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Elections and referendums

Michael Gallagher

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Reader's guide

This chapter covers the two main opportunities that people have to vote in most societies: elections and referendums. Elections are held to fill seats in parliaments or to choose a president, while at referendums citizens decide directly on some issue of policy. Elections are the cornerstone of representative democracy, in that the people elect others to make decisions. Referendums are sometimes perceived as the equivalent of 'direct democracy', but in practice they are deployed only as a kind of optional extra in systems of representative democracy, with hardly anyone suggesting that all decisions should be made by referendum. The chapter explores the variety of rules under which elections are held, and examines the consequences of this variation. It then looks at the use of the referendum and assesses its potential impact on a country's politics.

Introduction

We saw in Chapters 7 and 8 that parliaments and governments have the potential to be important actors. In this chapter we look at how governments and parliaments come into being in the first place. The process of election is an essential requirement of any political system that hopes to be regarded as possessing democratic credentials. Depending on the nature of the political system, parliament might then elect a government itself or, in a presidential system, the chief executive may be elected separately and have significant powers to appoint a government (see Chapter 8). Either way, the election is the main mechanism by which the people are able to express their views about how the country should be governed.

Not all elections are quite the same, though. Elections are governed by rules that determine, among other things, what kind of choices people can make when they turn out to vote and how those choices are converted into seats in parliament or the election of a president. Identical sets of voter preferences in two adjacent countries might have to be expressed differently if the electoral rules are different or, even if the ballot papers capture their preferences in the same way, the counting rules might deliver different results. Hence, it is important to understand what kind of rules are used and what consequences different rules have.

Governments and parliaments, produced by elections, make most of the political decisions facing a country, albeit within the constraints imposed by some of the other actors studied in this book, such

as courts and interest groups (see Chapters 9 and 14 respectively). However, some decisions are taken not by these elected authorities but, rather, by the people themselves, in referendums on specific issues. Whereas the use of elections is universal among democracies, the use of referendums varies enormously. Many perfectly respectable democracies eschew the referendum; others use it only occasionally; some are quite regular users; and in one country, Switzerland, it is a central feature of the political system.

This variation is itself intriguing, as is the question of why some issues are put to referendums while others are not. The chapter examines the different kinds of referendum that are held or are provided for in countries' constitutions, and the kinds of issue that tend to be the subject of referendums. It looks at the reasons advanced for their use and at the concerns expressed by critics. There has been some dispute as to whether voters in referendums take much notice of the question supposedly at issue, and the chapter reviews the evidence before assessing the impact of referendums.

KEY POINTS

- ☐ Electoral laws and referendums are the two main opportunities that people have to vote.
- ☐ Elections are held to fill seats (representatives) in a parliament or some other institution.
- ☐ Referendums are votes on a specific issue to be approved or rejected.

Elections and electoral systems

Elections are a virtually universal feature of modern politics. Even regimes that cannot be considered democracies in any sense of the word, and that provide voters with little or no freedom of choice when they arrive at the polling station, have felt there might be some kind of legitimacy to be derived from holding elections.

In modern liberal democracies, elections are the central representative institution that forms a link between the people and their representatives. For

the most part, ordinary people cannot participate directly in the process of making decisions on the great majority of issues, due to such obvious factors as size of population, policy complexity, and time constraints, among others. For the most part, the decisions that affect us all are taken by a tiny handful of individuals, such as members of parliament, government ministers, or presidents, sometimes known collectively as the 'political class'.

The reason why we (or, at any rate, most people most of the time) regard this state of affairs as legitimate rather than as an appalling usurpation of our rights is that the members of the political class are not simply imposed upon us but, rather, are elected by us to be our political representatives. Moreover, they face re-election and therefore can be voted out at the next election if they fail to satisfy us. This mechanism of achieving representation and accountability is central to the concept of modern democracy (see Chapter 5). A regime whose leaders are not elected and are not subject to the requirement of regular re-election cannot be considered democratic. Whether free and fair elections suffice to render a regime democratic is a matter of debate, but the absence of free and fair elections certainly renders it, by almost any definition, undemocratic.

By an electoral system I mean the set of rules that structure how votes are cast at elections and how these votes are then converted into the allocation of offices. I look first at electoral regulations (the rules governing the breadth of the franchise, ease of ballot access, and so on) and then specifically at electoral systems.

Electoral regulations

Among modern democracies, variations in the extent of the franchise are matters of detail rather than of principle (for an overview see Caramani 2000: 49–57). Generalizing somewhat, in the first half of the nineteenth century the male landed gentry constituted the bulk of the electorate (those who are entitled to vote), but from the middle of the century the franchise was gradually extended to the male section of the growing middle class. Around the turn of the century further advances meant that the male working class had the vote by the time of the First World War (1914). The struggle to secure the same rights for women took longer and, particularly in some mainly Catholic countries such as France and Italy, women did not get the vote on the same basis as men until after the Second World War (1945). The voting age was reduced steadily throughout the twentieth century, and in most countries these days stands at 18 (Caramani 2000: 56–7). Voting is generally voluntary, though in a few countries such as Australia and Belgium it is compulsory. Given that turnout in

most countries is related to socio-economic status (SES), it has been argued that making voting compulsory would help eliminate the ‘yawning SES voting gap’ (Hill 2006) (see Box 10.1).

The ease of access to the ballot varies across countries and can be an important factor in determining whether new candidates or parties take the plunge and stand at an election. Most states impose some kind of requirement, such as a financial deposit, demonstrated support from a number of voters, or the endorsement of a recognized party. Generally speaking, the requirements are more demanding in candidate-oriented systems than in party-oriented ones (see Katz 1997: 255–61). High access requirements can be a significant deterrent for small parties or independent candidates; if not motivated simply by a desire to preserve the dominance of the established parties, they can be justified by the need to discourage a plethora of ‘frivolous’ candidates.

How much time may elapse between elections? Generally, the term of presidents is fixed while for parliaments constitutions specify a maximum period but not a minimum. The president of the US has a four-year term, while his or her French counterpart has five years (it was seven years prior to 2002). The term of some parliaments is fixed: for example, the parliaments of Norway, Sweden, and Switzerland have a four-year lifespan, while members of the US House of Representatives serve terms of only two years, which means in effect that they operate all the time in election campaign mode. Senators in the US, by contrast, have six years to savour the fruits of election. Most parliaments, though, do not have a fixed term; instead, the government (or prime minister, or in some cases the head of state) of the day has the power to dissolve parliament, and characteristically uses this power to call the election at the time most advantageous to itself. In many countries, once the parliament enters its last year of life (if it gets that far), election fever is in the air, and there is ceaseless speculation that a favourable opinion poll rating will induce the government to go to the country. The maximum time between elections is usually four years, though in a few (including Canada, France, Italy, and the United Kingdom) it is five years, while in Australia and New Zealand it is an exceptionally short three years.

BOX 10.1 Should voting be compulsory?**Arguments for compulsory voting**

Our forebears struggled and died in order to win the right to vote, so people today have a duty to vote.

Politicians have a strong incentive to skew their policies towards those who will punish or reward them, depending on their record in office, and to neglect those who are unlikely to vote. When voting is optional, the better off are much more likely to vote than the poor, so policy outputs will favour the better off.

The role of money in politics is reduced since parties no longer need to motivate their supporters to turn out.

All citizens have a reason to inform themselves about the issues and about the performance of politicians, making for a better informed electorate.

Compulsion is not a breach of principle: everyone has to pay taxes whether they want to or not, for example.

Arguments against compulsory voting

It is perfectly legitimate to take no interest in politics, or not to vote for whatever reason.

If everyone is compelled to vote, the votes of those who actually care about the outcome of an election are diluted by the votes of those with no interest in the outcome and who may be voting on a virtually random basis.

The onus should be on parties and candidates to persuade citizens that there is some reason why they should vote rather than being able to rely on the state to compel them to do so.

Even those with no real interest in the election have to vote, so politicians have even more of an incentive than under optional voting to engage in attention-catching stunts to try to impress those who know nothing about the issues.

Freedom of choice implies the right not to turn out if you don't wish to, and this would be infringed by compelling people to turn out.

Electoral systems

The precise rules governing the conversion of votes into seats may seem a rather technical matter yet, as every writer on politics agrees, electoral systems matter. They can determine, or certainly have a major impact upon, whether a country has a two-party or a multi-party system; whether government is characteristically by one party or a coalition of parties; whether voters feel personally represented in a parliament by an MP willing to take up their case if they have a problem; whether women and minorities are heavily under-represented in parliament; and, perhaps, whether governments keep spending and taxes high or low.

This is not the place to supply a complete account of how all of the world's electoral systems work (see Farrell 2001; Gallagher and Mitchell 2005: appendix A; Reynolds *et al.* 2005). We can, though, sketch the main categories and the dimensions of variation, before moving on to examine the consequences of different configurations.

The main categories of electoral systems

There are many ways in which to categorize electoral systems, the most straightforward of which relates to the magnitude of the constituencies in which seats are allocated (a constituency is the geographic area into which the country is divided for electoral purposes). We may begin with the distinction between systems based on **multi-member constituencies**, in which the seats are shared among the parties in proportion to their vote shares, and those based on **single-member constituencies**, in which the strongest party in each constituency wins the seat. The former are often termed **proportional representation (PR) systems**, while the latter are termed **majoritarian or non-PR systems**.

Single-member plurality

The latter are simpler to explain and understand, which is why they were the earliest methods to be adopted. The simplest system of all is single-member

plurality (SMP), also known sometimes as 'first-past-the-post' (FPTP). Here, voters simply make a mark, such as placing a cross, beside their choice of candidate, and the seat is then awarded to the candidate who receives most votes (i.e. a plurality). This is used in some of the world's largest democracies, such as India, the US, the UK and Canada; over 40 per cent of the world's population, and over 70 per cent of those in an established democracy, lives in a country employing this system (Reynolds *et al.* 2005: 30; Heath *et al.* 2005; Bowler *et al.* 2005a; Mitchell 2005; Massicotte 2005).

Alternative vote

Under the alternative vote (AV), which is used in Australia, voters are able to rank order the candidates, placing a '1' beside their first choice, '2' beside their second, and so on (Farrell and McAllister 2005). The counting process is a little more complicated. If one candidate's votes amount to a majority of all votes cast, that person is deemed elected. If not, then the lowest-placed candidate is eliminated from the count and his or her ballots are redistributed according to the second preference expressed on them. Supporters of this candidate are in effect asked 'given that your first choice lacked sufficient support to be elected, which candidate would you like to benefit from your vote instead?' The counting process continues, with successive eliminations of the bottom-placed candidate and transfers of their votes to the remaining candidates, until one candidate does have an overall majority of the votes. In consequence, AV is regarded as a majority system, given that the winner requires an absolute majority of the votes at the final stage, whereas under SMP a plurality suffices.

Two-round system

Another way of filling a single seat is by the two-round system (2RS): if no candidate wins a majority of votes in the first round, a second round takes place in which only certain candidates (perhaps the top two, or those who exceeded a certain percentage of the votes) are permitted to proceed to the second round, where whoever wins the most votes is the winner. This is employed to elect parliaments in over twenty countries, including France, Iran, and several former French colonies, and is widely used to elect presidents (Elgie 2005; Blais *et al.* 1997).

These three systems—SMP, AV, and 2RS—thus differ, yet in the context of the full range of electoral systems they have much more in common than differentiates them, as we shall see later, because they are all based on single-seat constituencies.

Proportional representation

PR systems vary a lot, but they have some things in common. PR is a principle, which can be achieved by any number of different methods, all of which have the aim, with some qualifications as we shall see, of awarding to each group of voters its 'fair share' of representation—or, putting it another way, of allocating to each party the same share of the seats as it won of the votes. The simplest way of achieving this would be to treat the whole country as one large constituency, as happens in Israel, the Netherlands, and Slovakia; then it is a straightforward matter to give, for example, 24 seats in a 150-member parliament to a party that receives 16 per cent of the votes (Rahat and Hazan 2005; Andeweg 2005). That guarantees a high level of proportionality, by which term we mean the closeness with which the distribution of seats in parliament reflects the distribution of votes. At the same time, it might leave voters feeling disengaged from the political system as they do not have a local MP. More commonly, then, the country is divided into a number of smaller constituencies, each returning on average perhaps five, ten, or twenty MPs. Now the seats are awarded proportionally within each constituency, but it cannot be guaranteed that the overall level of proportionality will be quite as high as when there is just one, national, constituency. Brazil, Finland, Indonesia, and Spain all exemplify this approach (Raunio 2005; Hopkin 2005).

A refinement of this is to retain sub-national constituencies but to keep some seats back in the light of the constituency allocations. Thus, if a party ends up somewhat under-represented overall, perhaps because it has just missed out on a seat in a number of constituencies, it can be awarded sufficient of the seats that were held back to ensure that it receives its due share overall. This is usually expressed in terms of 'tiers'; seats are awarded first in the lower tier, i.e. individual constituencies, and then the higher tier seats are allocated in such a way as to iron out the disproportionalities that the lower tier allocation produced. Using two tiers in this way ensures that proportionality can be as high as when the whole

country is just one constituency, yet people still have constituency MPs who represent their own part of the country. Denmark and Sweden, among others, employ this two-tier approach (Elklit 2005).

There are different methods for awarding seats proportionally within each constituency, which are based on slightly different conceptions of what constitutes 'perfect proportionality' (Gallagher and Mitchell 2005: appendix A; see also Chapter 13). The two main groups of methods are known as 'highest averages' and 'largest remainders'.

Highest average

Highest average methods allocate seats sequentially by applying a series of divisors to a party's vote total. Each party's vote is divided by the first number in the series, and the first seat is awarded to the party with the highest average. That party's vote total is divided by the second divisor in the series, and the second seat is awarded to the party whose average is now largest. In general, the 'average' that each party presents at each stage equals its original number of votes divided by the n th number in the divisor series, where $(n-1)$ equals the number of seats it has so far been awarded.

The most widely used highest average method is that of D'Hondt, in which the series of divisors is 1, 2, 3, 4, 5, etc. The application of this method to a hypothetical set of votes is shown in Table 10.1.

The first seat goes to the largest party, the Socialists, and the second to the second largest party, that of the centre-right. For the third seat, the Socialists' 'average' of 17,000 is the largest, so they receive the third seat, with the Liberals taking the fourth. The centre-right party's average of 12,500 is now the highest unrewarded average, so that party is given the fifth seat, with the final two going to the Greens and the Socialists.

When some disproportionality is inevitable, as is nearly always the case, the D'Hondt method tends to favour larger parties; in this case the Socialists received 43 per cent of the seats with 34 per cent of the votes, for example. A highest averages method that is even-handed between larger and smaller parties is that of Sainte-Laguë, which employs the series 1, 3, 5, 7, 9, etc. Now the larger parties' averages are reduced more rapidly, and the prospects for smaller parties are improved. In the case above, the Socialists' third average is only 6,800 votes (34,000 divided by 5), so the Socialists do not receive a third seat until each party apart from the regionalist party has

Table 10.1 Allocation of seats by D'Hondt highest average method

	Votes won	Votes divided by first divisor (1)	Votes divided by second divisor (2)	Votes divided by third divisor (3)	Votes divided by fourth divisor (4)	Total seats
Socialist party	34,000	34,000(1)	17,000(3)	11,333(7)	8,500	3
Centre-right party	25,000	25,000(2)	12,500(5)	8,333		2
Liberal party	15,000	15,000(4)	7,500			1
Green party	12,000	12,000(6)	6,000			1
Radical right party	10,000	10,000				
Regionalist party	4,000	4,000				
Total	100,000					7

Source: Gallagher and Mitchell (2005: 586). The numbers in parentheses refer to the order in which the seats are allocated.

received one. The first two seats would be awarded as under D'Hondt, but then the Liberals would receive the third, the Greens the fourth, the Socialists the fifth, the radical right the sixth and the centre-right the seventh, so the distribution among the top five parties would be 2–2–1–1–1 rather than 3–2–1–1–1 as under D'Hondt. A variant employed in some countries is known as modified Sainte-Laguë: 1.4, 3, 5, 7, 9, etc. Compared with 'pure' Sainte-Laguë this makes it more difficult for smaller parties to win a first seat but is otherwise the same in its effects as the pure version.

Largest remainders

Largest remainders methods proceed by the calculation of a quota, after which each party is awarded a seat for each full quota it has and then the unallocated seats are given to the parties whose remainders, over and above their full quotas, are the largest. The best known version is based on the Hare, or 'natural', quota, which is the number of votes divided by the number of seats.

In the example in Table 10.2 the Socialist party has more than two full quotas, so it receives two seats and presents a remainder of 5,428 (its 'unused' votes). It turns out that four seats can be allocated

on the basis of full quotas, meaning that only three are unallocated; these three will go to the three largest remainders. The Socialists' remainder is the fourth largest, so the party does not receive another seat. The method of largest remainders with the Hare quota (LR–Hare) is unbiased between larger and smaller parties, and usually gives the same results as the Sainte-Laguë method. Another largest remainders method (LR–Droop) is based on the Droop quota, calculated by dividing the number of votes by the number of seats plus one, so in this example 100,000 would be divided by 8 to give a Droop quota of 12,500. Here LR–Droop produces the same seat distribution as LR–Hare, though generally it favours larger parties over smaller ones.

The systems I have just described are known as list systems, because each party presents a list of candidates to the voters. While list systems are still the most common form of electoral system in the world (Reynolds *et al.* 2005: 30), in recent years a number of countries have adopted what are usually termed mixed systems (they are also known as mixed-member systems, the additional member system, and personalized PR). Here, characteristically, the voter casts two votes: one for a local constituency MP and one for a party list. A certain proportion of

Table 10.2 Allocation of seats by largest remainders method with Hare quota (LR–Hare)

	Votes won	Full Hare quotas	Votes accounted for by full Hare quotas	Remaining votes	Remainder rewarded?	Total seats
Socialist party	34,000	2	28,572	5,428	No	2
Centre-right party	25,000	1	14,286	10,714	Yes	2
Liberal party	15,000	1	14,286	714	No	1
Green party	12,000	0	0	12,000	Yes	1
Radical right party	10,000	0	0	10,000	Yes	1
Regionalist party	4,000	0	0	4,000	No	0
Total	100,000	4	57,144	42,856	3	17

Note: Votes: 100,000; seats: 7; Hare quota = $100,000/7 = 14,286$

Source: Gallagher and Mitchell (2005: 587).

MPs are elected from local (usually single-member) constituencies and the rest from party lists; in Germany, the archetype of this category, the proportions are half and half, though in other countries the balance might tilt this way or that. The constituency seat is usually allocated under SMP rules.

The allocation of the list seats depends on whether the constituency part and the list part of the election are integrated or are separate (on mixed systems see Shugart and Wattenberg 2003). In the first case, the system is known as a **compensatory mixed system** (sometimes the word compensatory is replaced by corrective or linked, and the system may be known as mixed-member proportional, or MMP). The list seats are awarded in such a way as to rectify the under-representations and over-representations created in the constituencies, ensuring that a party's overall number of seats (not just its list seats) is proportional to its vote share. Typically, small parties fare badly in the single-member constituencies, winning hardly any seats, but are brought up to their 'fair share' overall by receiving the appropriate number of list seats, while the larger parties, which usually win more than their 'fair share' in the constituencies, are awarded few or none of the list seats because their constituency seats alone bring them up to or close to the total number to which they are entitled. Compensatory mixed systems can thus result in highly proportional outcomes. Germany, Albania, New Zealand, and Venezuela are examples of this system (Saalfeld 2005; Vowles 2005).

If the list part and the constituency part of the election are separate, though, we have a **parallel mixed system** (sometimes termed mixed-member majoritarian, or MMM). Now, the list seats are awarded to parties purely on the basis of their list votes, without taking any account of what happened in the constituencies. This benefits large parties, which retain the over-representation they typically achieve in the constituencies, and offers less comfort to smaller ones than a compensatory system would. Parallel mixed systems are more widely employed than compensatory ones, with Japan, Kazakhstan, Pakistan, and Russia among the users (Reed 2005; White 2005).

There is a third group of countries that cannot be fitted neatly into either category because, while there is some link between the list and constituency allocations, it is not as straightforward or as strong as in the compensatory systems: examples include Hungary,

Italy from 1994 to 2001, and Mexico (Benoit 2005; D'Alimonte 2005).

While virtually all PR systems use party lists somewhere along the line, the **single transferable vote** (STV) in multi-member constituencies (PR-STV) dispenses with them. This takes the logic of the alternative vote and applies it to multi-member constituencies. That is, as under AV, voters are able to rank all (or as many as they wish) of the candidates in order of their choice and yet, as under a PR system, the results will reflect a high degree of correspondence between the votes cast for a party's candidates and its share of the seats. Any explanation of how the votes are counted under PR-STV tends to make the system sound more complicated than it actually is, and examining a specific example is the best way to understand the mechanics (examples are given in Gallagher and Mitchell 2005: 594–6; Sinnott 2005: 109–17). In brief, counting revolves around the Droop quota, defined earlier. Any candidate whose total of first preferences equals or exceeds this is deemed elected. Any 'surplus' votes an elected candidate has (that is, votes over and above the Droop quota and hence unnecessary for election) are transferred to other candidates, in accordance with the next preferences upon the ballot paper.

When a candidate's surplus votes are transferred, in practice the majority pass to other candidates of the same party, because most of those who cast their first preference for one candidate of their favoured party give their second preference to another candidate of the same party. If there are no surplus votes to distribute, the count proceeds by eliminating the lowest-placed candidate and transferring his or her votes in accordance with the next preference marked; again, typically, when one candidate of a party is eliminated from the count most of his or her votes pass on to another candidate of the same party because voters have voted along party lines. The process continues until all the seats are filled. The principle underlying this is that voters are able to specify, at each stage, which candidate they wish to benefit from their vote, in the event that their more preferred candidates turn out to be either so popular as not to require their vote or so unpopular as not to be able to benefit from it.

PR-STV differs from list systems not only in voters' power to rank but also in that it does not presuppose the existence of parties or their salience in voters'

minds: voters may rank candidates on the basis of whatever factor is most important to them, which might be (and in parliamentary elections usually is) party affiliation but could also be views on a particular issue, perceived parliamentary or ministerial ability, gender, locality, and so on. Voters can thus convey a lot of information about their attitudes towards the candidates, rather than having, in effect, to say 'yes' to one and 'no' to the rest as under most systems. The 'discreet charm' of PR-STV lies in the paradoxical combination of its popularity among students of electoral systems (see below) yet its far from widespread use; only Ireland and Malta employ it to elect their national parliaments (Gallagher 2005).

Dimensions of variation

There are many different electoral systems, but they vary on a limited number of dimensions. Three are particularly important. The first is district magnitude, by which is meant the number of MPs elected from each constituency. A second is the degree of intra-party choice: the extent to which voters are able to decide which of their party's candidates take the seats that the party wins. A third concerns the difficulty of winning seats, expressed through the idea of thresholds.

District magnitude

District magnitude varies from one in countries that employ single-member constituencies up to the size of the parliament in those states in which the whole country is one large constituency. The higher the average district magnitude, the more proportional we can expect the election result to be. When there are more seats to share out it is easier to achieve a 'fair' distribution, whereas when there is only one seat the largest party in the constituency takes it and the other parties receive nothing. Moreover, in a ten-seat constituency, a party with only 5–10 per cent of the votes has a good chance of receiving a seat, whereas a party of this strength would not win a seat in any single-seat constituency if its support were spread evenly across the country. Proportionality will be expected to be higher when a country is based on two-seat constituencies (as is the case in Chile) than when it is based on single-seat constituencies; higher when based on three-seat constituencies than on two-seat constituencies; and so on. This means that there is no hard

and fast dividing line between PR and non-PR systems. Conventional wisdom is that a high degree of proportionality will be hard to attain unless average district magnitude is at least five, though in practice systems based on two-seat, three-seat, or four-seat constituencies are usually regarded as variants of PR, with only the single-seat systems treated as non-PR.

Intra-party choice

Much of the discussion so far has been about how seats are shared among parties, but some voters may be at least as interested in which particular individuals fill those seats. How much intra-party choice among candidates is provided by the electoral system? Under all of the single-member constituency systems there is no intra-party choice for the simple reason that no party runs more than one candidate; if a voter likes a party but not its candidate, or likes a candidate but not her party, he simply has to grit his teeth and accept an unpalatable option.

Under PR systems, the degree of choice varies. Some list systems offer no intra-party choice; these are based on what are termed closed lists, where the party determines the order of its candidates' names on the list and the voters cannot overturn this. Under such a system, if a party wins, say, five seats in a constituency, those seats go to the first five names on its list, as decided by the party, whatever the voters think of those individuals. Closed lists are used in Israel, Portugal, and Spain, and in the overwhelming majority of countries that have mixed systems.

Other list systems, though, use preferential lists, in which the voters can indicate a preference for an individual candidate on their chosen party's list. In some cases the voters' preference votes determine which candidates win the seats; in others, it needs the preference votes of a certain number of voters to earn a candidate a seat ahead of someone whom the party placed higher on the list (Shugart 2005: 36–50). Belgium, Chile, and Poland are examples of countries where the voters have an effective voice in determining which of their party's candidates become MPs (De Winter 2005; Siavelis 2005). In most countries voters are confined to the list of their favoured party when indicating preference votes, but in Switzerland and Luxembourg the device known as *panachage* entitles them to award preferences for candidates on different party lists, and they are also able to 'cumulate' more than one preference on a particular candidate.

COUNTRY PROFILE Japan

Japan (*Nihon-koku/Nippon-koku*)

State formation

The foundation of Japan dates back to the Emperor Jimmu, 660 bc. After defeat in the Second World War, Japan adopted a democratic and pacifist constitution.

Constitution 1947, effective 1 January 1948; amended many times.

Form of government

Constitutional monarchy.

Head of state Emperor; the monarchy is hereditary.

Head of government Prime Minister, usually the leader of the majority party or coalition.

Cabinet Appointed by the Prime Minister.

Administrative subdivisions 47 prefectures.

Legal system

Modelled on European civil law system with some English and American ingredients; judicial review of legislative acts in the Supreme Court.

Legislature

Bicameral Parliament (*Diet* or *Kokkai*).

Lower house House of Representatives (*Shugi-in*): 480 seats; term of 4 years.

Upper house House of Councillors (*Sangi-in*): 242 seats; term of 6 years; staggered elections (one-half renewed every three years).

Electoral system (lower house)

Mixed system: 300 seats allocated by plurality, 180 seats allocated by proportional representation.

Formula D'Hondt method for the 180 seats allocated by proportional representation. Candidates may run in both the single-seat constituencies and the proportional representation poll. However, the single-seat constituency must be located within their proportional representation block. Candidates running in single-seat constituencies must obtain at least one-sixth of all valid votes to obtain a seat.

Constituencies 300 single-member constituencies (plurality vote) and 11 multi-member or 'block' constituencies (proportional representation vote).

Barrier clause None.

Suffrage Universal, 20 years.

Direct democracy

None.

Party system Results of the 2005 legislative elections (House of Representatives):

Electorate:	103,067,966	100.0%
Voters:	69,532,186	67.5%

Party	Valid votes	%	Seats
Liberal Democratic Party	25,887,798	38.2	296
Democratic Party of Japan	21,036,425	31.0	113
Clean Government Party (Komei)	8,987,620	13.3	31
Japanese Communist Party	4,919,187	7.3	9
Social Democratic Party	3,719,522	5.5	7
New Party of Japan (Shinto Nippon)	1,643,506	2.4	1
People's New Party (Kokumin Shinto)	1,183,073	1.7	4
New Party Mother Earth (Shinto Daichi)	433,938	0.6	1
Others	—	—	18
Total	67,811,069	100.0	480

Notes: Category 'Others' includes parties with less than 1% nation-wide and no seats, and seats won in single-member plurality vote by independent candidates. Votes refer to PR vote, seats to total seats allocated in proportional representation and plurality vote.

Source: Inter-Parliamentary Union.

In PR-STV, the voters have complete freedom to award rank-ordered preferences for any candidate, not just within parties but also across party lines.

Thus, under closed list systems the key intra-party battle takes place at the candidate selection stages, since, in order to have a chance of election, aspiring MPs must ensure that the party gives them a high position on the list. Under preferential list systems and PR-STV, candidate selection is important but not all-important, because every party's candidates are competing with each other for support from the voters since they need to outpoll their running mates if they are to be elected.

Thresholds

Thresholds come into play when the electoral system does not aim to achieve a 'perfect' correspondence between vote shares and seat shares. Usually, electoral systems contain some inbuilt feature designed to prevent very small parties from winning seats; this can be justified on the ground that it is desirable to prevent undue fragmentation of parliamentary strength and to facilitate the formation of stable governments, though of course it can also be motivated

simply by the larger parties' desire to discriminate against smaller ones.

A good example of a threshold is that employed in Slovakia, which as mentioned earlier has just one, national, constituency. This would make possible a very high degree of proportionality—except that the country also applies a 5 per cent threshold, meaning that no party that receives fewer votes than this wins any seats at all. At Slovakia's 2006 election, 12 per cent of voters cast a ballot for a party that did not reach the threshold, and so they were unrepresented in parliament. In Germany the threshold is a little more complicated: a party must win either 5 per cent of the list votes, or three constituency seats, to qualify for participation in the distribution of list seats. Thresholds in the range of 3–5 per cent are common; that of the Netherlands is unusually low (0.67 per cent) and Russia's, at 7 per cent, is unusually high. Thresholds tend to be applied at national level, but in some countries they exist at constituency level: in Belgium no party receives a seat in a constituency unless it has won 5 per cent of the votes there, while in Spain a constituency-level threshold of 3 per cent applies.

KEY POINTS

- The most basic distinction among electoral systems is between those based on single-member constituencies (non-PR systems) and those based on PR in multi-member constituencies.
- Single-member constituency systems all give an advantage to the strongest party in the constituency and leave supporters of other parties unrepresented.
- The main categories of PR systems are list systems, mixed systems, and the single transferable vote. PR systems can be made more proportional by using constituencies of larger district magnitude and by lowering or removing the threshold.
- PR systems vary in the degree of choice they give voters to express a choice among their party's candidates. Non-PR systems do not give voters any intra-party choice.
- Non-PR electoral systems are more likely to engender a two-party system, especially as regards the distribution of seats, while PR systems are more likely to lead to a multi-party system; though the shape of the party system depends on other factors as well, such as the nature of the politicized cleavages in society.

Referendums

Government today is representative government, meaning that the great majority of political decisions in all countries are taken by elected officials rather than directly by the people themselves. Nonetheless, some countries employ the device of the

referendum, in which the people are able to vote on some issue.

We should be clear that this does not amount to 'direct democracy', a much-used but vague term. Rather, it is simply a question of whether a given

country's system of basically representative government does or does not include provision for the referendum. The term 'direct democracy' has its roots in the idea that, under the institutions of representative government, the people's role in decision-making is only indirect, in that they elect representatives who then make the decisions. When the referendum is used, it seems that the people are making the decisions themselves. However, 'direct democracy' has many connotations, both positive and negative, and as a result many scholars tend to give the phrase a wide berth and confine themselves to a discussion of the referendum as an institution within the framework of representative democracy.

Types of referendum

In a referendum, as Butler and Ranney usefully define the term, 'a mass electorate votes on some public issue' (1994a: 1). We do not use the word for a vote on electing an individual to a position, such as president. The most useful typology designed to impose some order upon the potential chaos of a large number of referendums is that of Uleri (1996a; 2003: 85–109). This scheme identifies five important dimensions of referendums, none of them requiring a subjective judgement on the part of the observer.

The first three concern the question of whether a referendum should take place or not. First, the holding of a referendum might be according to prescribed rules or at the discretion of a political actor. Second, the referendum might be mandatory in the circumstances, or optional. Third, the referendum may take place at the request of a number of voters, or of a political institution.

A fourth dimension concerns the relationship between those calling the referendum and those whose proposal is being voted on. When the two are different, there is a distinction between referendums on proposals that have not yet come into force (these are termed *rejective referendums*), and referendums to change an existing state of affairs (*abrogative* or *repealing referendums*).

The fifth dimension is the significance of the referendum result, which may be binding or may be merely indicative of the public's views, with another actor such as parliament having the final say. This scheme can be represented as shown in Table 10.3.

We can illustrate this framework with some examples. *Ad hoc* referendums are those for which there is no fixed provision, such as the British vote in 1975 on whether to leave the European Community or any future vote on whether the country should join the eurozone. In contrast, the French and Dutch referendums of 2005 on the proposed EU constitution were procedural, in that they were conducted in accordance with pre-existing rules, and they were optional in that it was not legally or constitutionally necessary that a referendum be held. The referendums in Denmark and Ireland in 1972 on whether to join the European Community were procedural and mandatory, since both countries' constitutions specified the necessity for a referendum on an issue with such major implications for sovereignty.

Quite clearly, when all referendums are procedural and mandatory the institution of the referendum is relatively unpoliticized, in that no political actor has any say in whether the issue is decided by referendum or in some other way. In contrast, the use of *ad hoc* referendums, or even of optional procedural referendums, is open to partisan manipulation, for example by a government that decides to put an issue to a referendum in the hope of boosting its position or dividing the opposition. A well-known example is the French referendum in 1992 on whether to approve the Maastricht Treaty. Although parliament had the power to ratify the treaty, President Mitterrand put the issue to the people in the hope of exacerbating divisions among the right-wing opposition, but his tactic almost backfired disastrously as the people voted in favour by only a very narrow margin. The 2004 Taiwan referendum called by the president, Chen Shui-bian, to coincide with the presidential election, was also a politicized exercise; the opposition condemned the exercise and urged its supporters not to cast ballots (Hwang 2006: 117).

The distinctive feature of a people's initiative is clear: it enables a set number of voters to bring about a popular vote. The initiative is conspicuous by its rarity in the world's constitutions, though those few states that employ it do so on a large scale. Switzerland leads the way here, with most of its popular votes being initiated by voters; if a prescribed number (which varies from 50,000 to 100,000 depending on the nature of the proposal) signs a petition calling for a vote on amending the constitution or on

Table 10.3 Typology of referendums

Criterion	Value	Description
Promotion of referendum according to:	Prescribed rules	Procedural
	Discretion of some political actor	<i>Ad hoc</i>
Procedural referendum is:	Necessary to make or validate a decision	Mandatory
	Held at request of authorized actor	Optional
Popular vote is promoted by:	A number of voters	Initiative
	Other agent	Referendum
Promoter of vote and author of object to be voted on are:	The same actor	Decision-promoting (people called on to ratify)
	Different actors	Decision-controlling (people called on to veto)
Impact of referendum vote:	Must be accepted by relevant institution(s)	Binding
	Technically indicative as another actor has final say	Advisory

Source: Adapted from Uleri (1996a: 12; 2003: 107–8).

rejecting a bill recently passed by parliament, such a vote must take place.

Italy is the only other West European country to allow the initiative, and while the engaged citizenry brought about many popular votes in the 1980s and 1990s, the use of this weapon against the political class—for that was how many of these initiatives were perceived—has since declined. A number of post-communist countries have provision for the initiative in their constitutions, but the difficulty of mobilizing the population in most of these countries means that the initiative has not become significant. The initiative is also a prominent feature of state-level politics in parts of the US, especially the south-west. Since 1993 New Zealand has had provision for non-binding initiatives; in 1999 the people voted by more than four to one to reduce the size of parliament, but the advisory nature of the vote was emphasized when no such change was made.

The distinction between decision-promoting and decision-controlling referendums is an important

one. Provision for the former is rare; so-called ‘plebiscitarian’ referendums (see below), where an authoritarian leader makes a proposal and then calls a popular vote to endorse this, belong in this category. In Switzerland, the appropriate number of citizens may frame an amendment to the constitution (though not a proposed law) and secure a popular vote on the change. Decision-controlling referendums, where an actor opposed to some proposal may invoke the people as a potential veto player, are more common.

This distinction bears on the question of who gets to frame the precise question to be voted on, the ‘agenda-setting’ power that is important in many contexts. Those who frame the question can do so in such a way as to make retention of the status quo more likely, or less likely, depending on their preference. For example, in 1999 Australians voted on whether or not to retain the British monarch as their head of state. If republicans had been able to set the question, they would have offered the electorate a straight choice between the status quo and a republic,

and opinion polls suggest that a majority of voters would have opted for change. But since the government, which preferred the status quo, had the power to set the question, it asked voters to choose between the status quo on the one hand and, on the other, a republic in which the president would be appointed by parliament. The latter option was opposed not only by monarchists but also by those republicans who felt strongly that the president should be directly elected by the people, leading to the defeat of the proposal and the retention of the monarchy.

Among decision-controlling referendums we may distinguish between abrogative referendums or initiatives (which aim to strike down an existing law or constitutional provision) and rejective ones (which aim to prevent some proposal from passing into law or the constitution). Switzerland has a widely used provision for the rejective initiative, under which, within ninety days of parliament's approval of a bill, 50,000 citizens may launch a challenge to it by calling a popular vote. Italy provides for the abrogative initiative, allowing citizens to call a vote on any existing law. In some other countries a minority of parliamentarians (as in Denmark or Spain) or a number of regional councils (as in Italy) may call a rejective referendum on certain proposals.

The existence of the decision-controlling referendum constitutes a potentially powerful check on government, which may have no option but to make concessions to its opponents in order to pre-empt the launching of a rejective referendum. The ease with which a political party in Switzerland can mobilize sufficient voters to launch a rejective initiative is one reason why Switzerland is governed by a more or less permanent grand coalition of the four major parties, to ensure that each party's concerns are addressed at an early stage of the policy-making process. The frequency of referendums thus diminishes the significance of elections; Swiss elections will not result in the ejection of a government, and even a large change in the relative strengths of the main parties will result only in the switching of a cabinet seat from one party to another.

One term that does not feature in most typologies these days is *plebiscite*, mainly because the word has taken on two completely different connotations. One is negative: for some people, it implies a referendum staged by an authoritarian regime with the aim of generating the appearance of popular support for a

decision that in reality the people had no possibility of rejecting. Often, indeed, the vote is bound up with support for an individual as much as for the issue supposedly at stake. The referendums held in France by Napoleon and Louis Napoleon, or more recently in some post-communist countries such as Belarus and Turkmenistan on extending the rule of the incumbent president, would fit comfortably into this category. The 99.9 per cent vote recorded in favour of extending the late President Saparmurat Niyazov's term in Turkmenistan in a 1994 referendum is typical. The other connotation of 'plebiscite', derived from international law, is that it refers to a vote concerning a sovereignty issue such as independence, self-determination, or border definition (Deszö 2001: 267).

The rationale of the referendum

Why use referendums? There are, of course, cases for and against, yet on the whole the evidence is strangely inconclusive and suggests that neither supporters or sceptics are on secure ground when they try to make a general case about referendums. We can categorize the arguments as related to *process* or to *outcome*. Process-related arguments suggest that, regardless of the decisions reached, the very fact that they have been reached through a referendum is important in itself, while outcome-related arguments suggest that the quality of decisions may be affected by the direct involvement of the voters (see Box 10.2). On the whole, supporters of referendums are more likely to invoke process-related arguments while opponents tend to emphasize the impact on outcomes.

Process-related arguments

The two main process arguments are, first, that certain policies can be fully legitimated only by their endorsement in a referendum and, second, that participation in a referendum is good in itself and also educates voters about issues.

The legitimization argument rests on the fact that, in modern states, people may have the opportunity to vote at regular intervals, but for the most part they are not expressing themselves directly on specific political issues. Rather, they are electing others to represent them in an office such as the presidency or governorship, or in an assembly such as a national parliament. Individual voters will take a number of

factors into account when casting their ballot. Simply because a party includes a particular policy promise in its manifesto, we cannot conclude that anyone who votes for a candidate of this party necessarily wants to see that policy implemented. The policy may not have affected their vote at all, or they may have voted for the party despite rather than because of this particular policy.

This weakens the 'mandate' argument according to which the voters confer upon the winning party at an election a mandate to implement the policy platform on which it stood. In reality, given the number of different policies in each party's manifesto, not to mention the range of other factors (the appeal of the party leaders or of the local candidates, for example), what has been termed 'Ostrogorski's paradox' means that we cannot deduce people's policy preferences from the policy offerings of the parties they voted for (Setälä 1999: 14–16). Consequently, opponents of a policy might claim, when the government tries to implement it, that the government has no explicit mandate for it, or, conversely, a government that now regrets making the policy promise might claim, when resiling from it, that there is no evidence that the voters ever really expressed their support for it.

Hence, it is argued, we can only be sure that the people are in favour of a particular policy if they have actually endorsed it in a referendum. While no one except a referendum fanatic would suggest that this kind of validation process is needed for every piece of legislation or government decision, the argument has special force in the case of major choices facing a society: whether to join a transnational body such as the European Union (EU), whether to secede from an existing state and become independent, or whether to make a significant change to the political institutional regime or to the moral ethos of society.

For example, fourteen of the nineteen countries to join the EU between 1973 and 2004 held a referendum to decide whether to join, while Norway's people decided against joining in two referendums. The secessions of Norway from Sweden in 1905, Iceland from Denmark in 1944, East Timor from Indonesia in 1999, and Montenegro from Serbia in 2006 were all put to, and approved in, referendums.¹ The case for a referendum is even stronger if the proposal is one that did not feature prominently in the preceding election and that, if implemented, would be irreversible. In such cases a decision taken by political elites alone

might not carry legitimacy or consent across society; many voters may simply feel that elites alone do not have the right to make such decisions on their behalf.

Enhancing the legitimacy of a major decision is one process argument in favour of the referendum, and the second is that the opportunity to vote in referendums increases political participation and is thus inherently a good thing. Given that it is commonplace to talk about widespread disengagement from the political process and about an attitude of cynicism towards the political class, the use of referendums might be able to reduce this feeling of alienation from the political process by involving people directly in decision-making. In addition, it is hoped, one result of empowering citizens to get involved in deciding an issue themselves will be that citizens educate and inform themselves about the subject, thus raising the level of political knowledge in society. Yet, it would be facile to imagine that unleashing a tranche of referendums on an indifferent populace will somehow create an engaged citizenry. Unless the issues at stake are important to electors, they are unlikely to make the effort to vote, perhaps feeling that their political representatives were elected precisely to decide such matters themselves.

Outcome-related arguments

Giving people more chances to take part in decision-making is cited as an argument in favour of referendums, as we have just seen, yet there is also a counter-argument. As Papadopoulos puts it, increasing the number of opportunities to participate also increases the opportunities for exclusion, and hence the use of referendums may lead to worse outcomes than purely representative democracy (quoted in Uleri 1996a: 17). Just as a committee that holds weekly meetings in the name of maximizing participation opportunities will end up being dominated by the handful of its members with nothing better to do with their time than attend every meeting, so an excessive provision of voting opportunities may in effect work against the interests of those who, for one reason or another, do not usually vote. If those of lower socio-economic status are the least likely to vote in referendums—as some data suggest, though the pattern is not universal (Qvortrup 2005: 31–5)—then the use of referendums, at least if it is excessively frequent, could work against the interests of the less well off.

Another outcome-related argument against the referendum is the claim that, because the referendum is an inherently majoritarian device, it might result in infringement of the rights of minorities. Legislators, it is argued, are aware of the need for balance and for toleration even of groups whose behaviour they personally disapprove of. In contrast, the mass public, which bases its opinions on information fed to it by partisan sources or gleaned via the simplistic coverage of the tabloid press and their broadcasting equivalents, has no inhibitions about giving free rein to its prejudices in the privacy of the ballot box. As James Bryce summed up this line of thought, parliamentarians 'may be ignorant, but not so ignorant as the masses' (quoted in Gallagher 1996: 241).

However plausible this argument is in the abstract, empirical evidence does not support it. In order to evaluate it fully, we would require counterfactual evidence: that is, we would want to compare the policies actually made by legislatures with those that might have been made through referendums, and vice versa. While we cannot rerun history to see what would have happened under different decision-making rules, the frequency of state-level and local-level referendums and initiatives in the US allows us to come close to comparing the two. The evidence suggests that the key factor is not the mode of decision-making but the size of the unit making the decision: minority rights receive less protection in small local units than at state level (because the former are more likely to be homogeneous) regardless of whether the decision is made by referendum or by elected representatives, but there is no sign that referendums *per se* discriminate against minorities (Donovan and Bowler 1998: 264–70).

Moreover, there is often room for normative debate as to whether a particular decision amounts to unfair and discriminatory treatment of a minority or whether it is simply a perfectly legitimate choice by a majority of the voters. As defenders of the latter position are wont to say, majorities have rights too. Representative government is often criticized for being unduly responsive to pressure from well-organized and sometimes well-resourced minorities, who secure concessions at the expense of the public weal, and in principle referendums may help to counter this. Still, unbridled use of the referendum does have the potential to upset what may be a delicate balance within society, and consequently, in

most states employing it, there are devices to curb the danger of majoritarianism.

1. In most countries access to the referendum is highly restricted. Usually, it is the legislature that decides whether, and on what proposal(s), a vote is to take place, so it exercises an effective veto over the items that get onto the referendum agenda in the first place.
2. In countries that provide for the initiative, where a certain number of voters themselves can trigger a public vote without needing the consent of parliament, a judicial body such as a constitutional court is frequently accorded a veto role. The Italian constitutional court prevents around a third of referendum proposals being put to a vote, and constitutional courts are active in this area in a number of post-communist countries (Uleri 1996b: 107; Auer 2001: 351). In the US, too, courts play an important role, possessing the power (regularly used) to strike proposals from the ballot paper or, *post hoc*, to nullify the outcome of a vote on the basis that its implementation would be contrary to the state or federal constitution (Tolbert *et al.* 1998: 50–3; Magleby 1994: 235–6).
3. Some countries insist that a proposal achieve a 'super-majority' in order to be deemed to have been approved by the voters. This may require not only that a majority of voters support the measure but that turnout achieve a certain level (a figure of 50 per cent in Croatia, Czech Republic, Italy and Slovenia, for example). In federal countries, a 'double majority' is a common requirement: a proposal requires the support of a majority of voters and also a majority within at least half of the federal units (Australia, Switzerland).

There are two further outcome-related arguments levelled against the referendum. One is that it weakens representative institutions and might make 'joined-up government' more difficult, because a government's programme can be knocked off course by the public striking down one key aspect of it. This is more of a hypothetical concern than a real one, though, and in any case could apply only to countries that permit the voters to bring about a public vote without needing the approval of parliament.

The final criticism is that the referendum compels a stark choice between two conflicting alternatives and

thus discourages the search for consensus. However, while such a criticism might be applicable to a referendum that sought to pre-empt negotiations, it does not amount to a case against referendums *per se*. Some issues, after all, do have to be resolved by a clear Yes–No decision, and a referendum is not inherently an unsatisfactory mechanism for making such a decision.

The outcome-related arguments, then, are largely critical of the referendum, but for the most part they are not convincing. The process-related arguments tend to be cited primarily by advocates of the referendum, but here too there is plenty of room for debate. The fact that it is impossible to point to clinching arguments on one side or the other helps to explain why there is such variation across the world in the use of the referendum, as we shall now see.

Empirical patterns

The use of referendums is widespread, albeit uneven. Legal and constitutional provision increased somewhat in the last three decades of the twentieth

century (Scarrow 2003: 48) and there is evidence that the frequency of referendums is also increasing over time. LeDuc demonstrates a steady increase in the fifty-eight countries he covers from around 50 worldwide in the first two decades of the twentieth century to nearly 350 in the last two decades, partly as a result of an increase in the number of practising democracies (LeDuc 2003: 21). Even so, we should not exaggerate the use of referendums. Of the forty-four countries included in Table 10.4, nineteen have held two or fewer referendums since 1945. Switzerland is responsible for over half of the total number, and leaving it and its tiny neighbour Liechtenstein aside, the other countries have held on average only seven popular votes each over this period.

The variation in the frequency of referendums is striking. Some established democracies have held no national referendums at all (post-war Germany, India, Japan, the US) or very few (Netherlands, Spain, United Kingdom). In some others, such as Australia, Denmark, France, Ireland, and New Zealand the referendum has become established as a means by which

BOX 10.2 Referendums: arguments for and against

Arguments for the referendum

The referendum enhances democracy by enabling more people to become directly involved in decision-making.

Because of the way policies are bundled together at elections, only by holding a referendum on an issue is it possible to get a clear verdict from the people on that issue.

A decision made by the people directly has more legitimacy than one made by the political class alone, especially if the issue is a fundamental one for the future of society.

The referendum process creates a more informed electorate as people are exposed to arguments on either side of the issue.

All the evidence suggests that the referendum, sensibly used, can enhance representative democracy.

Arguments against the referendum

Elected politicians have an expertise in policy-making that ordinary people do not, so taking decision-making out of the hands of political representatives is likely to lead to lower quality decisions.

In practice, many people decide how to vote in a referendum on the basis of extraneous factors, so we cannot draw inferences about policy preferences from voting behaviour in a referendum.

Referendums give insensitive or prejudiced majorities an opportunity to ride roughshod over minority rights.

Those most likely to vote in a referendum are those who feel most strongly on an issue and the better off, so referendums work against the interests of moderates and the less well off.

The use of referendums opens the door to the vision of a 'direct democracy' in which people cast votes on the 'issue of the day' without taking the trouble to inform themselves, thus trivializing the decision-making process.

Table 10.4 National referendums 1945–2006 in selected countries

Country	Number of referendums	Country	Number of referendums
Australia	26	Latvia	4
Austria	2	Liechtenstein	66
Argentina	1	Lithuania	18
Belgium	1	Luxembourg	1
Brazil	7	Malta	3
Canada	1	Mexico	11
Chile	2	Netherlands	1
Cyprus	2	New Zealand	28
Czech Republic	1	Norway	2
Denmark	16	Poland	7
Estonia	4	Portugal	3
Finland	1	Russia	5
France	14	Slovakia	9
Germany	0	Slovenia	12
Greece	4	South Africa	0
Hungary	5	Spain	4
Iceland	0	Sweden	5
India	0	Switzerland	396
Ireland	28	Turkey	4
Israel	0	United Kingdom	1
Italy	63	United States	0
Japan	0	Uruguay	18
Total	776		

Notes: In cases of countries that have not been continuous democracies since 1945, the period covered is the time during which they were democracies. All figures refer to national-level referendums only.

Source: Site of the Research Centre on Direct Democracy (C2D) at University of Geneva (see web links at the end of the chapter).

the country reaches decisions on major questions. In others again a large and disparate range of issues, some major and some more or less trivial, have been put to a vote of the public; Switzerland and, to a lesser extent, Italy and Liechtenstein epitomize this pattern.

Explaining the variations is not easy. Worldwide, the largest countries make little use of the referendum, but within Europe large countries such as France and Italy are regular users. Some federal countries eschew the referendum, while others such as Australia and Switzerland embrace it. There are apparent cases of diffusion, or common roots, of patterns between neighbouring countries such as Switzerland and Liechtenstein, yet there is significant variation among the Scandinavian countries, which generally keep a close eye on each other's experiences.

The dramatic contrast between Switzerland and every other country represents a qualitative as well as a quantitative difference. Elsewhere, democracy is fundamentally representative in nature, and the referendum is a kind of 'optional extra' that modifies, to a greater or lesser degree, the way in which the political process functions. In Switzerland, in contrast, the referendum is woven deep into the fabric of democracy, and far from constituting an occasional 'shock to the system' it is an inherent part of that system.

Referendum subjects, outside Switzerland, do not usually cover the full range of political issues. In particular, conventional left-right issues such as the familiar tax-versus-spending trade-off do not habitually feature as items on referendum ballots. More characteristically, as I have already mentioned, referendum votes concern sovereignty-related questions such as independence, secession, or the pooling of sovereignty within the EU. The rationale is that these are non-partisan issues that transcend the day-to-day political warfare between parties and that the parties do not have the right to decide on the people's behalf.

The impact of referendums

In principle, referendums might make a significant difference to politics in a number of ways, most obviously to policy outcomes. The expectation is that in most cases it would be a conservative impact, in that the people are introduced to the decision-making process as an additional 'veto player'. A policy change agreed by the elite can potentially be prevented unless

the people also approve it. Critics therefore warn of the danger of policy immobilism if the referendum is too readily available as a blocking mechanism to those opposed to change, asking whether any of the main advances of the past, such as extending the franchise to those with little property and to women, or the establishment of religious freedom, would have occurred had the eligible voters of the day been able to prevent it by a direct vote on the issue. Defenders argue that this is exaggerated, and that the endorsement of the voters is 'a powerful legitimiser of political decisions', depriving the outvoted minority of any sense that they have a valid grievance (Setälä 1999: 161). Major decisions involving sovereignty, or the allocation of values within a society, might not be regarded as fully legitimate by opponents if they are taken solely by the political class. Testing these propositions empirically—that policy innovation is slower in countries that employ the referendum, and that decisions made by a referendum enjoy greater legitimacy than those made by representative institutions alone—would of course be a challenge.

Where the initiative is available, the danger is of too much rather than too little policy innovation. Minorities might be able to get their superficially attractive but essentially populist schemes approved by a public that does not take the trouble to scrutinize them thoroughly or to ask how they will be funded, whereas elected parliamentarians would not be so gullible. This is a particular concern of elite theorists of democracy such as Giovanni Sartori, who refers to the 'cognitive incompetence' of most citizens, and of others who attribute great power to those who control the media and see referendums as merely 'devices for the political mobilization of opinion-fed masses by the elite' (Sartori 1987: 120; Hirst 1990: 33; Smith 1998). However, some of the arguments against allowing ordinary people to make decisions through referendums virtually amount to arguments against allowing people to vote at all. Moreover, the picture of voter incompetence can be disputed; even if voters do not possess comprehensive information about the case for and against the referendum issue, they may have acquired as much information as they actually need (Lupia and Johnston 2001). In addition, contrary to the claims that the media can exert power over easily led voters, overt attempts by the media to sway opinion may actually prove counter-productive (Aboura 2005).

Referendums could have a disastrous impact upon political parties which, in theory, might lose control of the political agenda, find themselves routinely racked by internal divisions over referendum issues, and, if in government, see their programme buffeted by random shocks from an unpredictable electorate. Yet, here too the dire outcomes that might occur in theory do not seem to happen in practice. In most countries, after all, there is no provision for the initiative, and so representative institutions such as parliament and government, which themselves are dominated by parties, can control access to the referendum. The evidence suggests that, far from being swept aside by referendums, parties can comfortably coexist with them and indeed often turn them to their advantage. Sometimes a referendum rescues a party from a damaging internal dispute, in that the responsibility for deciding the matter can be passed to the public at large. There is no sign that the frequent use of referendums weakens parties (Budge 2001), while parties, especially those with a distinct policy position, can expect to have some influence on the voting behaviour of their supporters (de Vreese 2006).

Finally, what about the impact of referendums on the quality of democracy? As I indicated earlier, it is possible to construct plausible arguments to the effect

that the use of the referendum will greatly enhance, or greatly damage, the functioning of democracy. Yet the final verdict is that the quality of democracy seems to be little affected one way or the other by the incidence of referendums. The standard of democracy does not seem to differ so very much between Denmark (with 16 post-war referendums) and Finland (with 1), or between France (14) and Germany (0). It is difficult to find countries whose people feel their quality of democracy has been ruined by either the existence or the non-existence of referendums. Public attitudes, as far as we can tell, are broadly supportive (Dalton 2004: 182–4; Donovan and Karp 2006).

The referendum, then, is entirely compatible with the institutions of representative government. It is not an essential feature of a system of representative democracy but is, rather, an 'optional extra'. In the minds of some of its more fervent proponents and opponents, it might become the cornerstone of governance, transforming representative democracy into direct democracy, with citizens texting in their votes on the 'issue of the day'. This is not a realistic vision. Representative government has established itself across the developed world, and the evidence suggests that the referendum can play a significant role within it.

KEY POINTS

- ❑ Referendums take many forms, depending on whether or not the people themselves can initiate a popular vote, on whether parliament has discretion as to whether to decide a matter itself or put the issue to a referendum, and on whether the verdict of the people is binding or merely advisory.
- ❑ Supporters argue that referendums give the people the chance to make important decisions themselves and that being exposed to a referendum campaign increases people's information about the issue. Opponents maintain that referendums may discriminate against minorities and can result in incoherent policy choices.
- ❑ The frequency of referendums is rising over time, though they are still rare events in most countries.
- ❑ When people decide which way to vote in a referendum, their views on the issue at stake are usually the most important factor but they also take some account of cues from parties and politicians.
- ❑ Despite the fears of opponents and the hopes of proponents, there is little firm evidence to show that policy outcomes are affected greatly by the availability of referendums.

Conclusion

In this chapter we have looked at the two main voting opportunities in modern democracies: elections and referendums. Elections are central to any political

system that claims to be democratic, while referendums, in contrast, are used extensively in some countries yet rarely or never in others.

Electoral regulations, the set of rules governing the holding of elections, tend to be quite similar among democracies, though there are some variations when it comes to the age at which one can vote or be a candidate, the ease of access to the ballot, and the term of office of elected representatives. The franchise was broadened steadily during the nineteenth and twentieth centuries, and the main debate now concerns not whether certain categories of citizens should be allowed to vote but, rather, whether people should be compelled to vote. Some argue that compulsory voting leads to more equitable policy outputs; others see it as an infringement of personal rights.

Electoral systems, the set of rules that structure how votes are cast at elections and how these votes are then converted into the allocation of offices, have the potential to play a significant role in influencing a country's political system. While there is a good deal of variation across countries, we have seen that electoral systems can be grouped into two main categories, PR and non-PR. Proportional representation systems provide a closer relationship between the distributions of votes and of seats, and are associated with multi-party systems; non-PR systems are more likely to produce single-party governments and something approaching a two-party system.

When we look at referendums we find a good deal of variation, not only in the frequency of use but in the kind of referendum. Some are initiated by the voters themselves, others by governments or parliaments. Some are held because the country's constitution declares that a referendum is necessary before a particular step can be taken; others are held at the whim of a government that hopes to derive some partisan advantage from the vote. Some are decisive, others merely advisory. While referendum issues can also cover a wide range, certain issues do seem to be regarded as especially suitable for popular votes: those concerning sovereignty, for example, or moral issues that cut across party lines.

The merits and demerits of referendums have been vigorously argued for many decades. One line of criticism casts doubt on voters' competence to reach a conclusion on the issues placed before them, suggesting that they are easily manipulated and tend to vote primarily on the basis of their attitude to the government of the day. The evidence does not support this, though undoubtedly voters' behaviour is affected by their evaluations of those arguing the case for and against the referendum issue. Referendums undoubtedly increase participation in the decision-making process, though proponents and opponents disagree as to whether this a good thing; for the former, it results in a more informed electorate, while for the latter it places decisions in the hands of those ill-equipped to make them. Proponents argue that a vote by the people legitimizes a decision in a way that a vote by parliament never could; opponents are concerned about the dangers of intolerant majorities trampling over the rights of minorities. The available evidence suggests that the hopes of proponents and the fears of opponents may both be exaggerated.

The two institutions are linked in that the significance of elections may be reduced when referendums are available to opponents of government measures. When there are no referendums, elections have greater potential to be a decisive arena, since they produce governments whose proposals cannot be blocked by a popular vote. In a country where major issues must be put to the people in a referendum, in contrast, elections settle less; the people retain veto power in certain areas regardless of the wishes of the government or parliament. If the opposition has the power to trigger a rejective referendum, the government has a strong incentive to make whatever concessions are necessary to prevent this from happening. Where there is provision for the initiative, the opposition has a further weapon to block the government, and the link between 'winning' an election and being able to impose one's policy preferences becomes even weaker.

? Questions

1. Should voting be made compulsory in modern democracies? What would be the main consequences of compulsory voting?
2. Do electoral systems shape party systems, or do party systems choose the electoral system that suits them?

3. What are the main consequences of electoral systems?
4. Taking any country as an example, what difference would we expect to see in its politics if it changed from a PR electoral system to a non-PR system, or vice versa?
5. Should the power of sufficient number of ordinary citizens to initiate public votes, which at present is confined to a few countries, be given to people in every country?
6. Are there certain subjects that are especially suitable, and certain subjects that are especially unsuitable, to be put to the people for decision by referendum?
7. Why is the referendum widely used in some democracies and rarely or never used in others?
8. How real is the danger that referendums will result in majorities infringing the rights of minorities?
9. Does the use of the referendum result in better policies than would be made without it?
10. Does the use of referendums threaten representative democracy, enhance it, or have little impact either way?



Further reading

- Auer, Andreas, and Bützer, Michael (eds.) (2001) *Direct Democracy: The Eastern and Central European Experience* (Aldershot: Ashgate). Overview of the post-communist experience.
- Bowler, Shaun, and Donovan, Todd (1998) *Demanding Choices: Opinion, Voting, and Direct Democracy* (Ann Arbor, Mich.: University of Michigan Press). Overview of the US experience.
- Colomer, Josep (ed.) (2004) *Handbook of Electoral System Choice* (Basingstoke: Palgrave Macmillan). Comparative analysis of the origins of electoral systems.
- Farrell, David M. (2001) *Electoral Systems: An Introduction* (Basingstoke: Palgrave).
- Gallagher, Michael, and Mitchell, Paul (eds.) (2005) *The Politics of Electoral Systems* (Oxford: Oxford University Press).
- and Uleri, Pier Vincenzo (eds.) (1996) *The Referendum Experience in Europe* (Basingstoke: Macmillan).
- LeDuc, Lawrence (2003) *The Politics of Direct Democracy: Referendums in Global Perspective* (Peterborough, Ont.: Broadview Press).
- Lijphart, Arend (1994) *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945–1990* (Oxford: Oxford University Press).
- Qvortrup, Matt (2005) *A Comparative Study of Referendums: Government by the People* (Manchester: Manchester University Press, 2nd edn).
- Setälä, Maija (1999) *Referendums and Democratic Government: Normative Theory and the Analysis of Institutions* (Basingstoke: Macmillan).
- Shugart, Matthew Soberg, and Wattenberg, Martin P. (eds.) (2003) *Mixed-Member Electoral Systems: The Best of Both Worlds?* (Oxford: Oxford University Press).



Web links

<http://psephos.adam-carr.net/>

Adam Carr's site, based in Melbourne, describing itself as 'the largest, most comprehensive and most up-to-date archive of electoral information in the world, with election statistics from 175 countries'.

www.ipu.org

Site of Inter-Parliamentary Union, with information on each member country's electoral system and electoral rules, plus links to national parliaments.

www.unc.edu/~asreynol/ballots.html

Andrew Reynolds's site at University of North Carolina, with ballot papers from over 100 countries, showing the choices and constraints facing voters in different countries.

www.tcd.ie/Political_Science/Staff/Michael.Gallagher/EISystems/index.php

Site with data on indices of disproportionality and party system fragmentation at elections in forty-two countries, plus information on electoral systems and downloadable files for calculation of indices.

<http://c2d.unige.ch/>

Site of the Research Centre on Direct Democracy (C2D) at University of Geneva, with data on past referendums worldwide and news about forthcoming ones.

www.iandrinstitute.org

Site of Initiative and Referendum Institute at the University of Southern California, Los Angeles: news and information about referendums (and research on them) across the US.



Visit the Online Resource Centre that accompanies this book for more information:

www.oxfordtextbooks.co.uk/orc/caramani/