

A review of the main arguments

# Referenda: Pros & Cons

4. Februar 2013

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## **Introduction**

Referenda are not a solution to everything but they are an effective way of dealing with the main problems of modern politics. In this paper we list the main arguments in favor of referenda, and we rebut the most common objections.

## **PRO: referenda as an accelerator and a brake for politics**

### **Elections are not enough!**

Citizens have the supreme power in a democratic state but in Germany they vote only once every four years. Then they vote their representatives and hand over their sovereignty to them. But if voters have the right to launch initiatives, with binding referenda, they can express their views in a much more diverse way: I may have voted for a particular party in the election, but I can choose to oppose one of their policies on nuclear power through a referendum, for example.

### **The accelerator: new ideas, an engine for reform**

Citizen-initiated referenda exert pressure for necessary reform. Political parties and parliaments often fail to take up good ideas. Cost-saving reforms are blocked. Referenda allow citizens to exert direct pressure for change and move the political agenda forward.

Direct democracy allows the people's knowledge, talents and skills to benefit society. In Germany there are around 70,000 citizen action groups, which have an enormous reserve of knowledge and innovative ideas. However, all this creative abundance and wealth of experience is usually lost. This is because only the elected representatives and officials are entitled to make political decisions.

### **The brake: no policies without popular approval**

Referenda reveal when politicians and voters disagree. Switzerland is an ideal example. There voters often vote down what the parliament has agreed. This results to that Swiss politicians pay much more attention to what people want. Also they put much more effort into selling their policies. They know that the issue will very likely go to referendum when they fail to take citizens' preferences into account,

### **Political responsibility**

Today's policies create the conditions for tomorrow's generations. Our children and grandchildren will have to deal with pensions, nuclear power, waste, the environment, biotechnology and the EU, for example. Far-reaching and frequently irreversible decisions need broad-based approval as nobody can precisely predict the consequences. No government or parliament can act responsibly only by themselves. The sovereign citizens must make the crucial decisions.

### **Citizens are better informed**

Direct democracy is a gigantic educational exercise. The Danes and the Irish are much better informed about Europe than the Germans due to referenda. In the run-up to a referendum there is an intense and wide debate, often heated, but also fundamentally educational.

### **More democracy, less self-service**

Political parties tend to become complacent when they have been in power for too long. Referenda allow citizens to change the rules of the game. In 22 states of the USA, for example, referenda shortened the periods of deputies and senators in office.

### **People want to be involved**

Many people complain: "Those in power just do what they want". When people are unable to influence decisions, the result is alienation, apathy, low voter turnout. In Germany, 75% of questioned want referenda. Support for direct democracy cuts across party lines and referenda are politically neutral. Referenda are a tool to encourage people to get involved. Citizens no longer feel alienated when they can make change happen.

Direct democracy strengthens competition in politics. This leads to better policies. Academic research confirms the link. Switzerland's high standard of living and competitiveness are due to the referendum system among other reasons, argues Prof. Reiner Eichenberger, a Swiss economist.

### **Referenda strengthen the parliament**

In a fully representative system the government usually makes all the important decisions, and the parliament merely rubber-stamps them. But in a referendum system the parliament has an important role: it can present a competing counter-proposal to a citizens' initiative. And initiatives give the opposition parties the chance to be actively involved in shaping policies in between elections.

### **People are involved in solving problems!**

All political decisions affect people. That is why it makes perfect sense that those affected by the decision are able to contribute to discussing the issues and finding the best solutions for them. If people have a right to citizen-initiated referenda, they will play a more active role in politics and their views will be taken more seriously. Their understanding of politics and their problem-solving abilities will improve.

### **Political competition produces better results!**

Giving more people the chance to put forward their ideas increases the chances of finding good solutions for problems. The ideas compete and they can also enrich each other. Competition ensures that nobody can abuse a position of power. Everything is open to question - policies on subsidies, armaments, traffic and welfare. Competition will produce better results because people can choose what the best seems to them from a range of options.

### **Both apathy and power-politics are undermined!**

Many people feel apathetic, angry and powerless about politics. If there is no avenue for legitimate democratic protest, their alienation can turn to political violence. The events around the nuclear waste transports in Germany clearly show that citizens no longer accept bland assurances. Instead they demand that their concerns are put into deeds. A citizens' decision (by referendum) has more credibility than a decision by a government or parliament. If problems are to be solved, they have to be discussed with all those concerned.

### **Greater acceptance of political decisions!**

People want to participate in political decisions. The Euro and the pension reform are evident examples. There is an increased likelihood that policies are boycotted when there is not any referendum. With referenda people are more likely to accept decisions as they were able to influence them.

### **Democracy has to evolve!**

Society is involved in a continuous process of change. Today's way of life is very different from the life 50 years ago. People are better educated and more aware of social problems. The way democracy is practised also has to evolve. Democracy has two legs: elections and referenda. For the past 40 years or so, our democracy has stood on one leg only. That has to change to face the future with confidence.

### **CONTRA: are we voters really too stupid?!**

#### **The electorate is too stupid**

Usually this argument is not presented in that blunt terms. Instead, political leaders tell us that the issues are too complex and too difficult for the ordinary citizen. This is an old argument which has been used against any form of democracy. It was used to fight the introduction of parliamentary democracy as well as women's franchise. Yet history shows that ordinary people are well able to make intelligent political choices. In the run-up to referenda there is intense public debate, which gives people a much better chance to make up their minds. Referenda are also about single issues, while elections deal with a range of different issues.

The idea that our representatives are fully informed and competent to decide on every conceivable subject is wrong. Most of the time they simply follow the party line. Ordinary citizens do not have to follow any party line.

More democracy means that every registered voter receives a referendum pamphlet, which sets out in simple language the main arguments for and against the referendum proposal.

#### **Voters easily can be manipulated**

Voters' manipulation is a problem for democracy in general, not particularly for referenda. We only need to think of the enormous influence of lobby groups in the parliament. The farming lobby, for instance, prevented timely action against BSE for a long time. Of course referenda can also be manipulated. However, US studies show that lobby groups actually have limited

influence on them. Some of the larger unions and trade associations are against direct democracy because they know that they have a bigger influence in the parliament.

A long-lasting public debate before a referendum and a balanced information leaflet help to make the referendum vote objective. In Germany- unlike in the US - political advertising on radio and TV is banned, closing one possible source of manipulation.

Anyone who has taken part in a referendum campaign in Switzerland knows that referenda produce a much more objective public debate - even in the media.

### **Right-wing forces can exploit referenda!**

There are cases in both Switzerland and the USA in which minorities such as foreigners have been discriminated against in referenda. But the truth is that the general public is no more antagonistic towards minorities than the way parliaments are. Politicians equally infringe the rights of smaller, weaker groups.

Direct democracy has a protection mechanism: any initiative that infringes fundamental human rights is stopped before it goes any further. In any disputed case, the federal Constitutional Court makes a ruling. Yet the basic principle applies: public debate lies at the heart of democracy. No problem facing society can be resolved without discussion. If xenophobic or reactionary initiatives are launched, then it is the task of those who oppose them to become active and to try to ensure that the vote will go against them. Referenda do not cause conflicts, they merely expose them.

### **Minorities can impose their will on the majority!**

It is a common claim that only those vote in referenda who feel directly affected. People say that this allowed a minority to impose its will on the silent majority. This argument assumes an electorate which is complacent and not alert! Every voter has the opportunity to vote in a referendum. Whether they do so or not is everyone's free choice: if they are serious about democracy and concerned about a particular issue, they tend to vote. The Swiss and American experience show that the average turnout of referenda is around 40%. Where referenda are an integral part of the system, citizens accept the result when the turnout is lower than this. It counts that the opportunity to take part actually exists.

### **Direct democracy is slow and expensive!**

It is true that direct democratic processes can take longer than parliamentary ones. But the fact that referenda enjoy a greater acceptance level and involve people more directly in political life makes this worthwhile.

Direct democracy often acts as an accelerator: citizens take up issues which have been ignored or shelved by politicians.

Experience in other countries demonstrates that citizens more economically deal with state resources than politicians. In the USA and Switzerland, direct democracy leads to lower levels

of national debt, more efficient administration and lower taxes for the same level of services. Referenda cost rather little money. Direct democracy is a sensible investment!

### **Referenda not on any matter!**

Direct democracy is not to replace the parliament, but to complement it. Referenda usually only deal with the most important issues such as pensions, ending the use of nuclear energy, tax reform etc. 99 % of decisions are still taken by parliament.

### **Existing civil rights are perfectly adequate!**

Those who care about the quality of a democracy know how frustrating it is to have to approach politicians merely as supplicants. The enormous resources of knowledge and experience in the general public go to waste. If civil rights end with the right of petition, this is nothing but a beggar's charter. The politicians can make all the decisions, even if the majority of people don't agree with them.

Referenda do not compete with parliamentary democracy, but supplement it. Stable democracy needs self-confident, aware individuals who engage in public debate. Marianne Birthler, member of board of trustees, Mehr Demokratie Deutschland.

### **Issues are reduced to Yes:No decisions!**

Every decision is ultimately reduced to either yes or no. It is not different in the parliament. In Mehr Demokratie's view, legislation ought to have space for compromise. Campaigners for a proposal should be able to modify their proposal after the initiative has been launched i.e. after the first stage of citizen-initiated legislation. This allows taking into account the results of discussions with the parliament. The parliament should also have the right to present an alternative proposal ("counter-proposal") to be voted on in the referendum. This gives voters more choice and makes the referendum more flexible.

### **Referenda make it unclear who is responsible!**

No matter who makes the decision - politicians or people - those who are affected by it always bear the consequences. At most, a politician might be forced to resign or is not re-elected. When people make the decisions, they have to take up responsibility for themselves, there is not anybody else to blame. This is an educational experience. Within a term of office, politicians make so many decisions that it is virtually impossible for voters to award them or to punish them as they vote only every four years in elections.

### **The constitution prescribes a purely representative democracy!**

That is a wrong claim! Article 20 of the German federal constitution states that the people exercise their sovereign power through elections and referenda. However, in contrast to the law on elections, the constitution does not set out in detail the provisions for referenda (except in Art.29 on revision of state boundaries). In 1948/49, when the constitution was worked out, the parliamentary council could not agree on the provisions for direct democracy. The obligation deriving from Article 20 remains unfulfilled. 50 years after implementation of the German time has come to add the right to referendum to the constitution.