Referendums in modern democracy

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Abstract

The use of referendums are often seen as clear representations of the public, allowing greater participation. They may however allow manipulation with attractive claims and have counterproductive results. Although questionable at times, it is clear that referendums do have a place in modern democracy.

Introduction

The popularity of referendums has increased dramatically with the spread of modern democratic society; only fourteen were held in the 18th century, all of them after 1792 (Center for Research on Direct Democracy as cited by Topaloff, 2017). Referendums are possible to see as an ideal for democracy, with decision making in the hands of the people, pushed as a part of 'direct democracy'; allowing people to have more control over the exact nuances of the policy that will affect them.

Opponents, however, argue that referendums are often unrepresentative of the entire population, particularly with seemingly declining voter turnouts, and the potential a referendum allows for certain individuals to force initiatives for personal gain, that have negative consequences for the population.

Furthermore, the issue quickly arises of the type of referendum, and how involved the population actually is, with referendums sometimes seemingly rushed affairs that don't genuinely involve the public.

Low voter turnout and questionable representation

In Switzerland between 1981 and 1989, turnout to referendums was an average of 40.8%, indeed, lower than in elections, in a nation where election turnouts are low (Leininger and Heyne, 2017).

Naturally, lower turnouts may result in a lower level of representation of the entire population, thus defeating the reason for the common use of referendums, potentially a result of observed apathy, such as that seen in British voters (Kolovos and Harris, 2005).

There are many solutions to the issue of lack of representation (due to low voter turnout) in both elections and referendums, perhaps the most extreme of which is compulsory voting.

Compulsory voting, even without consequences, results in voter turnouts close to 100%, leading to an arguably more representative view of the public opinion on a specific debate. This however may fail to resolve the causes of apathy (Electoral Commission (Great Britain), 2002) and potentially lead to more votes cast without consideration or engagement.

In a four year study in Switzerland, where referendums are regularly held, two-thirds of the population vote selectively, choosing to vote on matters important to them, with only-one tenth of the population never voting (Sciarini *et al.*, 2016). Therefore, low voter turnouts may not indicate poor representation of public opinion, yet instead demonstrates the freedom of choice enjoyed in democracies.

Thus, a referendum, even with low voter turnouts, may convey the popular opinion, allowing citizens to vote on issues they consider important.

Referendums as a form of decision making

Discussions leading to the 'Brexit' referendum, particularly on social media, focussed regularly on single issues such as immigration, whilst ignoring others (Hutchings and Sullivan, 2019). A lack of information and heavy emphasis on popular issues, potentially leads people to vote without recognising the variety of arguments around a debate and voting on personal prejudices.

Leading to that vote, over 70% of the population, understandably, had some form of underlying prejudice (Hutchings and Sullivan, 2019). Prejudice is ultimately an unavoidable part of human decision making, yet initiatives to improve voter awareness may reduce its impact by leading to better informed voters and reduced influence by single issues.

Although voter education remains a large problem and a lack of it is likely to remain, certain ways of engaging the public may negate its effects and vastly benefit the quality of decision making. In British

Colombia, Canada, the Citizens' Assembly model has proven promising; a system which "separates the proposing of legislation from its acceptance" (Ferejohn, 2008). This leads to heavy emphasis on constructing detailed policy, educating people about it, and then holding a referendum in order to create change. This system may have a significant advantage over traditional ad-hoc referendums, where details may need to be discussed after the vote.

The Citizens' Assembly model has a high cost to entry and requires debate, discussion, and the education of voters, potentially also increasing voter turnout (Barankay, Sciarini and Trechsel, 2003).

Finally, the voting structure may influence the value of a referendum. In many countries, voting takes place in a regional format, rather than a simple sum of the votes. A Swiss referendum arguably suffered due to this, as "a 2013 referendum on improving child care facilities and facilitating the return of women to the labour market was accepted by 54.3% of the population, but rejected by a majority of 13 cantons, notably the rural and conservative ones"(Leininger and Heyne, 2017).

Regional voting formats can misrepresent the popular vote, sometimes to a high degree, thus being a potential flaw in voting. However, the argument for regional voting and allowing sparsely populated areas to have influence remains. Clearly, investigation into the value of different counting formats remains necessary.

Not all referendums are examples of good decision making, however, better voting systems may result in better referendums and better decision making.

If done correctly, individuals may be left with a sense of participation in political discourse alongside clear policy which is delivered exactly as discussed after it is voted on.

Elitist use of referendums

Early referendums in France were often used to grant Napoléon Bonaparte and his nephew power and status (Schmitt, 1928 as cited by Topaloff, 2017). Referendums, sometimes held in illegitimate ways, can arguably allow people to gain power, thus defeating the democratic values that referendums often stand for. Such use of

referendums is common, with historic examples such as Hitler and Mussolini, as well as more modern examples including Hugo Chávez, Muammar Gaddafi and Saddam Hussein all using referendums to legitimise their rules, which turned into authoritarian regimes (Topaloff, 2017).

Referendums pushed from within governments or by those of high socioeconomic status may be malicious, often unlike population led initiatives. There may be need for debate, open discussion and to formulate fine details and then vote on an issue, as with the Citizens' Assembly model.

Furthermore, referendums that are rushed or forced, often those that do not require deep debate, may be "ephemeral reactions to emotionally charged events, or are manipulated by special interests" (Ferejohn, 2008 as cited by Leininger and Heyne, 2017).

The Swiss signature based system, where anyone can launch an initiative which will be voted upon, requires a large number of signatures for the motion to go to referendum. The harder it is to get a motion to referendum, the higher the turnout, suggesting higher voter engagement (Barankay, Sciarini and Trechsel, 2003), and in the US, referendum initiatives have been seen to stimulate turnout (Tolbert and Smith, 2005). Higher cost to entry, even for politicians to initiate change may have a similar effect.

Referendums take place for three major reasons: as mandated by constitution; ad-hoc, often by politicians; and citizen initiated, with the majority being mandated by constitutions (Qvortrup, 2017). Mandated referendums may prevent manipulative individuals from creating policies for personal benefit. For example, the Irish government attempted to change the voting system, which may have benefit the ruling party in the next election. Because of referendums mandated before constitutional change this was prevented in 1959 and 1968 (Topaloff, 2017), thus demonstrating the power of constitutional referendums in preventing those in power from instituting radical change.

Similarly, a need to approve large spending by referendum in Switzerland causes government spending to be around 19% lower

(Feld and Matsusaka, 2003). This clearly would limit political individuals or groups from spending excessively or unnecessarily.

Conclusion

Referendums are arguably a good representation of the public opinion; even with low voter turnout, voters may in fact be becoming increasingly selective, and possibly better informed. Compulsory voting may increase turnout, yet it could defeat the freedom and value of an individual that a referendum often attempts to deliver. Further investigation into voter engagement and factors such as the media may be necessary. Yet, overall, referendums are seemingly representative of the people they aim to represent.

Ad hoc referendums pushed from within governments or by groups or individuals looking to influence the political climate do pose a risk to democracies, particularly when the goals presented seem attractive to a population unaware of the consequences.

Safety net referendums limit individuals from acting against the will of the people, and keep a series of checks and balances on those in power. Although wide scale use of mandated referendums is difficult to implement, slow change with increased use of mandated and citizen-initiated referendums may improve the way politics reflects the people.

The utility of referendums in decision making may be questionable, particularly ad-hoc referendums that can be used by manipulative individuals. On the other hand, referendums may be a way to engage the public, have citizens voice ideas, and with models such as the Citizens' Assembly, potentially be fair and highly effective.

Therefore, although not always examples of good decision making, referendums offer a choice beyond letting only politicians and policy makers to make choices without strong checks and potentially limit the ability to run away with power, whilst increasing the value of citizens.

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