of his passions'. Barber's theory is based on more individualistic premises according to which each individual has their own sphere of interests. Individual self-interest, however, does not completely determine their political behaviour, like it is assumed in the most 'Hobbesian' versions of liberal democracy. There are prospects that people become more other-regarding or reasonable in their political judgments, and that their capacity to consider political problems improves. Barber's aim is to maintain the liberal safety mechanisms whilst increasing the possibilities of participation and developing the forms of citizenship.

Another question is how realistic it is to assume that certain kinds of institutions would enhance political participation which, on the other hand, would reinforce the

reasonableness of citizens' opinions. For example, at least the currently existing forms of referendums do not always increase the reasonableness of political opinions. Sometimes the aggressive and adversary referendum and initiative campaigning can even deepen the existing social divisions, and the campaigns may have, in Elster's (1983, 112-113) terms, only 'paid the lip service of common good'.

As a solution to this problem, Barber (1984) pointed out several ways of increasing mutuality and institutionalizing the 'strong democratic talk'. These institutional reforms should all be carried out simultaneously because they are expected to have mutually enforcing effects. The doubts about the possibilities of this kind of institutional engineering are well founded, and especially the fitness of the referendum as a measure of increasing participation may be questioned - as Barber himself does. Although likely to increase political discussion and deliberation, the referendum seems to be quite 'individualistic' means of mediating the opinions of the citizens. The referendum does not necessarily enhance communication and interaction between the citizens like for example participation in political organizations. Also, citizens' limited ability to influence policies by voting in referendums probably makes them to less willing to invest much time and energy on deliberating and discussing about the policy alternatives.

Also, unfortunately from the participatory theorists' point of view, there is some empirical evidence which proves that citizens have a limited interest in participation in referendums. The intensive campaigning in the Swedish nuclear power referendum, according to the surveys made afterwards (Holmberg & Asp 1984), increased the level of knowledge about the issue in question, but decreased people's interest in politics at

least in the short run. However, the reason for this may have also been the obvious strategic manipulation of the referendum by the political parties. The Swiss citizens tend to be quite indifferent and passive in using their excessive channels of participation. It seems that there is a 'saturation point' of political participation, and therefore referendums may actually receive more public interest if used occasionally rather than frequently. Furthermore, in the US states the 'institutions for the strong democratic talk' have been disproportionately dominated by relatively privileged or highly committed groups promoting their particular policy goals.

8.2. Referendum and the Will of the Majority

The opinion of the majority of voters revealed in a referendum is a powerful legitimizer of political decisions. The notion of the 'will of the majority', based on the idea of the popular sovereignty, has a strong normative appeal. It appears that a decision made in a referendum is in many occasions somehow more legitimate and therefore more stable than a decision made by the parliamentary back-stage bargaining between the political elites. For example, the recent increase of the number of *ad hoc* referendums in Europe can be explained by the need to legitimize constitutional changes, such as joining supranational organisations. Similarly, a no-vote in a law-promoting referendum and a veto exercised by the majority of the voters in law-controlling referendums is a powerful legitimizer of the non-action and the legislative *status quo*.

The results of social choice theory imply that there are no good logical or rational reasons to believe that any preference-aggregation method would always reveal the will of the

majority which exists in singular and independently of the process of determining it. There is no non-dictatorial preference-aggregation method which would always choose an alternative preferred by the majority if there are more than two alternatives and at least three voters. Furthermore, as discussed in the earlier section, the support of the majority may not even be considered as the ideal for democratic decisions. Therefore, the belief in the legitimacy of the results of the referendums as an expression of the will of the people has weak logical and normative grounds. The crucial question is, therefore, what are the processes in which 'the will of the majority' is determined. This question draws the attention to the problems of agenda-setting, opinion-formation and voting procedures.

Political manipulation may take place at three levels. First, if it is assumed that individuals have certain preferences over given alternatives, political manipulation means the exploitation of the 'path-dependency' of the social choices. Methods like the selection of a voting method, the selection of the order of the alternatives put to the vote, framing the question, separating the issues and so on belong to this type of manipulation. This kind of manipulation of procedures may be analysed in terms of social choice theory which considers the preferences as given and fixed during the political process. The problem with referendums is that the public is rather powerless in front of the manipulation of the procedures - compared for example with parliamentary decision-making. In parliamentary votes the limited number of voters helps the access to the relevant information and help them to interact and act strategically. This makes the voters less vulnerable to agenda-manipulation.

Second, political manipulation may also be understood as a control over the public agenda, the power to define the issues and feasible alternatives to be considered in decision-making. The competition between the political elites, especially between the parties, in the representative democracies may largely be analysed in terms of defining the issues and the alternatives. Third, political manipulation may mean influence on people's preferences over the given alternatives by campaigning, controlling the information on the basis of which the voters make their decisions, and controlling the way in which the benefits and drawbacks of the alternatives are put forward. Especially the media plays a crucial role in the third kind of political manipulation. The problems related to preference-formation are not much discussed in social choice theory, because it takes the preferences as given and fixed. (Elster 1983, 105.) The last two types of manipulation means the exploitation of the fact that the individuals may not have very clear opinions about the issues and the policy alternatives, and that the citizens are not able to communicate directly and set their own agenda in large societies.

The first kind of manipulation is, to various extent, possible to political elites in all kinds of referendums, although in popular initiatives and law-controlling referendums the procedures of organising referendums are more explicitly regulated than in optional and *ad hoc* referendums. The second kind of manipulation is typical for all referendums in which the government is the source of the legislative proposal. However, in the case of the popular initiative and in the Italian abrogative referendum the citizens may counteract the agenda-setting monopoly of the political elites. The third kind of manipulation, the influence the public opinion-formation is typical for all referendums.

All three forms of manipulation are also an important element of political competition. For example in the Swedish nuclear power case discussed in the *Chapter 5* the parties used the referendum as a weapon in the struggle over the political agenda, and the Swedish parties exercised all three forms of manipulation: the parties tried to shape the procedures in a way which was beneficial to the party in question; they tried to make the nuclear power an issue or a non-issue, and select alternatives which would benefit the position of the party in question; and they tried to affect the opinions of the public by framing the benefits and the drawbacks of nuclear power.

The 'fairness' of referendums in these kinds of situations may be due to the fact that there is competition between the parties and none of the parties can dominate the political agenda too much. Sometimes, some parties may be in disproportionately disadvantageous position. The governments may, for example, support financially only one of the sides, like it was the case in the Austrian EU-campaign. In some cases the media and the political elites may rather unanimously support one of the sides, like it was the case in the Finnish EU-referendum in 1994 and in the Danish Maastricht-campaigns discussed in the *Chapter 6*. In these kinds of situations the questions of the fairness of the referendum may be justly raised.

Among competitive elections, there are different types of systems which have some shared characteristics, competing parties, secret ballots and so forth. Likewise the referendums may be argued to be fair and democratic in a minimal sense if they are used in a constitutional way, if they give real policy alternatives, and if there is fair competition and ballot between the alternatives. There are, perhaps, even stronger

requirements for procedural fairness in the case of referendums than in the elections: the solutions they provide are difficult to be changed, unlike the results of elections which can always be overruled in the following one. Therefore the decisions achieved in referendums are typically irreversible and therefore the losers may be more sensitive to possible imbalances in the campaigns. (Esaiasson 1996, 44.)

Furthermore, although the frequent referendums may cause saturation among the voters, they may also have some advantages. More frequent referendums may be better in accordance with the pluralist interpretations of democracy, according to which the overall fairness and legitimacy of democratic systems is due to the fact that the participants of the democratic process are not divided to constant minorities and in majorities. Being on the losers' side in a referendum may not feel so dramatic if there are prospects to be on the winners' side in another referendum on an equally important issue.

8.3 Institutional Analysis and Normative Theories

In each instance of the referendum, the public opinion is brought as an element into decision-making. Referendums, however, differ from each other in terms of: i) what are the legal and normative implications of the expressions of the majority will (binding-consultative), ii) for what reasons and purposes the majority will is consulted (analysis of agenda-setting), iii) how 'genuine' the will of the majority is, and to what extent it has been manufactured by those in control of the organization of the referendum and the campaigning (social choice theory, empirical analysis of campaigning and participation, and normative theories of democracy). These distinctions are relevant both for empirical

analysis and for normative evaluation of institutions. It has been shown that the possibility of different forms of referendums has very different consequences on how democratic systems work.

Because of institutional variation, it may be easy to agree with Gordon Smith's (1974) argument that there will not be 'a general theory of the referendum', unless the theorizing on such concepts as democracy, representation, and majority rule are regarded as such. The institution in itself, people coming to polls to vote upon some policy issue, is a rather low common denominator, although all referendums at least in principle enhance public participation, deliberation and discussion. However, in comparative analysis the differences between agenda-setting institutions must be taken into account. As Uleri (1996) has put forward, referendums may be law-promoting or law-controlling, used either as a decision-making procedure or as a control over the parliamentary decision-making. Likewise, the distinction between the actors who may initiate the referendum is crucial; the referendum may be mandatory (constitutionally required) or initiated by the political representatives or by the citizens.

The case studies have been used to 'test' the validity of the theoretical propositions on the properties of different forms of referendums. These propositions are based on the theoretical literature on referendums as well as previous comparative studies. The propositions characterize the 'built in' properties of the institutions and the justifications given to the institutions. The case studies prove that, although the forms of referendums *prima facie* bear some of these suggested properties, the performance of the institutions cannot be characterized without reference to the actual political actors and the other

characteristics of the political system. The propositions about the different forms of referendums are not necessarily very good characterization of actual practices. In many respects, the discussed cases have been 'deviant'. This suggests a few other factors explaining the functions of the referendum, apart from those 'built in' properties of the institutions. Especially in the case of Switzerland it is appropriate to ask whether it is possible to make any generalisations based on it because the Swiss political system is, in many respects, an exceptional one among democracies.

Ad hoc and optional referendums

The *ad hoc* referendums, initiated by the parliamentary majority, are probably the most difficult to provide theoretical justifications - apart from the ones related to the 'popular will' and 'general good' which can be questioned both by the results of social choice theory, and by the theoretical arguments on the nature of the political problems. There are many interlinked ideological and strategic reasons for the political representatives to submit certain kinds of issues to a referendum and not to submit others. It may be argued that especially the *ad hoc* referendum is an instrument by which legitimate and stable political decisions are tried to be achieved when the normal parliamentary methods of finding solutions, compromising and bargaining, are not successful. The delegation of the issue to the other authorities, such as the referendum, is a solution to a parliamentary or governmental deadlock.

It may also be argued that the *ad hoc* and optional referendums are more often dictated by unchecked strategic considerations by the political elites than any other forms of

referendums. However, they are often used as an escape from situations when the parliamentary machinery is 'paralysed' and, therefore, it is not often possible for any single political party to control the referendum totally. The prospects of *ad hoc* referendums are biggest when the parliamentary party system fails to represent a certain issue dimension: a phenomenon confirmed for example by the Swedish nuclear power referendum and the referendums on European integration. In the case of the nuclear power referendum in Sweden, the referendum option was used in the same issue as a strategy by all of the most important political forces for different reasons, for policy outcome maximization, for vote-maximization in elections, and for maintaining the unity of the governmental coalition.

Bogdanor (1994, 91-95) explains the increasing number of referendums in Western Europe in terms of the defence of the 'frozen' party systems which is incapable of representing the most salient issues of contemporary politics. The party systems, which in most West European countries is based on the class conflict, fail to represent the issues emerging in post-industrial societies in globalizing economy. The referendums may be seen as attempts of the traditional parties to defuse the emerging issues. Furthermore, the demand for referendums may be seen as a reaction to the alienation of the public from the traditional political parties, because the referendums offer the increasing number of citizens outside the party organisations and without strong party identification to participate in decision-making without the mediation of the parties. Finally, the referendums may be seen as legitimizing devices in situations in which the party-based decision-making suffers from a lack of legitimacy, often due to the alienation from the parties, or the parties' inability to represent certain issues dimensions. The critics of this

development may argue that the referendums represent plebiscitarian forms of participation, a direct appeal of political elites to the alienated masses. In other words, the referendums do not enhance the same kind of responsibility which would be required in participation in political organisations. According to the critics, the occasional referendums are not sufficient substitutes to the other mediating political institutions which are losing their appeal to the public.

Law-Controlling Referendums

The abrogative, suspensive and mandatory referendums have a more liberal character with their preference to the *status quo* and protection of the minority interests. In this respect, these referendums can be interpreted in terms of 'Madisonian' theory of democracy which is concerned about the unlimited powers of majorities as a potential threat to the democratic process and the overall fairness of the society. In fact, in some countries (Denmark, New Zealand, Sweden) the law-controlling referendums have been regarded as a substitute for the bicameral legislature. The mandatory, suspensive and abrogative, except for the Italian one, referendums increase the responsiveness of the representative decision-making to the public opinion. These institutions allow the decisions made by the governing coalition to be checked by the electorate, not just in the regular elections but also on issue-by-issue-basis in referendums. The mandatory referendum changes the character of the constitutional process, especially by favouring the political *status quo* and forcing the representatives to take the public opinion into account. The suspensive and abrogative referendums increase the influence of the opposition parties and the interest groups.

As the Danish case of the referendums on the Maastricht Treaty shows, the anticipatory effects of law-controlling referendums depend on the ability of the governments to compromise with the opposition and adjust its policies according to the voters' preferences. In the Danish case the government had their hands tied and hence was unable to react to the demands of the strong opposition. Because of the external constraints, there was a limited scope for adjustments of the governmental policies according to the public opinion. Therefore, the anticipation of the mandatory (or suspensive) referendum did not change the governmental policies much.

The mandatory, abrogative and suspensive referendums are also expected to be corrective in terms of the possible misrepresentation of the public opinion, but, paradoxically, like other referendums they may also be reason for them. The fact that the referendum may cause misrepresentation of opinions on certain issues in the parliament was illustrated in the Danish case where anti-integration opinions have not considerably changed the existing party system. Furthermore, although the Danish constitution quite clearly regulates the use of the referendums, there seems to be many opportunities for the political parties to use the institution for strategic purposes, and, in this respect, the Danish mandatory referendums resemble *ad hoc* or optional referendums in many respects.

Popular Initiative

The popular initiative changes the character of public agenda-setting by bringing in the citizens as agenda-setters. This feature of the popular initiative may be regarded as

valuable from both individualists' and participatory democrats' point of view. Following participatory theory of democracy, the popular initiative may be seen as a channel through which the citizens' may raise their true concerns on the political agenda. Here the initiative is an essential part of the citizens' self-government, and grass-root political activity is considered to be an essential part of it.

The economic approach to democracy, on the other hand, has another normative criterion, the effectiveness of the political system in fulfilling people's interests. Frey (1992), for example, offers an argument in support of the popular initiative based on public choice theory. Frey's underlying vision of politics is 'Hobbesian', which means that the political decisions are considered to be based on individual self-interests. He argues that the initiative is a way to control the rent-seeking tendencies of political elite by eliminating their agenda-setting monopoly and by enabling the citizens to raise such issues on the political agenda which are against the interests of the elites. He also argues that the federal structure of the Swiss government has similar effects.

The Swiss case shows how the popular initiative has become a bargaining device between the government and interest groups rather than an uncontrolled mechanism of popular agenda-setting and 'direct legislation'. It may be argued that in Switzerland the extensive use of initiatives and law-controlling referendums compensates the lack of governmental accountability. Different agenda-setting and veto-rights provided by different forms of referendums allow the political outsiders to challenge the policies of the ruling coalition. Furthermore, referendums decrease intra-party cohesion, and generate shifting majority coalitions in the legislature. They make the government

accountable on issue-by-issue basis rather than in the elections. It may be argued that the initiative and the referendum also sustains and legitimizes the consociational form of government, making such arrangements as the Swiss 'magic formula' possible. The legitimizing effect of referendums is not limited to single political decisions, but the existence of the different forms of referendums increases the legitimacy of the whole political system. It is, however, questionable what kinds of consequences the frequent law-controlling referendums and popular initiatives would have in more parliamentary political systems, because both of them potentially destabilize the existing parties and coalition patterns.

At this point the question of the social conditions of direct democracy must be raised. I do not necessarily share Barber's belief in the institutional engineering as a key to create an active civil society. In the countries of the case studies there is one characteristics which should enhance participation: the relatively small size of the countries. This makes the scale of political decisions more comprehensible for the citizens, and, in terms of public choice theory, makes the costs of the organisation of collective action smaller. Also, in small societies each individual contribution is more visible, and there are probably more mechanisms of social control than in large societies. At least theoretically, these conditions enhance the growth of social organizations, which is essential for the such institutions as the popular initiative, if it is supposed to be based on voluntary activity rather than on professional 'initiative industry'.

An argument put forward against the initiative is that number of insignificant initiatives paralyse the decision-making machinery. One way of preventing this is to increase the

number of signatures required for the initiative or otherwise raise the procedural hurdle of making initiatives. This, however, does not necessarily work in a positive way. Rather it may make the initiative a tool in the hands of those already privileged in the society. In Switzerland the initiative campaigns may have already become too exhaustive for voluntary organizations, even though there are some recent exceptions of successful campaigns with large publicity. The organizations also need to have considerable financial and personal resources to carry out initiative campaigns. Therefore, if the popular initiative is expected to be an instrument of political innovations and to give opportunities to grassroots political activity, the procedural hurdles for making an initiative should not be much higher than what they are for example in Switzerland at the moment. Also, to prevent over-representation of economic interests, there probably should be an upper limit for campaign spending and ban on professional signature-collection.

Obviously the relationship between the normative theories and empirical experience is complicated. It may be argued that the existing forms of popular initiative are not working satisfactorily in terms of certain normative theories of democracy, but this does not necessarily mean that the whole institution should be abandoned as inappropriate. In fact, as the institutional analysis proves, rather minor changes in the procedures can have considerable impact on how the institution works. It may be further argued that the institutions could be improved by carrying out some reforms, but that it is not in the interest of political elites to carry out these reforms. For example, in the United States the federal government has lately expressed rather critical opinions on the popular initiative.

The referendum is often interpreted in such populist terms as 'the will of the people'. This does not give an accurate account of the issues related to the agenda-setting, and the formation and the aggregation of preferences. Because the referendum phenomenon is not 'unitary' in these respects, the theoretical approaches to it cannot be either. The common denominator between all forms of referendums is the democratic idea of 'bringing in the people' (Suksi 1993), in other words, increasing citizens' participation and influence in political decision-making. The crucial question is, therefore, why and under whose control this is done. In this sense, the popular initiative most clearly works to increase people's participation in politics. The popular initiative also represents a more classical interpretation of democracy because it, at least theoretically, enhances citizens' political equality by giving them the right to raise issues on the political agenda.

Despite my criticism against the strategic reasons behind the *ad hoc* referendums, the agenda-manipulation by the elites and the biased nature of referendum campaigns, there are still many cases in which the referendum serves the very democratic principle that the citizens' opinions should matter in politics. Maybe the best property of referendums is that they are based one-man-one-vote principle and hence they give the ordinary citizens an opportunity to participate in decision-making on political issues - although this is also used as grounds of criticism. The constitutional regulation seems to be crucial with respect to the fairness of referendums and to the extent to which they work according to democratic principles. However, the case studies prove that when there are strong interests at the stake and the political elites are united, the public opinion or constitutional rules do not matter too much. Therefore, the constitutional regulation does not as such solve the problems of manipulative abuses of referendums, but they set

certain limits to the behaviour of the political actors promoting their own political goals.

Notes

1 Quoted by Möckli 1994, 31.

2 It may be necessary to point out here that the results of social choice theory question even the logical and rational structure of Rousseau's theory.

Appendix I:

The Institutions of the Nation-Wide Referendums in 22 Western Democracies

1. Australia

Federal system with bicameral legislature: Senate and House of Representatives

1. *Mandatory constitutional referendum*: A proposed amendment to the Constitution must receive an approval of an absolute majority of both Houses of the parliament. After this, it must be submitted to the voters in each state within two to six months. A double majority is required, in other words, more than 50 percent of the voters nationwide must support the proposal, as well as a majority of voters in a majority of the states. If one of the Houses objects to the proposed change, and the other approves it a second time, then the governor-general may submit the proposal to the electors.

2. *Ad hoc referendum*: There have been three *ad hoc*, consultative referendums to ascertain public opinion in certain issues: in 1916 and 1917 concerning conscription for military service and in 1977 concerning the preferred national anthem.

Aitkin, Don (1978): Australia. Butler, David; Ranney, Austin (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research. Washington D.C., pp. 123-139.

Hughes, Colin A. (1994): Australia and New Zealand. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 154-173.

Kobach, Kris W. (1993): *The Referendum: Direct Democracy in Switzerland*. Dartmouth, Aldershot.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

2. Austria

Federal system with bicameral legislature: Federal Council and National Council (*Bundesrat, Nationalrat*)

1. *Optional Referendum (article 43)*: If the National Council resolves or majority of MPs so demand, every bill passed has to be submitted to referendum before authentication.

2. *Mandatory Constitutional Referendum (article 44)*: Total revisions of the constitution or the revisions of the four fundamental principles of the Constitution (democratic principle, republican principle, federal principle, and the principle of the rule of law) require national approval by a binding referendum after it has been passed by the parliament.

3. *Suspensive Constitutional Referendum (article 44)*: In the case of constitutional amendments which do not affect the fundamental principles of the Constitution, 1/3 of the members of either chambers may require a binding referendum.

Bogdanor, Vernon (1994): *Western Europe*. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97.

Pelinka, Anton; Greiderer, Sylvia (1996): *Austria: the referendum as minority protection*. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 20-32.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

3. Belgium

Federal state with bicameral legislature: Senate and Chamber of Representatives.

The possibility of holding a referendum is not mentioned in the Constitution. (There has been one referendum: in 1950 on the Return of King Leopold III).

Bogdanor, Vernon (1994): *Western Europe*. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97.

4. Canada

Federal state with bicameral legislature: Senate and House of Commons.

Canada has no legitimate constitutional process of its own, and the unanimous consent between the federal and the ten provinces has become the default process. Long constitutional debate, especially of the status of Quebec in the 1980s, has produced a need to find mechanisms to legitimize constitutional agreements by using referendums.

Leduc, Lawrence (1993): *Canada's Constitutional Referendum of 1992: A 'Great Big No'*. *Electoral Studies*, Vol. 12, No. 3, pp. 257-263.

5. Denmark

Unitary state with regional devolution (Færøe and Greenland) and with unicameral legislature (*Folketing*)

In the 1953 constitution, there are four different sections concerning the referendum, and in addition to these, there is a possibility of optional referendums.

1. In the *section 88*, there is a provision of *mandatory constitutional referendums*: constitutional amendment requires acceptance of the *Folketing* and the support of the majority of the voters and at least 40 % of the total electorate required (until 1953 45%)

2 *Suspensive legislative referendum (section 42)*: Suspensive legislative referendum is used when one third of the members of the *Folketing* request a referendum within three working after a bill has been passed. After request the majority of the *Folketing* may withdraw the bill within five working days. If it does not, the bill will be submitted to a referendum at earliest within 12 and at latest within 18 working days. A majority of the votes, and the votes of at least 30% of the total electorate is required to reject the bill. Measures of a number of areas can not be subject to the referendum (e.g. finance, government loans, salaries and pensions, direct and indirect taxes). If the law is urgent it may be directly affirmed by the Queen. Even in this kind of situations the referendum is possible. If the bill is rejected in the referendum, it will be renounced within 14 days.

3. In *section 20* of the Constitution, there is a provision of *mandatory referendum on transfers of national powers to international authorities*: majority of 5/6 is required in the *Folketing* or an ordinary majority and the submission of the bill to the voters. Like in suspensive referendum, the bill is rejected if the majority of the voters and at least 30% of the whole electorate votes against the bill.

4. *Section 29* of the constitution requires that laws changing the voting age must be submitted to the referendum.

5. *Optional Referendum*: it is possible for the *Folketing* to adopt a special law providing for a consultative referendum as a means of determining the public opinion before parliamentary or governmental action is taken.

Miller, Kenneth (1982): Policy-Making by Referendum: The Danish Experience. *West European Politics*, Vol. 5, January 1982, pp. 52-67.

Siune, Karen (1993): The Danes said No to the Maastricht Treaty. The Danish EC Referendum of June 1992. *Scandinavian Political Studies*, Vol. 16, No. 1, pp. 93-103.

Siune, Karen; Svensson, Palle (1993): The Danes and The Maastricht Treaty: The Danish EC Referendum of June 1992. *Electoral Studies*, Vol. 12, No. 2, June 1992, pp. 99-111.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

Svensson, Palle (1996): Denmark: the referendum as minority protection. Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 86-105.

6. Finland

Unitary state with regional devolution (Åland) and unicameral legislature (*Eduskunta*)

Optional referendum (According to the 1986 Constitutional amendment): A consultative referendum is decided as an act of the parliament. This means that the support of parliamentary majority is needed for the referendum.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

Suksi, Markku (1996): The Referendum as a dormant feature. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 52-65.

7. France (Fifth republic)

Unitary state with bicameral legislature: Senate and National Assembly.

1. *Mandatory or suspensive constitutional referendum (article 89 of the 1958 Constitution)*: The right to propose constitutional amendments belongs concurrently to the President on the proposal of the Prime Minister and to members of legislature. The amendment must be passed by the two houses of the legislature in identical terms. Once this has happened, the referendum is mandatory for those amendments which are initiated by the legislature, and facultative for those which are initiated by the President. In the latter case the President has an option to submit the law proposal to the Congress (the Senate and the National Assembly meeting together), which must pass it with the 3/5 majority. The amendment becomes effective when it has been approved by referendum or passed by the Congress. Therefore, the referendum does not necessarily take place if the legislature and the President reach a sufficient consensus. In fact, all five constitutional amendments made since 1958 have been approved by the Congress, and there have been no referendums under the *article 89*.

2. *Optional legislative referendum: (article 11)* On the proposal of the government during the parliamentary session, or on the joint proposal of the two Assemblies, the President may submit to a referendum any proposed bill (not yet passed by the legislature) dealing with the organization of the public authorities, approving a French Community Agreement, or authorizing the ratification of a treaty which, although not in conflict with the constitution, would affect the working of institutions. If the result of the referendum is favourable to the adoption of the bill, the President of the republic promulgates it. (Suksi 1993, 141.)

Morel, Laurence: France: towards less controversial use of the referendum. Gallagher, Michael & Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 66-86.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

Wright, Vincent (1978): France. Butler & Ranney (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research. Washington D.C., pp. 139-168.

8. Germany

Federal state with bicameral legislature (*Bundesrat, Bundestag*)

German constitution does not include any provisions of the referendum at the national level, but according to Articles 29 and 118 of the Constitution (*Grundgesetz*), territorial changes of area as between states are subject to referendum

Bogdanor, Vernon (1994): Western Europe. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97.

9. Greece

Unitary state with unicameral legislature (*Vouli*)

Optional Referendum: According to the 1975 Constitution, as modified by constitutional amendments passed in 1986, the President may call a binding referendum 'on crucial national issues', if this is supported by an absolute majority of the legislature, and to call a referendum 'on crucial social questions', if this is supported by 60% of the legislature.

Bogdanor, Vernon (1994): Western Europe. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97.

10. Iceland

Unitary state with unicameral legislature (*Althing*)

1. *Constitutional referendum*: required on the position of the state church.

2. *Abrogative legislative referendum*: A bill passed by the *Althing* will be submitted to the President for approval within two weeks. If the President disapproves the bill it will nevertheless become valid but must, as soon as circumstances permit, be submitted to a referendum. The law will become invalid, if it is rejected.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht, p. 149.

11. Ireland

Unitary state with bicameral legislature (*Oireachtas: Senate and Dàil*).

1. *Mandatory constitutional referendum* (1937 Constitution, *article 46*): 'Every proposal for amendment shall be initiated in Dail Eireann as a Bill', and having passed both houses 'shall be submitted by Referendum to the decision of the People'. In order to the law to be passed, the majority of the given votes is sufficient.

2. *Suspensive legislative referendum* (*article 27*): A bill (not a constitutional amendment) which has been passed through both houses of the *Oireachtas* can be put to referendum before it has been signed as law by the President. After being passed it can be challenged by a petition of the majority of the members of the Senate and at least 1/3 of the members of the *Dàil*. This joint petition is then addressed to the President, who, after consultation with the Council of State but acting in his own discretion, might decline to sign the bill because it contains "a proposal of such national importance that the will of the people thereon ought to be ascertained". The President has ten days from the receipt of such a petition to make up his mind. If he decides not to sign there are two possible courses of action. The bill may be put to referendum within a period of eighteen months and is vetoed if a majority of votes are cast against it and if the total number of votes cast against it amount to at least a third of the votes on the register. If the referendum does not take place, *Dàil* Eireann will be dissolved and new elections will be held. This provision has never been put to practise.

Gallagher, Michael: Ireland: the referendum as a conservative device? Gallagher, Michael & Uleri, Pier Vincenzo (eds.) *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 86-105.

Girvin, Brian (1986): Social Change and Moral Politics: The Irish Constitutional Referendum 1983. *Political Studies*, Vol. 34, March 1986, pp. 61-81.

Manning, Maurice (1978): Ireland. Butler & Ranney (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research, Washington D.C., pp. 193-209.

12. Italy

Unitary state with regionalisation and bicameral legislature: Senate and Chamber of Deputies.

1. *Suspensive constitutional referendum* (*article 138* of the Constitution of 1947): Either 500.000 voters, one-fifth members of either legislative chamber or five regional councils may demand a referendum on a constitutional law within three months after it has been passed by the both houses of the parliament. The constitutional referendum will not take

place if it has not been passed by two-thirds majority in both chambers of Italian Parliament. There has been, however, no referendums according to this article. *Article 132* provides for a similar referendum on modifying the borders of Italian region, which has also not been used. In order to be accepted the constitutional amendment needs the majority of the valid votes.

2. Abrogative legislative referendum (article 75 of the 1970 Constitutional Amendment): A referendum will be held to decide on the total or partial repeal of a law or any parts of it or of any measure which is already in force of law if it is demanded by 500.000 voters or by five regional councils. The proposal submitted to the referendum is approved if the majority of those who are eligible to vote have participated, and if it has received a majority of valid votes. The abrogative referendum cannot, however, be applied on certain issues.

Bogdanor, Vernon (1994): *Western Europe*. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97.

Möckli, Silvano (1994): *Direkte Demokratie. Ein internationaler Vergleich*. Verlag Paul Haupt. Bern., 127-130.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

Uleri, Pier Vincenzo (1996): *Italy: referendums and initiatives from the origins to the crisis of democratic regime*. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 106-125.

13. Luxembourg

Unitary state with unitary legislature: Chamber of Deputies

According to the Constitution the electorate may participate in referendums, which has been interpreted to mean the possibility of optional, consultative referendums.

14. The Netherlands

Unitary state with bicameral legislature: First Chamber and Second Chamber

The possibility of holding a referendum is not mentioned in the Constitution, and the Netherlands has never held a referendum at the state level. The Constitution, however, provides for local referendums.

Bogdanor, Vernon (1994): *Western Europe*. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 24-97 .

Holsteyn, Joop van (1996): *The Netherlands: national debates and local experience*. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*.

MacMillan, Basingstoke, pp. 126-152.

15. New Zealand

Unitary state with unicameral Parliament

1. *Suspensive Constitutional Referendum*: After the upper house of the Parliament, the Legislative Council was abolished in 1950, there was a concern about the loss of checks and balances. This led to a reform of the Electoral Act in 1956, according to which constitutional matters such as the maximum terms and number of members of the House of Representatives, secret ballot, minimum voting age, and redistricting procedures may be only amended and repealed if the 75% majority of the parliament's total membership supports it, or the majority of electors at a referendum.

2. *Optional Referendum*: In some issues, especially in moral questions and those related to lifestyles, the parliamentary majority may make the decision on using referendums.

Hughes, Colin A. (1994): Australia and New Zealand. *Referendums around the World*. (Butler and Ranney eds.) MacMillan, Basingstoke, pp. 154-173.

16. Norway

Unitary state with unicameral legislature (*Storting*)

The possibility of holding a referendum is not mentioned in the Norwegian Constitution, but there have been a few *consultative*, 'ad hoc' referendums on issues of great importance which have been initiated by the *Storting*.

Bogdanor, Vernon (1994): Western Europe. *Referendums around the World*. (Butler and Ranney eds.), MacMillan, Basingstoke, pp. 24-98.

Wyller, Thomas Chr (1996): Norway: six exceptions to the rule. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 139-152.

17. Portugal

Unitary state with unicameral legislature: Assembly of the Republic

According to the 1989 Constitution, the President can call a binding referendum at the request of the Parliament or the government on a 'question of national interest, excluding budgetary and fiscal matters'.

Bogdanor, Vernon (1994): Western Europe. *Referendums around the World*. (Butler and Ranney eds.), MacMillan, Basingstoke, pp. 24-98.

18. Spain

Unitary state with regionalisation and bicameral legislature (*Cortes*): Senate and Congress of Deputies.

1. *Mandatory Constitutional Referendum* (on fundamental revisions of Constitution): The *article 168(3)* of the Constitution provides for a mandatory constitutional referendum on the total revisions of the Constitution or partial revisions affecting certain basic matters. The total revision of the Constitution must be first approved by 2/3 majority of each chamber of the Cortes for two times, with general elections intervening. After the second approval, the revision is put to the referendum.

2. *Suspensive Constitutional Referendum*: The *article 167* of the Constitution deals with the partial revisions of the Constitution which do not affect the basic principles, when the *article 168* is applied. A partial revision of the Constitution either requires 3/5 majorities in both houses or an absolute majority of the members of the Senate and a 2/3 majority of the lower house. After the amendment has been passed, 1/10 of the members of either house can demand a referendum.

3. *Optional referendum* (as regulated in the Constitution): Political decisions of special importance may be submitted for an optional, consultative referendum: "The referendum shall be convoked by the King at the proposal of the Prime Minister (President of the Government) after previous authorization by the Congress of Deputies."

Bogdanor, Vernon (1994): Western Europe. *Referendums around the World*. (Butler and Ranney eds.), MacMillan, Basingstoke, pp. 24-98.

Boix, Charles (1991): Partisan Voting in the Spanish 1986 NATO Referendum: An Ecological Analysis. *Electoral Studies*, Vol. 10, pp. 19-32.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

19. Sweden

Unitary state with unicameral legislature (*Riksdag*)

1. *Optional referendum* : majority of the *Riksdag* support the act concerning an optional, consultative referendum.

2. *Suspensive Constitutional Referendum* (Constitutional Amendment 1979, chapter 8, article 15) Any changes to the Constitution must be accepted by two separate *Riksdags*. If 1/10 of the members of the *Riksdag* require and 1/3 support the motion at least ten months before the next election, the referendum will be held at the same time as the election between two readings. For an amendment to be rejected in the referendum, there must be a majority against the proposal, and the number of votes cast against it must exceed half the votes validly cast in the simultaneous election. This procedure may also be applied to international agreements and the transfers of powers to international organisations.

Bogdanor, Vernon (1994): Western Europe. *Referendums around the World*. (Butler and Ranney eds.), MacMillan, Basingstoke, pp. 24-98.

Ruin, Olof: Sweden: the referendum as an instrument for defusing political issues. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 171-185.

Suksi, Markku (1993): *Bringing in the People*. Martinus Nijhoff Publishers, Dordrecht.

20. Switzerland

Federal state with bicameral legislature (*Bundesversammlung*): States Council and National Council.

Swiss referendums are always decisive and they can either be mandatory or facultative, but the use of the facultative referendum can not be decided by the parliamentary majority or by the government.

1. *Constitutional referendum*: All changes to the federal constitution (total revisions and amendments) are always submitted to a referendum; to be accepted they must get a double majority, i.e. it must win the support of a majority of the votes cast in the country as a whole and also a majority of votes in more than half the twenty-two cantons.

2. *International agreements*: joining a collective security organization or supranational community: mandatory referendum and double majority required; joining an international organization or ratifying a multinational treaty on standardizing law and so on; Federal Assembly can hold an optional referendum.

3. *Laws and decrees* (with limited duration) are liable to a referendum if, within ninety days of publication, 50.000 citizens sign a petition demanding it or eight cantons demand it. To take effect the law or decree needs to be supported by majority of voters (majority of cantons is not required); referendum may not be possible: if decree includes urgency clause and is accepted by the majority of each chamber; and if the decree is for one year or less.

4. *Popular initiatives*: any seven Swiss voters can begin the process by submitting a request for initiative and a description of the desired change in the constitution and they have 18 months to collect 100.000 signatures in support of the petition (before 1977: 50.000). There are two types of constitutional revision that may be pursued via the initiative, total and partial. Total revisions are sent directly to the people after signatures are deposited, and if a majority of the nation votes in favour of revision, then the parliament is dissolved and new elections are held to elect a constitutional assembly to undertake the revision. Partial revisions can take two forms: they can either suggest the general terms of the change, or they can present the exact text of the proposed amendment.

In the generally-worded case, if the Federal Assembly agrees with the suggestion, it simply draws up a specific amendment and submits it to the people. It takes effect if a double majority is achieved. However, if the legislature disagrees (which is more likely), then the proposal must pass a preliminary referendum in which double majority is not required. Then if it is approved, the legislature must draft an appropriate text and send it to the people again. The second time around, a double majority is required.

A specifically-worded initiative need go to the people only once. great majority of the initiatives take this form. Before the proposal is placed on the ballot the government can either endorse it, recommend rejection and submit a counterproposal of its own. Typically, such counterproposals accept some of the petitioners' demands while omitting others.

Aubert, Jean-François (1978): Switzerland. Butler & Ranney (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research. Washington D.C., pp. 39-66.

Kobach, Kris W. (1993): *The Referendum: Direct Democracy in Switzerland*. Dartmouth, Aldershot.

Trechsel, Alexander H.; Kriesi, Hanspeter (1996): Switzerland: the referendum and initiative as a centrepiece of the political system. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 185-208.

21. United Kingdom

Unitary state with regional devolution and bicameral legislature: House of Commons and House of Lords

Britain does not have a codified constitution and it has been regarded to be a purely representative democracy with parliamentary sovereignty. Since the 1970s the use of referendum is decided by the parliamentary majority, and the electorate has participated in referendums on constitutional issues at both national and regional level.

Balsom, Denis (1996): *The United Kingdom: constitutional pragmatism and the adoption of the referendum*. Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 209-226.

Bogdanor, Vernon (1981): *The People and the Party System. The Referendum and electoral reform in British politics*. Cambridge University Press, Cambridge.

Bogdanor, Vernon (1994): Western Europe. *Referendums around the World*. (Butler and Ranney eds.), MacMillan, Basingstoke, pp. 24-98.

22. United States

Federal state with bicameral legislature: Senate and House of Representatives

The US does not have referendums at the federal level, but there is a possibility for an advisory referendum

California

A constituent part of the federation

1. *Constitutional amendment initiative proposed by popular petition* and submitted to the voters, 8% of the electorate must sign the petition.

2. *The direct statutory initiative*: statutes proposed by petition and submitted to the voters, 5% of the electorate must sign the petition.

3. *The optional referendum*, the suspension of the enforcement of law until it has been referred to the voters and approved by them (have not been used since 1952).

(4. *Indirect statutory initiative*, statutes proposed by petition, submitted to the legislature and, failing of passage by that body, then submitted to the electorate; removed from the constitution in 1966).

Caves, Roger W. (1992): *Land Use Planning. The Ballot Box Revolution*. Sage Publications 1992. Direct democracy in California.

Lee, Eugene C (1978): California. Butler & Ranney (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research. Washington D.C., 87-123.

Appendix II:

National Referendums in 21 Western Democracies 1944-1996

COUNTRY	TIME	ISSUE	YES	TURNOUT
Australia	19 Aug 1944	Postwar reconstruction and democratic rights	47.0	96.5
	28 Sept 1946	Federal provision of social services	54.4	94.0*
		Organized marketing of primary products	50.6	94.0*
	29 May 1948	Federal powers over industrial employment	50.3	94.0*
		Legisl. powers over rents and prices	40.7	93.7
	22 Sept 1951	Fed. powers to deal with communism	49.4	95.6
	27 May 1967	Ratio of senators to representatives	40.3	93.8
		Legislative powers over aboriginals	90.8	93.8
	8 Dec 1973	Commonwealth control over prices	43.8	93.4
		Commonwealth control over incomes	34.4	93.4
	18 May 1974	Simultaneous Hse/Senate elections	48.3	95.5
		Mode of altering the constitution	48.0	95.5
		Equalize House constituencies	47.2	95.5
		Local government borrowing rights	46.9	95.5
	21 May 1977	Simultaneous Hse./Sen. elections	62.2	92.3*
		Senate vacancies	73.3	92.3
		Territory franchise for referendum	77.7	92.3
		Retiring age for federal judges	80.1	92.3
		Electoral rights	77.7	92.3
		National song (non-const, multiple alt.)		92.3
1 Dec 1984	Terms of senators	50.6	94.0*	
	Interchange of powers	47.1	94.0	
3 Sept 1988	Max. 4-yr. terms for both houses	32.9	92.1	
	Equalize House constituencies	37.6	92.1	
	Recognition of local government	33.6	92.1	
	Trial, religion and property rights	30.8	92.1	

*constitutional amendment which achieved a national majority, but failed because not winning majorities in the majority of the states.

Austria	5 Nov 1978	Zwentendorf nuclear power plant	49.5	64.1
	12 June 1994	Joining EU	66.6	81.3
Belgium	12 Mar 1950	Return of King Leopold III	57.6	92.4
Canada	26 Oct 1992	Constitutional reform package	44.6	
Denmark	28 May 1953	New Constitution	78.8	59.1
		Voting Age lowered from 23 to 21	54.6	57.1
	30 May 1961	Voting Age lowered from 23 to 21	55.0	37.3

	25 June 1963	Approval of agricultural acquisition law	38.4	73.0
		Approval of state small-holders law	38.6	73.0
		Approval of municipal pre-emption law	39.6	73.0
		Approval of nature conservation law	42.6	73.0
	24 June 1969	Voting age lowered from 21 to 18	21.4	63.6
	21 Sep 1971	Voting age lowered from 21 to 20	56.5	83.9
	2 Oct 1972	Joining EEC	63.3	90.1
	19 Sep 1978	Voting Age lowered from 20 to 18	53.8	63.4
	27 Feb 1986	Single European Act	56.2	75.4
	2 June 1992	Maastricht Treaty	49.3	83.1
	18 May 1993	Maastricht Treaty	56.8	86.5
Finland	16 Oct 1994	Joining EU	56.9	70.8
France	21 Oct 1945	End of Third Republic Assembly to draft constitution and interim power for Assembly	96.4	79.1
	5 May 1946	Adoption of Constitution	47.2	79.6
	13 Oct 1946	Adoption of Constitution	53.2	67.6
		<i>5th Republic</i>		
	29 Sept 1958	Adoption of Constitution	85.1	79.5
	8 Jan 1961	Self-determination for Algeria	75.0	73.8
	9 Apr 1962	Algerian independence	90.8	75.3
	27 Oct 1962	Direct election of president ²	62.2	77.0
	27 April 1969	Senate power and regional devolution ²	47.6	80.1
	23 April 1972	Enlargement of EEC	68.3	60.2
	6 Nov 1988	Future of New Caledonia	80.0	36.9
	20 Sep 1992	Maastricht Treaty	51.0	69.8

² Unconstitutionally initiated by President De Gaulle

Germany

No referendums after The World War II

Greece	1 Sept 1946	Return of King George II	60	90
	29 Sept 1968	Approval of King Constitution	91.9	77.7
	29 July 1973	Institute Republic	77.2	74.7
	8 Dec 1974	End of Monarchy	69.2	75.6
Iceland	29 May 1944	Separate from Denmark Institute a republic	99.5	98.4
Ireland	17 June 1959	Abolish proportional representation	48.2	56.1
	16 Oct 1968	Increase variation in electorates Abolish proportional representation	39.2	62.9
	10 May 1972	Joining EEC	83.1	70.3
	7 Dec 1972	Lower voting age to 18 Remove const. status of church	84.6	48.0
	5 July 1979	New adoption law Election system in Senate	84.4	47.9
			99.0	27.9
			92.4	27.4

	7 Sept 1983	Abortion ban	66.9	53.4
	14 June 1984	Allow votes for non-citizens	75.4	45.5
	26 June 1986	Permit divorce	36.5	60.5
	26 May 1987	Single European Community Act	69.9	43.9
	19 June 1992	Maastricht treaty	69.1	57.3
	25 Nov 1992	Abortion information	34.6	64.9
		Abortion travel	62.4	65.3
		Freedom of information on abortion	59.9	65.2
	24 Nov 1995	Allow legalisation of divorce	50.3	62.0
	28 Nov 1996	More difficult release for bail for serious crimes	74.8	29.2
Italy³	12 May 1974	Repeal Divorce	40.7	87.7
	11 June 1978	Abolish police's special anti-crime powers	23.5	81.2
		Abolish state funding for parties	43.6	81.2
	17 May 1981	Abolish police's special anti-terrorism powers	14.9	79.4
		Abolish life imprisonment	22.6	79.4
		Restrict arms licences	14.1	79.4
		Liberalise law on abortion	11.6	79.4
		Restrict law on abortion	32.0	79.4
	9 June 1985	Repeal government wage-index decree	45.7	77.9
	8 Nov 1987	Make effective the civil liability of magistrates	80.2	65.1
		Support trial of ministers	85.0	65.1
		Anti-nuclear power (site selection)	80.6	65.1
		Anti-nuclear power (subsidies)	79.7	65.1
		Anti-nuclear power (Ban Italian participation in nuclear power plants abroad)	71.9	65.1
	3 June 1990	Prohibit hunting	92.2	43.4*
		Prohibit hunting	92.3	42.9*
		Restrict toxic residues in foodstuffs	93.5	43.1*
	9 June 91	Abolish multiple preference voting at Chamber elections	95.6	62.5
	18 Apr 1993	Abolish State Enterprise Ministry	90.1	76.9
		Abolish PR in Senate elections	82.7	77.1
		Abolish Agriculture Ministry (a)	70.1	77.0
		Abolish Tourist Ministry (a)	82.2	76.9
		Environmental powers for local health offices	82.5	76.9
		Decriminalise personal use of soft drugs	55.3	77.0
		Abolish state funding for parties	90.3	77.0
		Abolish government role in state bank appointments	89.8	77.0
	11 June 1995	Abolish restrictions on union accorded negotiating rights	49.97	56.9
		Reduce restrictions on unions accorded negotiating rights	62.1	56.9
		Abolish restrictions on negotiating rights in state sector	64.7	56.9

Repeal compulsory residence for mafia suspects	63.7	57.0
Privatise state broadcasting services	54.9	57.2
Abolish power of municipalities to limit retail trade	35.6	57.0
Abolish union dues deduction by employers	56.2	57.1
Change mayoral election rules in larger municipalities	49.4	57.1
Abolish powers of subnational governments to limit business hours	37.5	57.1
Private companies can own only one TV channel	43.0	57.9
Ban commercial advertising during broadcasting of films	44.3	57.9
Companies may sell advertising on no more than 2 national TV channels	43.6	57.8

Other Referendums

2 June 1946	Republic or Monarchy	54.3	89.1
18 June 1989	Confer a constituent mandate upon Italian MEPs	88.1	81.0

³ A 'yes' vote is for the abrogation of the law.

⁴ The results of these referendums were automatically invalidated, because the turnout was less than 50%.

Luxembourg No referendums after the World War II

Netherlands No referendums ever

New Zealand	9 Mar 1949	Allow off-track betting	68.0	56.3
		Maintain 6 p.m. drink curfew	75.5	56.5
	3 Aug 1949	Maintain conscription	77.8	61.5
	23 Sept 1967	Three-, not four-year parliaments	68.1	71.2
		Longer drinking hours	64.5	71.2
	19 Sept 1992	Retain electoral system	84.7	55.2
	4 alternative systems	70.5	55.2	
6 Nov 1993	Approve MMP election law	53.8	82.6	

Norway	25 Sept 1972	Joining EEC (O)	46.5	79.2
	28 Nov 1994	Joining EU (O)	47.8	89.0

Portugal No referendums after the World War II

Spain	6 July 1947	Approval of succession law	95.1	94.0
	14 Dec 1966	Approval of constitution	95.9	89.2
	15 Dec 1976	Approval of political reform programme	97.3	77.7
	7 Dec 1978	New Constitution	91.7	70.0
	12 March 1986	Stay in NATO	52.5	59.7

Sweden	16 Oct 1955	Drive on right		15.5	53.2
	13 Oct 1957	Three alternative pension plans	(i)	45.8	72.4
			(ii)	15.0	
			(iii)	35.3	
	23 March 1980	Nuclear power:	line 1	18.9	75.6
			line 2	39.1	
line 3			38.7		
13 Nov 1994	Joining EU		52.2	83.3	
U.K.	5 June 1975	Stay in EEC		67.2	64.5

USA No referendums at the federal level

* for referendums which have failed for some special majority requirement

Sources:

Butler, David; Ranney, Austin (eds.) (1994): *Referendums around the World*. MacMillan, Basingstoke.

Gallagher, Michael; Uleri, Piervincenzo (eds.) (1996): *The Referendum Experience in Europe*. MacMillan, Basingstoke.

Documentation Centre for Direct Democracy, University of Geneva, database (<http://c2d.unige.ch>).

Appendix III:

Referendums in Switzerland 1945-1996:

Date	Issue	Yes	Turnout
1 21 Jan 1945	National railways act (R)	56.7	52.8
2 25 Nov 1945	Protection of the family (C)	76.3	55.5
3 10 Feb 1946	Coordination of public transport (C)	33.6	65.2
4 8 Dec 1946	Right to work (I)	19.2	51.3
5 18 May 1947	Economic reforms/labour legislation (I)	31.2	59.4
6 6 July 1947	Economic articles (A)	53.0	79.7
7	Old-age pension act (R)	80.0	79.7
8 14 Mar 1948	Monopoly of sugar (R)	36.2	56.5
9 22 May 1949	Emission of banknotes (A)	38.5	61.0
10	Prevention of tuberculosis (R)	24.8	61.0
11 11 Sept 1949	Direct democracy (emergency clause) (I)	50.7	42.5
12 11 Dec 1949	Status of federal officials (R)	55.3	72.0
13 29 Jan 1950	State aid for housing construction (R)	46.3	52.8
14 4 June 1950	Federal finances (A)	35.5	55.3
15 1 Oct 1950	Speculation on real estate and labour (I)	27.0	43.7
16 3 Dec 1950	Seats on the National Council (A)	67.3	55.7
17	Federal taxes from 1951 to 1954 (A)	69.5	55.7
18 25 Feb 1951	Transport by automobile (R)	44.3	52.4
19 15 Apr 1951	Emission of banknotes (I)	12.3	53.1
20	Emission of banknotes (C)	68.1	53.1
21 8 July 1951	Taxation of public enterprises (I)	32.6	37.6
22 2 Mar 1952	Construction of new hotels (R)	46.1	40.1
23 30 Mar 1952	Agriculture act (R)	54.0	64.1
24 20 April 1952	Federal sales tax (I)	19.0	49.1
25 18 May 1952	Financing of armaments (I)	43.7	53.9
26 6 July 1952	Financing of armaments (A)	42.0	44.2
27 5 Oct 1952	Tax on tobacco products (R)	68.0	52.6
28	Antiaircraft shelters (R)	15.5	52.6
29 23 Nov 1952	Control of prices (A)	62.8	56.4
30	Supply of cereals (A)	75.6	56.4
31 19 April 1953	Postal tariffs (R)	36.5	52.7
32 6 Dec 1953	Federal finances (A)	42.0	60.3
33	Prevention of water pollution (A)	81.3	59.1
34 20 June 1954	Federal certificates of professional capacity (R)	33.0	40.9
35	Aid for Swiss war victims (R)	44.0	40.7
36 24 Oct 1954	Federal taxes from 1955 to 1958 (A)	70.0	46.8
37 5 Dec 1954	Protection of sites (I)	31.2	51.9
38 13 Mar 1955	Consumers' and lessees' protection (I)	50.2	55.5
39	Consumers' and lessees' protection (C)	40.6	55.5
40 4 Mar 1956	Control of prices (A)	77.5	48.7
41 13 May 1956	Utilization of hydraulic forces (I)	36.9	52.1
42	State aid for a private timber transformation enterprise in Graubunden (R)	42.5	52.6
43 30 Sept 1956	Supply of cereals (amendment) (A)	38.7	44.0
44	Referendum on expenses (C)	45.5	43.8
45 3 Mar 1957	Civil defence (A)	48.1	53.1
46	Radio/TV legislation (A)	42.8	53.0

47	24 Nov 1957	Nuclear energy (A)	77.3	45.5
48		Supply of cereals (A)	66.7	45.5
49	26 Jan 1958	Misuse of economic power (I)	25.9	51.8
50	11 May 1958	Federal finances (A)	54.6	53.2
51	6 July 1958	Cinema (A)	61.3	42.3
52		Highway System (C)	85.0	42.4
53	26 Oct 1958	Forty-four-hour work-week (I)	35.0	61.4
54	7 Dec 1958	Gambling in casinos (A)	59.9	46.2
55		Utilization of the Spöhl River (T)	75.2	46.4
56	1 Feb 1959	Women's suffrage (A)	33.1	66.7
57	24 May 1959	Civil Defence (A)	66.3	42.9
58	29 May 1960	Control of prices (A)	77.5	39.0
59	4 Dec 1960	Legislation on milk production (R)	56.3	49.8
60	5 Mar 1961	Legislation on pipelines (A)	71.4	62.8
61		Taxes on motor fuel (R)	46.5	63.3
62	22 Oct 1961	Legislative Initiative (I)	29.4	40.1
63	Dec 1961	Watch-making industry (R)	66.7	45.8
64	1 April 1962	Nuclear arms prohibition (I)	34.8	55.6
65	27 May 1962	Nature and landscape protection (A)	79.1	38.7
66		Salary of parliament members (R)	31.7	38.7
67	4 Nov 1962	Seats on the National Council (A)	63.7	36.3
68	26 May 1963	Nuclear Arms (I)	37.8	48.8
69	8 Dec 1963	Federal finances (A)	77.6	41.8
70		Scholarships (A)	78.5	41.7
71	2 Feb 1964	Fiscal amnesty (A)	42.0	44.3
72	24 May 1964	Professional education (R)	68.6	37.0
73	6 Dec 1964	Control of prices (A)	79.5	39.2
74	28 Feb 1965	Limitation of credits (R)*	57.7	59.7
75		Limitation of construction (R)*	55.5	59.7
76	16 May 1965	Milk and milk products (R)	62.0	37.4
77	16 Oct 1966	Swiss abroad (A)	68.1	49.9
78		Fight against alcoholism (I)	23.4	48.0
79	2 July 1967	Speculation on real estate (I)	32.7	37.9
80	18 Feb 1968	Fiscal amnesty (A)	61.9	41.8
81	19 May 1968	Fixed prices on tobacco products (R)	48.2	36.91
82	1 June 1969	Federal technical high school (R)	34.5	33.9
83	14 Sept 1969	Town and country planning (A)	55.9	32.9
84	1 Feb 1970	Control of sugar (R)	54.2	43.8
85	7 June 1970	Foreigners, reduction of number (I)	46.0	74.1
86	27 Sept 1970	Sports education (A)	74.5	43.8
87		Housing and family (I)	48.9	43.8
88	15 Nov 1970	Federal finances (A)	55.4	40.9
89	7 Feb 1971	Woman's suffrage (A)	65.7	57.7
90	6 June 1971	Protection of the environment (A)	92.7	37.9
91		Federal finances (A)	72.7	37.8
92	5 Mar 1972	Construction of lodgings (I)	28.9	35.7
93		Construction of lodgings (C)	58.5	35.7
94		Protection of lessees (A)	85.4	35.7
95	4 June 1972	Control of the construction market (R)*	83.3	26.7
96		Defence of the Swiss currency (R)*	87.7	26.7
97	24 Sept 1972	Exportation of arms (I)	49.6	33.1
98	3 Dec 1972	Old-age and sickness pension(amendment)(I)	15.6	52.9
99		Old-age and sickness pension(amendment)(C)	74.0	52.9
100		Free-trade agreement with the EC (A)	72.5	52.9
101	4 Mar 1973	Education (A)	52.8	27.5

102	Scientific research (A)	64.5	27.5
103 20 May 1973	Repeal of the confessional articles (A)	54.9	40.3
104 2 Dec 1973	Prices and salary control (R)*	59.8	35.0
105	Credit control (R)*	65.1	35.0
106	Control of the construction market (R)*	70.4	35.0
107	Limitation to amortization allowance (R)*	68.0	35.0
108	Protection of animals (A)	84.0	35.0
109 20 Oct 1974	Foreigners, reduction of number (I)	34.2	70.3
110 8 Dec 1974	Federal finances (A)	44.4	39.6
111	Reduction of federal expenses (A)	67.0	39.5
112	Health insurance (I)	26.7	39.7
113	Health insurance (C)	32.1	39.7
114 2 Mar 1975	Economic policy (A)	52.7	28.4
115 8 June 1975	Federal finances (A)	56.0	36.8
116	Defence of the Swiss currency (R)*	85.5	36.8
117	Brake on federal expenses (A)	75.9	36.8
118	Customs, tariff, fuel (R)	48.2	36.8
119	Financing the highway system (R)	53.5	36.8
120 7 Dec 1975	Freedom of domicile/social assistance (A)	75.6	30.9
121	Legislation on water resources (A)	77.5	30.9
122	Import and export of agricultural products (R)	52.0	31.1
123 21 Mar 1976	Workers' participation (I)	32.4	39.4
124	Workers' participation (C)	29.6	39.4
125	More equal taxes (I)	42.2	39.3
126 13 June 1976	Compulsory unemployment insurance (A)	68.3	34.5
127	Town and country planning (R)	48.9	34.6
128	Loan to International Development Association (T)	43.6	34.5
129 26 Sept 1976	Radio/TV legislation (A)	43.3	33.5
130	Federal liability insurance for cars (I)	24.3	33.5
131 5 Dec 1976	Money and credit policy (R)*	70.3	44.8
132	Control of prices (R)*	82.0	45.1
133	Forty-hour work-week (I)	22.0	45.2
134 13 Mar 1977	Foreigners, reduction of number (I)	29.5	45.2
135	Naturalization of foreigners (I)	33.8	45.2
136	Referendum on international treaties (I)	21.9	45.0
137	Referendum on international treaties (C)	61.0	20.5
138 12 June 1977	Introduction of value-added tax (A)	40.5	50.0
139	Harmonization of cantonal taxes (A)	61.3	49.9
140 25 Sept 1977	Protection of lessees (I)	42.2	51.6
141	Protection of lessees (C)	41.2	51.6
142	Air Pollution from cars (I)	39.0	51.7
143	Number of signatures for referendum (A)	57.8	51.6
144	Number of signatures for an initiative (A)	56.7	51.6
145	Free abortion during the first 12 weeks (I)	48.3	51.9
146 4 Dec 1977	Higher taxes on big incomes (I)	44.4	38.3
147	Civil service (A)	37.6	38.1
148	Exercise of political rights (R)	93.7	38.1
149	Balanced federal finances (R)	62.4	38.2
150 26 Feb 1978	Democracy in highway construction (I)	38.7	48.2
151	Retirement age (I)	20.6	48.3
152	Economic Policy (A)	68.4	48.0
153	Old-age pension act (R)	65.6	48.3
154 28 May 1978	Summer time (R)	47.9	48.8
155	Customs tariff (R)	54.8	48.8

156	Abortion act (R)	31.2	48.8
157	University and research act (R)	43.4	48.8
158	Twelve Sundays a year without motor traffic (I)	36.3	48.8
159 24 Sept 1978	Creation of Canton of Jura (A)	82.3	42.0
160 3 Dec 1978	Milk supplies (R)	68.5	43.2
161	Protection of animals (R)	81.7	43.3
162	Federal security police (R)	44.0	43.3
163	Professional education (R)	56.0	43.3
164 18 Feb 1979	Vote at 18 (A)	49.2	49.6
165	Pedestrian trails (C)	77.6	49.6
166	Ban on liquor and tobacco advertising (I)	41.0	49.6
167	Nuclear plants (I)	48.8	49.6
168 20 May 1979	Introduction of value added tax (A)	34.6	37.7
169	Revision of atomic energy (R)	68.9	37.6
170 2 Mar 1980	Separation of church and state (I)	21.1	34.7
171	Supply of commodities (A)	86.1	34.5
172 30 Nov 1980	Safety belts and crash helmets (R)	51.6	42.1
173	Suspend cantonal share of revenues from banking stamp tax (A)	67.3	41.9
174	Redistribution of alcohol tax receipts (A)	71.0	41.9
175	Price of cereals (A)	63.5	41.9
176 5 April 1981	Policy toward foreign residents (I)	16.2	39.9
177 14 June 1981	Equal rights for men and women (C)	60.3	33.9
178	Protection of consumer rights (C)	65.5	33.9
179 29 Nov 1981	Federal taxation (A)	69.0	30.4
180 6 June 1982	Penal code on violent crimes (R)	63.7	35.2
181	Law on foreigners (R)	49.6	35.2
182 28 Nov 1982	Control of prices (I)	56.1	32.9
183	Control of prices (C)	21.6	32.9
184 27 Feb 1983	Petrol tax (A)	52.7	32.4
185	Establish basis for federal energy policy (A)	50.9	32.4
186 4 Dec 1983	Revise nationality law (A)	60.8	35.8
187	Ease naturalization policy (A)	44.8	35.9
188 26 Feb 1984	Tax on trucks (A)	58.7	52.8
189	Highway tax (A)	53.0	52.8
190	Civilian service (I)	36.2	52.8
191 20 May 1984	Banking (I)	27.0	42.5
192	Ban on selling land to foreigners (I)	48.9	42.5
193 23 Sept 1984	End nuclear development (I)	45.0	41.7
194	Safe energy policy (I)	45.8	41.6
195 2 Dec 1984	Legislation on broadcasting (A)	68.7	37.5
196	Help for victims of violence (C)	82.1	37.6
197	Protection of motherhood (C)	15.8	37.6
198 10 Mar 1985	End primary school subsidies (A)	58.5	34.4
199	End federal public health subsidies (A)	53.0	34.4
200	End federal education subsidies (A)	47.6	34.4
201	Length of paid vacation (I)	34.8	34.6
202 9 June 1985	Right to life (I)	31.0	35.7
203	Suspend cantonal share of revenues from banking 'stamp tax' (A)	66.5	35.2
204	Reduce cantonal share of liquor tax revenues (A)	72.3	35.2
205	Legislation on cereals (A)	57.0	35.3
206 22 Sept 1985	Standardized school terms (C)	58.8	41.0
207	Insurance against innovation-related risk (R)	43.1	40.9
208	New law on husband and wife (R)	54.7	41.1

209	1 Dec 1985	Prohibition of vivisection (I)	29.5	38.0
210	16 Mar 1986	UN membership (A)	24.3	50.7
211	28 Sept 1986	Subsidized sugar production (R)	38.4	34.0
212		Subsidy for arts (I)	17.1	34.0
213		Subsidy for arts (C)	45.0	34.0
214		Guaranteed vocational training (I)	18.4	34.0
215		Tenants' protection (C)	64.4	34.0
216		Taxation of heavy trucks (I)	33.9	34.0
217	5 April 1987	Revision of political asylum laws (R)	67.4	42.4
218		Revision of law on foreigners (R)	65.7	42.2
219		'Double yes' on initiatives with a government counterproposal (A)	63.3	42.3
220		Right to referendum on all military expenditures (I)	40.6	42.4
221	6 Dec 1987	'Rail 2000' Project (R)	56.7	47.7
222		Stop Rothenturm military base (to protect the moors) (I)	57.8	47.7
223		Sickness and motherhood insurance (R)	28.7	47.7
224	12 June 1988	Co-ordination of transportation policy (A)	45.5	41.9
225		Reduction of the age for receiving OAP benefits (I)	35.1	42.0
226	4 Dec 1988	City/country prohibition of real estate speculation (I)	30.8	52.8
227		Forty-hour work week (I)	34.3	52.9
228		Restriction of immigration (I)	32.7	52.8
229	4 June 1989	Protection of small farms (I)	48.9	36.0
230	26 Nov 1989	Abolition of the army (I)	35.6	68.6
231		Raise highway speed limit to 130 kph (I)	38.0	68.6
232	1 April 1990	Stop all new road construction (I)	28.5	40.5
233		Prevent highway between Murten and Yverdon (I)	32.7	40.5
234		Prevent highway between Wettswill and Kronau (I)	31.4	40.5
235		Prevent highway between Biel and Solothurn (I)	34.0	40.5
236		Wine and import standards (R)	46.7	40.5
237		Revision of the federal judiciary law (R)	47.4	40.5
238	23 Sept 1990	Establish basis for federal energy policy (A)	47.4	40.5
239		10-year moratorium on nuclear plant construction (I)	54.6	39.6
240		End use of nuclear energy (I)	47.1	39.6
241		Increase allowed width of trucks 20 cm (R)	52.8	39.6
242	3 Mar 1991	Reduce voting age to 18 (A)	72.8	31.1
243		Transfer funds from road construction to public transportation, esp. railways (I)	37.1	31.1
244	2 June 1991	Introduce federal VAT to replace corporate tax and integrate with EC (R)	45.7	32.6
245		Decriminalize conscientious objection to military service (R)	55.7	32.6
246	17 May 1992	IMF and World Bank membership (T)	55.8	36.6
247		Regulations governing involvement in the IMF and World Bank (R)	56.8	36.4
248		Reduce amount of water reservoirs to protect the environment (I)	37.1	38.4
249		Less drastic reduction of water in reservoirs than in issue 248 (R)	66.1	38.5
250		Regulation of genetic technology (R)	73.8	38.0
251		Civilian service option for conscientious objectors (A)	82.5	38.6
252		Decriminalize sex between minors, homosexuality; define rape in marriage (R)	73.1	37.9
253	27 Sept 1992	Construction of cross-Alpine railway		

		for automobiles (R)	63.6	45.9
254		Revised procedures for consideration, publication, and intr. of laws (R)	58.0	45.4
255		Change of banking 'stamp' tax (R)	61.5	45.7
256		Farmers inheritance regulations (R)	53.6	45.7
257		Increase salaries of MPs and funding for political parties (R)	27.6	45.6
258		Improved facilities and admin. services for MPs (R)	30.6	45.5
259	6 Dec 1992	European Economic Area Membership (A)	49.7	78.3
260	7 Mar 1993	Energy tariffs (R)	54.5	51
261		Legalising casinos (A)	72.5	51
262		Anti-animal testing (I)	27.8	51
263	6 June 1993	Environmental protection in military sites (I)	44.7	56
264		Against purchase of fighters (I)	42.8	56
265	26 Sept 1993	Against misuse of arms (A)	86.3	40
266		Change of border between Bern and Basel-Landschaft (A)	75.2	40
267		1. August as a public holiday (I)	83.8	40
268		Measures against the raising health insurance costs (R)*	80.6	40
269		Unemployment insurance (R)*	70.4	40
270	28 Nov 1993	Financial Regulation (A)	66.7	45
271		Contributions for improving Federal finance (A)	57.7	45
272		Maintenance of social insurance (A)	62.6	45
273		Special consumer taxes (A)	60.7	45
274		Decreasing the alcohol problem (I)	25.3	45
275		Decreasing the cigarette problem (I)	25.5	45
276	20 Feb 1994	Continuation of the road tax (A)	68.5	41
277		Continuation of tax on heavy traffic (A)	72.2	41
278		Introduction of a tax on heavy traffic dependent on power or consumption (A)	67.1	41
279		Protection of Alps from transit-traffic (I)	51.9	41
280		Aviation law (R)	61.1	41
281	12 June 1994	Law on promotion of culture (A)	51.0	47
282		Easier access to citizenship for young foreigners (A)	52.8	47
283		Swiss forces in peace-keeping (R)	42.8	47
284	25 Sept 1994	Lifting the customs exemptions of domestic grain production (A)	64.6	47
285		Military Penal Code (R)	54.7	47
286	4 Dec 1994	Health insurance law (R)	51.8	44
287		Health insurance (I)	23.5	44
288		Measures in immigration justice (R)	72.9	44
289	12 Mar 1995	Environmentally healthy and competitive agriculture (I)	49.1	38
290		Milk production (R)	36.5	38
291		Agriculture law (R)	33.6	38
292		Restriction of expenditures (A)	83.4	38
293	25 June 1995	Old age and invalid insurances (R)	60.7	40
294		Removal of old age and invalid insurances (I)	27.6	40
295		Acquisition of land by persons abroad (R)	46.4	40

296	10 Mar 1996	Revision of language laws (A)	76.2	31
297		Change of borders between Bern and Jura (A)	91.6	31
298		Lifting the tax on distilling equipment (A)		
299		Lifting the cantonal authority on personal equipment of army members (A)	43.7	31
300		Lifting the federal support for railway station parking places (A)	54.0	31
301	9 June 1996	Environmentally friendly agriculture (I)	77.6	31
302		Government and administration (R)	39.4	31
303	1 Dec 1996	Illegal immigration (I)	46.3	47
304		Work in industry, business and trade (R)	33.0	47

Explanation of Symbols

A	Amendment of the Constitution (mandatory referendum)
I	Popular initiative
C	Parliamentary counterproposal to a popular initiative
R	Rejective (facultative) referendum on a law
R*	Mandatory referendum on a urgent decree deviating form the constitution
T	Facultative referendum on an international treaty

Sources: Kobach, Kris W. (1993): *The Referendum. Direct Democracy in Switzerland*, Dartmouth, Aldershot.

The Federal Government of Switzerland, Berne. (<http://www.admin.ch>), December 1996.

BIBLIOGRAPHY

Abrams, Robert (1980): *Foundations of Political Analysis. An Introduction to the Theory of Collective Choice*, Columbia University Press, New York.

Aitkin, Don (1978): Australia, in Butler, David; Ranney, Austin (eds.): *Referendums. A Comparative Study of Practice and Theory*. American Enterprise Institute for Public Policy Research, Washington D.C., pp. 123-139.

Arrow, Kenneth (1963): *Social Choice and Individual Values*, 2nd ed., Yale University Press, New Haven.

Arrow, Kenneth (1984): *Social Choice and Justice. Collected Papers of Kenneth J. Arrow*, Basil Blackwell, Oxford.

Assarson, Jan (1996): *Intraparty Democracy and Democratic Theory*, Paper presented in the ECPR Joint Sessions of Workshops 1996, Berne.

Aubert, Jean-Francois (1978): Switzerland, in Butler, David; Ranney, Austin (eds.): *Referendums. A Comparative Study of Practice and Theory*, American Enterprise Institute for Public Policy Research, Washington D.C., pp. 39-66.

Bachrach, Peter (1967): *The Theory of Democratic Elitism*. Little, Brown and Company, Boston.

Balsom, Denis (1996): The United Kingdom: constitutional pragmatism and the adoption of the referendum, in Gallagher, Michael & Uleri Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan Press, Basingstoke, pp. 209-225.

Barber, Benjamin R. (1974): *The Death of Communal Liberty. A History of Freedom in Swiss Mountain Canton*, Princeton University Press, Princeton.

Barber, Benjamin R. (1984): *Strong Democracy. Participatory Politics for a New Age*, University of California Press, Berkeley.

Barry, Brian (1965): *Political Argument*, Routledge & Kegan Paul, New York.

Barry, Brian (1991): *Democracy and Power*, Essays in Political Theory 1, Clarendon Press, Oxford.

Barry, Brian (1991): *Liberty and Justice*, Essays in Political Theory 2, Clarendon Press,

Oxford.

Barry, Brian (1995): *Justice as Impartiality*, Clarendon Press, Oxford.

Beitz, Charles R. (1989): *Political Equality*, Princeton University Press, Princeton.

Berlin, Isaiah (1969): *Four Essays on Liberty*, Oxford University Press, Oxford.

Bezembinder, Th., Van Acker, P. (1985): The Ostrogorski Paradox and Its Relation to Nontransitive Choice, in *Journal of Mathematical Sociology*, vol. 11, pp. 131-158.

Bjørklund, Tor (1982): The Demand for Referendum: When Does it Arise and when does it succeed?, in *Scandinavian Political Studies*, vol. 5 (New Series), no. 3, pp. 237-259.

Black, Duncan (1955): Wicksell's Theory in the Distribution of Taxation, in J.K. Eastham (ed.), *Economic Theory in Commemoration of the Dundee School of Economics 1931-1955*, Dundee, 1955, pp. 7-23.

Black, Duncan (1958): *The Theory of Committees and Elections*, Cambridge University Press, Cambridge.

Bogdanor, Vernon (1981): *The People and the Party System. The Referendum and Electoral Reform in British Politics*, Cambridge University Press, Cambridge.

Bogdanor, Vernon (1994): Western Europe, in Butler, David; Ranney, Austin (eds.). *Referendums around the World. The Growing Use of Direct Democracy*, MacMillan. Basingstoke, pp. 24-97.

Borre, Ole (1986): The Danish Referendum on the EC Common Act, in *Electoral Studies*, vol. 5, no. 2, 189-193.

Brams, Steven J.; Kilgour, Marc D.; Zwicker, William S. (1995): *How Should Voting on Related Propositions Be Conducted?*, Working paper, Department of Politics, New York University.

Buchanan, James M.; Tullock, Gordon (1962): *The Calculus of Consent: The Logical Foundations of Constitutional Democracy*, University of Michigan Press, Ann Arbor 1962.

Budge, Ian (1993): Direct Democracy: Setting Appropriate Terms of Debate, in David Held (ed.) *Prospects for Democracy*, Polity Press, Cambridge.

Butler, David; Ranney, Austin (1978): *Referendums around the World*, The American Institute for Public Policy Research, Washington, D.C.

Butler, David; Ranney, Austin (eds.) (1994): *Referendums around the World*, MacMillan,

Hampshire.

Caramani, Daniele (1996) The Swiss Parliamentary Election of 1995, in *Electoral Studies*, vol. 15, no. 1, pp. 128-137.

Chubb, Basil (ed.) (1983): *A Source Book of Irish Government*. First Published in 1964.

Cole, Alistair; Campbell, Peter (1989): *French Electoral Systems and Elections since 1789*, Gower, Aldershot.

Condorcet, Marquis de (1785/1976): *Condorcet: Selected Writings*, edited by Keith Michael Baker,. Bobbs-Merrill, Indianapolis.

Cronin, Thomas E. (1989): *Direct Democracy: The Politics of Initiative Referendum, and Recall*, Harvard University Press, Cambridge, Ma.

Dahl, Robert A. (1971): *Polyarchy. Participation and Opposition*, Yale University Press, New Haven.

Dahl, Robert A. (1976): *Democracy in the United States: Promise and performance* (3rd edition), Rand McNally, Chicago.

Dahl, Robert A. (1989): *Democracy and its Critics*, Yale University Press, New Haven. Documentation Centre for Direct Democracy, University of Geneva. (<http://c2d.unige.ch>).

Downs, Anthony (1957): *An Economic Theory of Democracy*, Harper & Row, New York.

Elazar, Daniel J. (1993): Communal Democracy and Liberal Democracy: An Outside Friend's Look at the Swiss Political Tradition, in *Publius. The Journal of Federalism*, vol. 23, no. 2, pp. 3-18.

Epple-Gass, Ruedi (1991): Neue Formen politischer Mobilisierung: (K)eine Herausforderung der Schweizerischen Demokratie, *Schweizerische Jahrbuch für Politische Wissenschaft*, Vol.. 31, pp. 151-172.

Elster, Jon (1986): The Market and the Forum: Three Varieties of Political Theory, in Elster, Jon; Hylland, Aanund (eds.): *Foundations of Social Choice Theory*, Cambridge University Press, Cambridge, pp. 103-132.

Esaiasson, Peter (1996): Dåliga Förlorare? in Gilljam, Mikael; Holmberg, Sören: *Ett knappt ja till EU*, Norstedts juridik, Stockholm, pp. 43-61.

The Federal Government of Switzerland, Berne. (<http://www.admin.ch>)

- Franklin, Mark; Marsh, Michael; Wlezien, Christopher (1994): Attitudes toward Europe and Referendum Votes: A Response to Siune and Svensson, in *Electoral Studies*, vol. 13, no.2, pp. 117-121.
- Frears, John (1991): *Parties and Voters in France*, Hurst & Company, London.
- Frey, Bruno S. (1992): Efficiency and Democratic Political Organisation, The Case for the Referendum, in *Journal of Public Policy*, vol. 12, no. 3, pp. 209-229.
- Frey, Bruno S. & Bohnet, Iris (1993): Democracy and Competition, in *Publius. The Journal of Federalism*, vol. 23, no. 1, pp. 71-81.
- Furlong, Paul (1994): *Modern Italy. Representation and Reform*, Routledge, London.
- Gallagher, Michael: Ireland: the referendum as a conservative device?, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 86-105.
- Gallagher, Michael (1996): Conclusion, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.) *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 226-252.
- Gerber, Elisabeth (1996): Legislative Response to the Threat of Popular Initiatives, in *American Journal of Political Science*, vol. 40, no. 1, pp. 99-126.
- Gibbard, Alan (1973): Manipulation of Voting Schemes: A General Result, *Econometrica*, vol. 41, pp. 587-601.
- Grofman, Bernard (1993): Public Choice, Civic Republicanism, and American Politics: Perspectives of A "Reasonable Choice" Modeller, in *Texas Law Review*, vol 71, no.7.
- Grofman, Bernard; Feld, Scott L. (1988): Rousseau's General Will: A Condorcetian Perspective, in *American Political Science Review*, vol. 82, no.2, pp. 567-576.
- Hamilton, Alexander; Madison, James; Jay, John (1788/1961): *The Federalist Papers*, The New American Library of World Literature, New York.
- Von Hayek, Friedrich A. (1949): *Individualism and Economic Order*. Routledge and Kegan Paul, London.
- Hermansson, Jörgen (1993): *Politik som intressekamp. Parlamentariskt beslutfattande och organiserade intressen i Sverige*, Norstedts Förlag, Stockholm.
- Hill, Ronald J.; White, Stephen (1995): *The Referendum in Communist and Postcommunist Europe*, Centre for the Study of Public Policy, University of Strathclyde.
- Hobbes, Thomas (1651/1924): *Leviathan* (Introduction by A.D. Lindsay), Everyman's

Library, London, Toronto, New York.

Holm, Sören; Asp, Kent (1984): *Kampen om Kärnkraften*, Liber Förlag, Stockholm.

Holsteyn, Joop van (1996): The Netherlands: national debates and local experience, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.). *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 126-152.

Hug, Simon (1995): *What Causes Referendums? Uncertainty? Preferences? Institutions?* Paper presented in the APSA Annual Conference, Chicago.

Hughes, Colin A. (1994): Australia and New Zealand. Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 154-173.

Jahn, Detlef; Storsved, Ann-Sofie (1995): Domino-strategin i praktiken: EU-folkomröstningarna i Österrike, Finland, Sverige och Norge. *Politiikka*, 4/1995, pp. 238-252.

King, Anthony (1977): *Britain Says Yes. The 1975 Referendum on the Common Market*. American Enterprise Institute for Public Policy Research, Washington DC.

King, Anthony (1981): Referendums and the European Community, in Ranney, Austin (ed.), *The Referendum Device*. American Enterprise Institute for Public Policy Research, Washington DC, pp. 113-123.

Kobach, Kris W. (1993): *The Referendum. Direct Democracy in Switzerland*, Dartmouth, Aldershot.

Kobach, Kris W. (1993b): Recent Developments in Swiss Direct Democracy, in *Electoral Studies*, vol. 12, no. 4, pp. 342-365.

Kobach, Kris W. (1995): *Direct Democracy and Swiss Isolationism in Europe*, Paper presented in APSA Annual Conference 1995, Chicago.

Kornhauser, William (1960): *The Politics of Mass Society*, Routledge and Kegan Paul, London.

Lacy, Dean; Niou, Emerson M .S. (1995): *A Problem with Referendum*, Paper presented in the APSA Annual Conference 1995, Chicago.

Ladner, Andreas: Switzerland, in *European Journal of Political Research*, vol. 24, pp. 547-554.

Ladner, Andreas: Switzerland, in *European Journal of Political Research*, vol. 26, pp. 437-444.

- Lagerspetz, Eerik (1995): Edustajat, kansanäänestykset ja kansan tahto, in *Politiikka*, vol. 37, no. 1, pp. 49-56.
- Lagerspetz, Eerik (1996): Paradoxes and Representation, in *Electoral Studies*, vol. 15, no. 1, pp. 83-92.
- Laver, Michael; Hunt, Ben W. (1992): *Policy and Party Competition*, Routledge, New York.
- Leduc, Lawrence (1993): Canada's Constitutional Referendum of 1992: A 'Great Big No', in *Electoral Studies*, vol. 12, no. 3, pp. 257-263.
- Lewin, Leif (1991): *Self-Interest and Public Interest in Western Politics*, Oxford University Press, Oxford.
- Líndal, Sigurður (1981): Early Democratic Traditions in the Nordic Countries, in Erik Allardt et al. (eds.), *Nordic Democracy*, Det Danske Selskab, Copenhagen 1981, pp. 15-43.
- Linder, Wolf (1994): *Swiss Democracy. Possible Solutions to Conflict in Multicultural Societies*, MacMillan, London.
- Lipjhart, Arend (1969): Consociational Democracy, in *World Politics*, vol. 21, pp. 207-225.
- Lipjhart, Arend (1971): Comparative Politics and the Comparative Method, in *American Political Science Review*, vol. 65, pp. 682-693.
- Lipjhart, Arend (1984): *Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, Yale University Press, New Haven.
- Lipset, Seymour Martin (1960): *Political Man*, Heinemann, London.
- Little, Mark P. (1982): *The Nuclear Power Issue in Swedish Politics*, Hull Papers in Politics No. 27, University of Hull, June 1982.
- Luthardt, Wolfgang (1994): *Direkte Demokratie*, Nomos Verlagsgesellschaft, Baden-Baden.
- Löfstedt, Ragnar (1993): *Dilemma of Swedish Energy Policy*, Avebury Studies in Green Research, Ashgate.
- MacKay, Alfred F. (1980): *Arrow's Theorem. The Paradox of Social Choice*, Yale University Press, New Haven.
- McLean, Iain (1986): Mechanisms for democracy, in David Held; Christopher Pollit

- (eds.): *New Forms of Democracy*, Sage, London, pp. 135-154.
- McLean, Iain (1989): *Democracy and New Technology*, Polity Press, Cambridge.
- McLean, Iain (1991): Forms of Representation and Systems of Voting, in David Held (ed.): *Political Theory Today*, Polity Press, Cambridge, pp.172-196.
- Madison James; Hamilton Alexander; Jay, John (1987): *The Federalist, or the New Constitution*, edited by Max Beloff, Basil Blackwell, Oxford.
- Magleby, David B. (1984): *Direct Legislation. Voting on Ballot Propositions in the United States*, The John Hopkins University Press, Baltimore.
- Magleby, David (1994): Direct Legislation in the American States, in Butler, David; Ranney, Austin (eds.): *Referendums around the World*, MacMillan, Basingstoke, pp. 218-257.
- Mansbridge, Jane J. (1980): *Beyond Adversary Democracy*, The University of Chicago Press, Chicago.
- Miljan, Toivo (1977): *The Reluctant Europeans, The Attitudes of the Nordic Countries towards European Integration*, C. Hurst & Company, London.
- Mill, John Stuart (1975): *Three Essays (On Liberty, Representative Government, The Subjection of Women)*, edited by Jay Gray, Oxford University Press, Oxford.
- Miller, Kenneth (1982): Policy-Making by Referendum: The Danish Experience, in *West European Politics*, vol. 5, no.1, pp. 52-67.
- Miller, Nicholas (1983): Pluralism and Social Choice, in *American Political Science Review*, vol. 77, pp. 734-747.
- Miller, Nicholas (1986): Information, Electorates, and Democracy, in Bernard Grofman and Guillermo Owen (eds.): *Information Pooling and Group Decision-Making*, Jai Press, pp. 173-192.
- Möckli, Silvano (1994): *Direkte Demokratie. Ein internationaler Vergleich*, Verlag Paul Haupt, Bern.
- Morel, Laurence (1996): France: towards a less controversial use of the referendum, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*. Macmillan Press, Basingstoke, pp. 66-85.
- Nurmi, Hannu (1987): *Comparing Voting Systems*, D. Reidel Publishing Company, Dordrecht.

- Nurmi, Hannu (1994): *Referenda in Representative Democracies*, Paper for XVI World Congress of the International Political Science Association, Berlin, August 21-25, 1994.
- Ordeshook, Peter C. (1986): *Game Theory and Political Theory*, Cambridge University Press, Cambridge.
- Ordeshook, Peter C. (1991): *Constitutional Stability*, Social Science Working Paper, California Institute of Technology, Pasadena.
- Page, Benjamin I.; Shapiro, Robert Y. (1989): Restraining the Whims and Passions of the Public, in Grofman, Bernard; Wittman, Donald (eds.): *The Federalist Papers and the New Institutionalism*, Agathon Press, New York, pp. 85-99.
- Parliaments of the World. A Comparative Reference Compendium* (second ed.), Gower, Aldershot, 1986.
- Pateman, Carole (1970): *Participation and Democratic Theory*, Cambridge University Press, Cambridge.
- Pelinka, Anton; Greiderer, Sylvia (1996): Austria: the referendum as an instrument of internationalisation, in Gallagher, Michael; Uleri Pier Vincenzo (eds.): *The Referendum Experience in Europe*, Macmillan, Basingstoke, pp. 20-33.
- Petersen, Nikolaj (1995): Denmark and the European Community 1985-93, in Due-Nielsen, Carsten & Petersen, Nikolaj (eds.): *Adaptation and Activism. The Foreign Policy of Denmark 1967-1993*, Dansk Udenrigspolitisk Institut, DJØF Publishing, Copenhagen, pp. 19-224.
- Petersen, Nikolaj; Elkit, Jørgen (1973): Denmark enters the European Communities, in *Scandinavian Political Studies*, vol. 8, pp. 198-213.
- Pitkin, Hanna Fenichel (1969): *Representation*, Atherton Press, New York.
- Plott (1976): Axiomatic Social Choice Theory: An Interpretation Review, in *American Journal of Political Science*, vol. 20, pp. 511-596.
- Rae, Douglas (1969), Decision-Rules and Individual Values in Constitutional Choice, in *American Political Science Review*, vol. 63, no. 1, pp. 40-56.
- Rae, Douglas W.; Daudt, Hans (1976): The Ostrogorski Paradox: A Peculiarity of Compound Majority Decision, in *European Journal of Political Research*, vol. 4, n. 4, pp. 391-398.
- Rasmussen, Jacob (1996): *Folkeafstemningsinstituttet i Danmark fra Erik Eriksen til*

- Edinburgh (1953-1993)*. An unpublished thesis. Department of Politics, University of Aarhus.
- Riker, William; Brams, Steven (1973): The Paradox of Vote Trading, in *American Political Science Review*, vol. 67, no. 4, pp. 1235-1247.
- Riker, William (1982): *Liberalism against Populism*, W. H. Freeman and Company, San Francisco.
- Riker, William (1986): *The Art of Political Manipulation*, Yale University Press, New Haven.
- Riker, William (1992): The Justification of Bicameralism, in *International Political Science Review*, vol. 13, no. 1, pp. 101-116.
- Rourke, John T.; Hiskes, Richard P.; Zirakzadeh, Cyrus Ernesto (1992): *Direct Democracy and International Politics. Deciding International Issues Through Referendums*, Lynne Rienner Publishers, London.
- Rousseau, Jean-Jacques (1763/1976): *Of The Social Contract or Principles of Political Right*. Introduction by Charles M. Sherover. Harper & Row Publishers, New York.
- Ruin, Olof (1982): Sweden in the 1970s, in Richardson, Jeremy (ed.): *Policy Styles in Western Europe*, George Allen & Unwin, London, pp. 141-168.
- Ruin, Olof (1996): Sweden: the referendum as an instrument for defusing political issues, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan Press, Basingstoke, pp. 171-184.
- Sartori, Giovanni (1987): *The Theory of Democracy Revisited*, Chatham House Publishers, Chatham, New Jersey.
- Satterthwaite, Mark (1975): Strategy-Proofness and Arrows Conditions, in *Journal of Economic Theory*, Vol. 10, pp. 187-217.
- Schumpeter, Joseph A. (1954/1992): *Capitalism, Socialism and Democracy*. Introduction by Tom Bottomore Routledge, London 1992.
- Schwartz, Thomas (1977): Collective Choice: Separation of Issues and Vote Trading, in *American Political Science Review*, vol. 71, no. 4, pp. 999-1010.
- Schwartz, Thomas (1985): *The Logic of Collective Choice*, Columbia University Press, New York.
- Siune, Karen; Svensson, Palle; Tonsgaard, Ole (1993): *Det blev et nej*, Politica, Aarhus.

- Siune, Karen (1993): The Danes said No to the Maastricht Treaty. The Danish EC Referendum of June 1992, in *Scandinavian Political Studies*, vol. 16, no. 1, pp. 93-103.
- Siune, Karen; Svensson, Palle (1993): The Danes and The Maastricht Treaty: The Danish EC Referendum of June 1992. *Electoral Studies*, vol. 12, no. 2, pp. 99-111.
- Siune, Karen; Svensson, Palle; Tonsgaard, Ole (1994): The European Union: the Danes said 'No' in 1992 but 'Yes' in 1993: how and why?, in *Electoral Studies*, vol. 13, no. 2, pp. 107-116..
- Siune, Karen; Svensson, Palle; Tonsgaard, Ole (1994): *Fra et nej til et ja*, Politica, Aarhus.
- Smith, Gordon (1975): The Referendum and Political Change, in *Government and Opposition*, vol. 13, no. 1, pp. 294-305.
- Smith, Gordon (1976): The Functional Properties of the Referendum, in *European Journal of Political Research*, vol. 4, no. 1, pp. 1-23.
- Strøm, Kaare (1990): "A Behavioral Theory of Competitive Political Parties", in *American Journal of Political Science*, vol.34, no, 2 pp. 565-98.
- Suksi, Markku (1993): *Bringing in the People*, Martinus Nijhof Publishers, Dordrecht.
- Suksi, Markku (1996): Finland: The referendum as a dormant feature, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*. MacMillan, Basingstoke, pp. 52-65.
- Svensson, Palle (1994): The Danish Yes to Maastricht and Edinburgh. The EC Referendum of May 1993, in *Scandinavian Political Studies*, vol. 17, no. 1, 1994, pp.
- Svensson, Palle (1996): Denmark: the referendum as minority protection, in Gallagher, Michael; Uleri Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 33-51.
- Trechsel, Alexander H.; Kriesi, Hanspeter (1996): Switzerland: the referendum and initiative as a centrepiece of the political system, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 185-208.
- Trechsel, Alexander; Sciarini, Pascal (1996): *Direct Democracy in Switzerland: Do Elites Matter?*, Paper presented at the ECPR Conference in Oslo, March 1996.
- Uleri, Piervincenzo (1996): Introduction, in Gallagher, Michael; Uleri, Pier Vincenzo

- (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 1-19.
- Uleri, Pier Vincenzo (1996): Italy: referendums and initiatives from the origins to the crisis of democratic regime, in Gallagher, Michael; Uleri, Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan, Basingstoke, pp. 106-125.
- Waldron, Jeremy (1989): Democratic Theory and the Public Interest: Condorcet and Rousseau Revisited, in *American Political Science Review*, vol. 83, no. 4, pp. 1322-1328.
- Wright, Vincent (1978): France, in Butler, David; Ranney, Austin (eds.): *Referendums. A Comparative Study of Practice and Theory*, American Enterprise Institute for Public Policy Research. Washington, D.C., pp. 139-168.
- Wyller, Thomas Chr. (1996): Norway: six exceptions to the rule, in Gallagher, Michael; Uleri Pier Vincenzo (eds.): *The Referendum Experience in Europe*, MacMillan Press, Basingstoke, pp. 139-152.
- Young, H. P.: Condorcet's Theory of Voting, in *American Political Science Review*, vol. 82, no. 4, pp. 1231-1244.