Referenda

A referendum is a device of direct democracy by which the people are asked to vote directly on an issue or policy. It differs from an election, which is a vote to elect persons who will make decisions on behalf of the people, or a recall, by which citizens are given the opportunity to remove from office an elected representative. Although this distinction between issue voting and person voting is apparently clear, it may be questioned, such as when the referendum is, formally or de facto, a vote of confidence or about the accession or permanence in power of a person. This is often the case in authoritarian regimes, but it also happens in democratic contexts (e.g., the use of referendum by de Gaulle in France). Such referenda are often qualified as “plebiscites,” although the word, which goes back to ancient Rome, literally means “a law enacted by the common people” (plebis scitum). Because a plebiscite is commonly regarded as highly manipulative, the term has a negative connotation. The use of a plebiscite is sometimes extended to all government-initiated referenda, especially if ad hoc, insofar as they would automatically trigger a vote of confidence. But the word has also traditionally been used in a more neutral way, to refer to popular votes on sovereignty issues (e.g., the plebiscites proposed by the League of Nations after World War I to settle boundary disputes). The word referendum appeared much later, possibly in 16th-century Switzerland, to indicate the procedure by which delegates to cantonal assemblies submitted certain issues to their constituents for ratification (ad referendum).

Typologies

A distinctive feature of the referendum is the great variety of forms that it can take. This introduces problems of comparability and makes general statements about the device difficult. Among the numerous modalities of the referendum, the one called initiative is considered to be the most important, as it indicates the maximum extent to which legislative power is delegated to the people. Most typologies of referenda are indeed based on this criterion and distinguish between mandatory (also termed compulsory or obligatory) referenda, on one side, and optional (or facultative) referenda, on the other, with a fundamental divide within the latter category between referenda initiated by institutional actors such as the executive, the legislative branch, or a parliamentary minority and popular initiatives. Many authors use the word referendum for mandatory referenda and referenda initiated from within institutions, while votes demanded by popular minorities are referred to as initiatives. Others use referenda for votes on legislative texts (current or pending legislation), whether they are initiated by institutional actors or by popular minorities, and initiatives for popular initiatives that are propositional (i.e., dealing with proposals for future legislation). The formal object of the referendum (current, pending, or proposed legislation), the category of legislative act it deals with (e.g., ordinary legislation, constitutional reform, international treaty), the subject (e.g., institutional, territorial, moral, economic), the legal consequences of the vote (consultative—also termed advisory—or binding), and the territorial level at which it is organized (e.g., local/regional/national) are other frequent variables included in the typologies, creating numerous designations for the referendum. Here, we use the word referendum in a general sense, which includes all types of popular votes bearing formally on an issue. This entry does not consider agenda initiatives, whereby a number of citizens can submit a proposal that must be considered by the legislature but is not necessarily put to a vote of the electorate.

History

The history of the modern referendum is generally associated with three countries. On one side are Switzerland and the United States and on the other, France. In the first two, the practice of referendum has its roots in a tradition of direct democracy by popular assemblies at the local level.
(the American town meetings and the Swiss cantonal *Landsgemeinde*), dating back to the Middle Ages in the case of Switzerland. In America, the *referendum* experience was initiated with the submission of state constitutions to the people (the first case was the rejection of the Constitution of Massachusetts by the people in 1778) and the introduction in many states of the obligatory *referendum* on constitutional amendments proposed by the legislature. But it was never extended beyond the state level, neither in the federal constitution nor in practice. In Switzerland, the first major development of the *referendum* occurred at the cantonal level, under the impulse of the democratic Liberals in the 1830s, although early forms of *referenda* were found before this period (as mentioned above). At the time, it appeared as an acceptable substitute for the direct democracy assemblies, which had become impractical. In addition, the examples of the United States and France were very influential in promoting the constitutional *referendum* (the first nationwide *referendum* had actually been held in Switzerland in 1802 to approve the Napoleonic constitution). During these years, all cantonal constitutions, with the exception of Friburg, were approved through *referenda*, and provisions for popular initiatives, on constitutional or legislative matters, were introduced in many of them. The 1848 federal constitution was also submitted to the people in a majority of cantons, which included the obligatory *referendum* for amendments to the constitution as well as the constitutional popular initiative for total revision of the constitution. In both countries, a decisive extension of the *referendum* was achieved under the influence of political reform movements in the second half of the 19th century: the Democratic Movement in Switzerland (the 1860s) and the Progressive Movement in the United States (1890–1920). As a result of these movements, provisions for popular initiatives were enhanced in the Swiss federal constitution (1874: the initiative on laws within 90 days of their publication; 1891: the constitutional initiative for partial revisions) and introduced in many American states, especially in the west (more than 80% of the 24 states that have the popular initiative adopted it during the Progressive era). In the two countries, these movements drew support from the popular dissatisfaction with representative democracy, with politicians being accused of corruption and of fostering the interests of only the richest sections of the population. France has a different story as it had no tradition of direct democracy. Nevertheless, its *referendum* experience started much as it did in the United States, with *referenda* on the revolutionary constitutions of 1793 and 1795, following the end of monarchical rule. Moreover, the 1793 constitution greatly advanced democratic principles by introducing universal male suffrage and a popular initiative on laws within 40 days of their adoption. This constitution was actually a great source of inspiration for Switzerland. Ultimately, however, it was never applied, and the only form of *referendum* that found its way into France was the constitutional *referendum*. Overall, France would soon take a different road with the plebiscitary use of the *referendum* by Napoleon I and Napoleon III, to some extent perpetuated by the presidential use of the *referendum* under the fifth republic.

**Constitutional Provisions**

As suggested by existing data sets on *referenda* (see IDEA and c2d), in 2008, only a small minority of countries (about 20% of the 193 countries deemed independent by Freedom House) had no provision at all for *referenda* at the national or subnational level; these were mostly in Asia (e.g., China and India), the Middle East, and Central America. Provisions for nationwide *referenda* are much more widespread (80% of the countries) than provisions for subnational *referenda* (40% of the countries). At the national level, mandatory *referenda* and optional *referenda* (the latter category including in our data set citizens' demands on existing or pending legislation) are much more prevalent (54% and 60% of all countries, respectively) than citizens' initiatives for future legislation (16%). Twenty percent of the countries have popular initiatives (either citizens' demands or citizens' initiatives). As may be expected, more free countries (by Freedom House ranking) have provisions for *referenda* (only 13% have no provisions of any kind at any level) than the other countries (24% have no provisions for *referenda*). This is partly due to differences with regard to
popular initiatives: 23% of free countries provide for them compared with only 15% of not free and partially free countries (at the national level). It is remarkable, however, that such a device to challenge political authorities can be found in the constitutions of countries such as the Russian Federation, the Asiatic republics of the former USSR, Togo, or Uganda, although it is never used. But the major difference concerns provisions for subnational referenda, which are much more prevalent in free countries (55%), where they have tended to increase in recent years, than in the other countries (26%).

Practice Around the World

It is much more difficult to assess the effective practice of referenda, especially at the subnational level, for which no exhaustive data set exists. However, over the 1980 to 2008 period, it is possible to classify countries according to the intensity of their practice of national referenda. A preliminary observation should be that frequent use of the referendum is associated with the popular initiative and its practice on a wide range of issues (not strictly constitutional or of special importance). A first group of very frequent users includes Switzerland (246 referenda), with Italy (60), Liechtenstein (38), Ecuador (33), and Micronesia (31) far behind. All these countries have provisions for popular initiatives, which represent the bulk of the practice in Switzerland, Italy, and Liechtenstein. The second group consists of frequent users, such as Ireland (21), with its practice of mandatory constitutional referenda, Palau (19), Colombia (19 since it became free in 1990), and Lithuania (18 referenda since independence), the latter two showing occasional use of the popular initiative. The third group, consisting of medium-frequency users (7–13 referenda), has 16 countries, among which are some occasional practitioners of the popular initiative (e.g., Bolivia, Hungary, Slovakia, Slovenia, New Zealand) and a more frequent user (Uruguay). Unlike the previous groups, this set of countries also includes not fully free countries (6), such as Egypt, Belarus, and Morocco. Nonfree countries are more prevalent in the next two groups of occasional users (23 countries with 4–6 referenda) and rare users (71 countries with 1–3 referenda), which include only a small minority of free countries (and only 3 countries with some practice of the popular initiative: Venezuela, Latvia, and Macedonia). This suggests that the sporadic use of the referendum often has to do with the quest for popular acclamation of authoritarian policies. It should be added that it is often difficult in the case of nondemocratic countries to assess whether a referendum has been mandatory, optional, or ad hoc. A prevalence of authoritarian regimes is not, however, found in the last group, consisting of nonusers (70 countries), which has comparable proportions of free countries and partially free or not free countries. Among the most prominent nonusers of the referendum are the United States, Germany, China, India, Japan, and Israel. The United States and Germany, however, have an intense practice of referenda, especially popular initiatives, at the state level, albeit with important differences from one state to another. Regarding subnational referenda, it should be noted that federal countries and decentralized countries actually have a major propensity for them (Switzerland being an exemplary case). It is also probably true, at least in democratic countries, that the decrease in territorial level (from nation to region or from state to city) will likely correlate with a higher number of referenda. From a dynamic perspective, a general trend toward an increase in the practice of referenda is clearly observable. The number of nationwide referenda between 1980 and 2008 (close to 900 referenda) is almost three times the number registered for 1950 to 1979 (362 referenda). Moreover, the use of referenda dramatically increased during the 1980 to 2008 period. As a matter of fact, in the postwar period, there was a twofold increase in the use of referenda, and in the 1970s and 1990s, it more than doubled (compared with the previous decade). This does not mean that the referendum has become more frequent in every country or is practiced with the same intensity everywhere. For example, in Western Europe, the increase in referendum use has been much more marked in Switzerland, Italy, and Ireland than in other countries. Nonetheless, the referendum has become more prevalent in many countries where it had never been practiced before (e.g., Great Britain, the Netherlands),
where it had not been practiced since 1940 (e.g., Finland, Luxembourg, Norway), and where it had not been practiced in a democratic context (e.g., Austria, Greece, Portugal, Spain). Much of this has had to do with the submission to the people of the different steps of European integration or of new, cross-cutting issues such as civil, nuclear, or so-called moral questions. Clearly enough, from a world perspective, the increase in referendum use in the 1970s and 1990s also reflects the rise in the number of independent countries and the use of the referendum during the process of nation-building in these countries, as well as the spread of democratic regimes around the world.

Empirical Evidence: Causes, Democratic Quality, and Effects

Why referenda are held and why their use has spread around the world, however, are matters for which no general theory has been articulated up to now. Only partial theories regarding specific countries or types of referenda (e.g., government-initiated referenda) have been formulated. For sure, the reasons for the use of referenda are different in democratic and in nondemocratic countries, and they are also not the same in new and in old democracies, where the recent increase has more to do with the crisis of representation and the rising expectations of democracy than with the legitimation of the new state or political regime. The absence of a general theory also characterizes more traditional concerns of the literature, like those pertaining to the democratic quality of referenda or their policy and political effects. Thus, the extent to which and the conditions in which referenda can be democratic, that is, promote policies that accurately reflect the popular will on the question raised, remain problematic. Some authors believe that representative democracy would be better than direct democracy at producing such policies, or at least better than semidirect democracy, to which, strictly speaking, the referendum belongs, as it is only a mechanism of popular decision, not of collective elaboration of policies (unlike citizens' assemblies). Because of this, people would almost inevitably approve legislation reflecting the views of a few policymakers rather than their own preferences. Social choice theorists also point to inherent structural problems that would dispose referenda to produce only arbitrary majorities, while others believe that such a limitation is generic to all voting procedures and so affects representative democracy as much as direct democracy. From a different point of view, it is often argued that referenda result in minority decisions because of abstention, which has proved to be high when their use becomes frequent; because of manipulation by minorities; or simply because voters answer to a different question from the one formally asked, as typically occurs when they express a vote of confidence in the incumbents. To a large extent, the capacity of the referendum to produce true majority decisions is related to the level of interest and competence of voters on the issue, which itself depends on the frequency of referenda (or the number of propositions on the ballot), the type of question (its complexity, saliency, importance to daily life, etc.), or the fairness and quality of the campaign. But there is no articulated empirical theory on the influence of these variables. Studies on voting behavior at referenda, which form the bulk of the empirical works, rarely go beyond the assessment of voting motivations or the influence of party recommendations at specific polls. Research on the effects of referenda is even less developed. Little is known, beyond particular country cases, about their policy effects. Do referenda favor the status quo and hinder change, as is often argued with reference to the Swiss experience? Do they have a structural bias in favor of the “No” votes, for they would more easily aggregate dissents than create consent? Similarly, does the referendum harm minorities, and is it bound to do so because it “knows nothing about compromise,” as Max Weber pointed out? Those who believe so generally also doubt that referenda can lead to more legitimate decisions and solve conflicts. Rather, referenda are believed to enhance divisions. Finally, do referenda lead to incoherent and incompetent policies, as their opponents most prominently denounce? The political effects of referenda are no better ascertained. A classical argument against them is that they weaken representative democracy by undermining the role and responsibility of political parties and elected representatives and that when used too frequently, they generate voter fatigue and low electoral participation. Moreover, it is argued,
Supporters of referenda, on the contrary, view them as usefully complementing representative institutions, by making them more democratic and more legitimate. Referenda would enhance both citizens' participation, in a large sense, and citizens' education. Moreover, popular initiatives provide an alternative channel for raising issues and, as the example of Switzerland shows, encourage representatives to be more responsive and more accommodative in the preparation of laws, which would result in creating a stronger attachment of the people to the political system. Altogether, the debate on referenda remains largely inconclusive, due to the lack of a truly comparative study dealing with a sufficient number of cases and variables. Admittedly, such a theory is difficult to formulate because of the great variety of the forms of referenda and the contexts in which they are held, which stands as an impediment to any kind of generalization. For the present, it should be noted that the prevailing view among political scientists is not very favorable to referenda. This is explained by the fact that they are criticized by both elitists, in the name of representative democracy, and “participationists,” in the name of pure direct democracy, which is regarded as superior because it allows the collective elaboration of policies as well as more compromise and deliberation, leading to more enlightened decisions. Proponents of the referendum argue that it should not be evaluated against the ideal of direct democracy but against the actual performance of representative democracy, which can be more severely criticized on the same grounds as referenda. In conclusion, further research on referenda is all the more needed since they have become more frequent, and the issue is raised today of whether they should or should not be part of the current development of participatory mechanisms. In such a perspective, recent efforts by think tanks and institutes specializing in the improvement of democracy to advance referendum “best-practice” proposals that incorporate particular institutional designs and rules for their implementation deserve to be mentioned. Ultimately, as with elections, the correctness of referendum practice is to a large extent a matter of rules and of the democratic quality of the regime in which it occurs.

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Further Readings
Centre for Research on Direct Democracy (c2d): http://www.c2d.ch
International Institute for Democracy and Electoral Assistance: http://www.idea.int
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