DIRECT DEMOCRACY – EMPOWERMENT OF CITIZENS OR INSTRUMENT OF THE ELITES? HISTORICAL AND PRESENT-DAY STRATEGIES AND EXPERIENCES IN EUROPE[1]

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ABSTRACT *Democracy is in deep crisis today: this is indicated by decreasing turnout at elections, media that blur the distinction between information, defamation and propaganda, and the hidden influence of business corporations through tax evasion and lobbyism (Barber 1994; Crouch 2004; Preiss/Brunner 2013; Merkel 2015). In this situation, direct democracy seems to offer a new way to strengthen citizens' political participation. However, several recent referenda have shown that the former can be used by the elites as an instrument for advancing their ambitions to power, and legitimating specific (often problematic) political aims. This paper uses a theoretically informed historical-sociological approach with the intent of explaining elites' attitudes toward democracy. I start from democratic elite theory, which argues that elites are indispensable for the management of large and complex societies, but that they will pursue their own interests if not checked by a strong opposition and civic action from below. Six concrete hypotheses are developed: Direct democracy increases in the course of realizing democratic systems; elites are much more sceptical concerning direct democracy than citizens; the use and implementation of referenda depend on the political system (distinguishing three types); and the dysfunctions of direct democracy are mainly due to its misuse by elites, while the outcomes of strong direct democracy are mostly positive. These hypotheses are tested by looking at applications of direct democracy (referenda) in totalitarian, authoritarian and elitist democratic systems in recent European history. The paper concludes with some considerations about the necessary measures for solving the problems of direct democracy as articulated by the elites.*

KEYWORDS: *direct democracy, elites, citizens, European integration, historical analysis*

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INTRODUCTION

Shrinking turnout at elections, decreasing confidence in politics, low satisfaction with political leaders, little political interest among the public – it is obvious that Western democracy is in crisis. All these problematic trends are most pronounced among young and less-educated citizens (Hibbing/ Theiss-Morse 2002; Plasser/ Ulram 2002; Hadler 2006; Kritzinger et al. 2013). In addition, globalization and economic concentration are leading to an erosion of the steering capacities of the nation state; "post-democracy" (Crouch 2004) is the catch-phrase of the day. In this situation, direct democracy could be used as an instrument for supplementing representative government and supplying the system with additional legitimation (Barber 1984; Pelinka 1999; Erne 2002; Matsusaka 2005; Altman 2011; for critical reviews see Lindner 1990; Schiller 2002; Lupia/ Matsusaka 2004; Verhulst/ Nijeboer 2007). At the same time, we can observe an increase in the number of popular referenda, particularly in Europe (Walter-Rogg 2008; Kost 2008; Grotz 2009; Maduz 2010) – a trend which is seen by several observers as part of a "participatory revolution" (Kaase 1982; Schaurhofer 1999; Schiller/ Mittendorf 2002; Schotten/ Kamps 2014). However, important recent referenda – such as the vote of the British to leave the EU, or the vote of the Turks for the introduction of an authoritarian political system – have cast massive doubt on the positive effects of direct democracy. How shall we understand and evaluate these trends from the perspective of political sociology?

Proponents of direct democracy argue that, through use of the former, citizens can be directly involved into political decision processes, corresponding to the principle contained in many democratic constitutions that all laws and power should come from the people. The consequences of direct democracy would be a furthering of political decision-making and an increase in the closeness of politics to citizens, which would help to reduce disenchantment with politics; citizens and social movements would be enabled to bring new themes into the political agenda; citizens would be induced to inform themselves better about political issues; political culture in general would become more open, critical and competitive; these effects would occur because citizens in fact want to participate more in politics (Kitschelt 1996; Bernhard 1012).

However, it is not settled that direct democracy in fact is associated with all these positive consequences and leads to an improvement in the quality of democracy. Its critics challenge the knowledge and competence of 'the people' when complex issues are at stake (Schumpeter 1975; Scharpf 1975); they see a threat to the rights of social and ethnic minorities; the increasing dominance of politically active individuals and groups over the 'silent majority'; the risk

that direct democracy will strengthen the political selectivity of a system in which those of the lower social strata, women, foreigners and others are underrepresented; many also see the problematic influence of the media and of the makers of moods and opinions (Schuck/ De Vreese 2011), as well as posit the instrumentalization of the process by political parties and interest groups and their lobbies; some argue, meanwhile, that proponents of direct democracy (e.g. Habermas 1992) over-estimate the role of rationality and language in comparison with the affective and irrational components of public communication (Schmidt 1995; Müller 1998).

The debate about direct democracy often takes place on different epistemological levels which are not clearly distinguished. These contain empirical-descriptive, theoretical-explanatory and political-normative elements. But since many contributions do not involve empirical results rooted in theoretical hypotheses, the arguments between the supporters and critics of direct democracy often go around in circles; in fact, nearly every argument in favour of it can be warded off with a counter-thesis. In this paper, I would like to discuss the role of direct democracy from a strictly social-scientific perspective; that is, by asking which interests and factors have led to its rise, and what its potential consequences could be. By looking at the roles that political leaders and elites in different political systems have played in the initiation of referenda, and at the outcomes of the former, we can get some insight into the general functions and dysfunctions of direct democracy and new hints about how to evaluate it. In order to do this, I start with a sketch of the democratic theory of elites. Concrete hypotheses about the behaviour of the elites are then developed. In the empirical-historical analysis, I will look at the actions of political leaders and elites in different political systems in recent European history concerning the application of direct democracy. In the concluding remarks, I discuss measures that could potentially ensure that direct democracy can be strengthened and not be misused by the elites.

ELITES AND DIRECT DEMOCRACY

In spite of its grass-roots image, it is impossible to implement and realize direct democracy without political elites; persons actively engaged in public who try to win followers and to influence politics. The question is what their role is, and which opportunities exist for citizens to take part in the political processes, including the generation of themes and of final decisions. Elites are necessary, both for the introduction of elements of direct democracy into

political constitutions, as well as the carrying through of their practical working. Informal, grass-roots-level leaders of social and political movements certainly have fewer possibilities and less power to implement direct democracy or to put topics on its agenda than official political leaders. In addition, it is obvious that the political system to a large degree determines if and how political problems and decisions can be submitted to direct popular vote.

Democratic elite theory

In this paper I start from democratic elite theory, which assumes that a political system cannot operate without leaders and elites, but – in contrast to "classical elite theory" as represented by Pareto, Mosca and Michels – does not presuppose unconditional power and the eternal domination and 'circulation' of elites. Rather, it is assumed that the behaviour and the degree of discretion of the elites are limited by the character and degree of democracy (Bachrach 1971; Etzioni-Halevy 1993:53ff.; Haller 2008:31-34; Higley 2016). In accordance with classical theorists like Montesquieu, Mill, Bentham, Weber and others, it is assumed that the essence of democracy lies in the division of power between different political spheres and actors, and in the establishment of efficient checks on the power of the incumbents of political offices. The main form of such checks are regular, free elections (Schumpeter 1975). Direct democracy can be seen as an important additional form of check on the incumbents of political offices and power (Mackie 2009). This normative and ethical-moral stance (concerning, for instance, when it comes to investigating and denouncing egoistic, manipulative, clientelistic and corrupt behaviour; see e.g. Lasch 1995) is an important guideline for social-scientific analysis, but it has to be supplemented by theoretically induced, substantive hypotheses about the actual workings of political systems and the role of direct democracy in them.

Hypotheses

On the basis of the foregoing, general considerations about the relation between elites and democracy, I put forward the following six concrete, testable hypotheses:
  1. Since direct democracy represents undisputable 'progress' in terms of the normative theory of democracy, we can observe its continuous growth in recent times.

2. Elites basically have more sceptical, if not negative, attitudes concerning direct democracy than citizens (Donovan/ Karp 2006; Bowler et al. 2007; Haller/ Feistritzer 2014; Wirnsberger/ Haller 2015). Elites in power try to resist its implementation. For oppositional elites, direct democracy can be used as a means of changing power structures; thus, they may be in favour of it (Bowler/ Donovan 2002). In some cases, however, elites in power may consider using referenda for the purpose of legitimation.

3. The negative attitudes of the elites are based on problematic assumptions which they have about the functions of direct democracy, the relations between elites and citizens, and the competence of citizens to participate in politics.

4. In their efforts to restrict the implementation of direct democracy or to 'neutralize' undesirable outcomes, political leaders and elites invent and apply different strategies depending on their personalities and on the character of the political systems (one feature that has been rather neglected; see Grotz 2009). In this regard, we can distinguish between three types of system:

– Direct democracy is normally irrelevant to *totalitarian systems,* but sometimes they also use it as an instrument to consolidate their power and to increase the legitimacy of their regime among the population;

– *Authoritarian systems* also use direct democracy for these aims; since they cannot control the results of referenda fully, they try to influence their implementation and their outcomes as far as possible;

– Governing elites in *elitist democratic systems* respect the formal democratic rules, but also try to restrict the introduction of direct democracy and to control its outcome as far as possible; if this is impossible, they tend to avoid drawing the appropriate political conclusions from the results of referenda.

5 Pretended 'dysfunctions' of direct democracy in recent times are based mainly on the deliberate activities of political leaders and elites, and/or on deficient modes of the implementation of referenda. These include the establishment of very demanding requirements for the initiation of referenda; the connection of referenda on specific topics with personal and party political interests; the unclear formulation of questions and/ or bundling of too many issues into one question; also, avoidance of taking the necessary steps following a referendum.

6 If direct democracy is established firmly for a longer time, it has clearly identifiable positive consequences for the political system and its outcomes, and is supported by elites and citizens.

These hypotheses will be investigated in the following section by looking at recent European history from the perspective of historical sociology; this approach investigates historical events and trends from a more general perspective than history alone, using sociological theories and hypotheses (Tilly 2001).

HISTORICAL-SOCIOLOGICAL ANALYSIS

In this part, I will investigate first the spread of direct democracy in the last hundred years or so, and then investigate the frequency and form in which referenda have been carried out under different political regimes, the role of direct democracy in European integration, and the effects of direct democracy in Switzerland, the country which has practiced it most extensively for a long time.

The origins of direct democracy in Europe

I start from the basic assumption that there exist universal principles related to human behaviour and social processes which are contained in most world religions and modern constitutions. These principles include the sovereignty of the individual person and their life, freedom and equality (Tönnies 1997). The idea of political self-determination, as it is realized in democracy, is an institutional realization of these principles. The thesis that I would like to propose here is that direct democracy also has the essential characteristics which qualify it as a basic element of democracy, and thus it constitutes a universal principle. We can cite three facts in favour of this argument: direct democracy is as old as democracy itself; different forms of direct democracy have been successively introduced in all democratic constitutions; and where direct democracy has been institutionalized firmly, it has never been abolished later.

Direct democracy was 'invented' in European antiquity by the Greeks. In the meetings of free citizens at the *agora* ('gathering place' or 'assembly') of the Greek city states, important political issues were discussed. This institution was taken over by the founding communes and cantons of Switzerland from the sixteenth century onwards. Its theoretical foundations were laid by religious reformers in the sixteenth century, such as Huldrych Zwingli in Zurich and Johannes Calvin in Geneva, who developed revolutionary ideas concerning the role of individual persons in religious

and political matters (Kost 2008:25ff.). Later on, political theorists like Jean-Jacques Rousseau ([1762]2005) took up their ideas. In Greece and in Switzerland, direct democracy was closely connected with small and middle-sized, manageable communities and towns. However, in Switzerland in 1848 it was introduced as a central element of the new state constitution. During the USA's progressive era (ca. 1890-1920), direct democracy was also introduced into the constitution of many states (Bolton 2014) because of concerns about the increasing influence of business interests on politics. Elements of direct democracy were introduced into the constitutions of the German Weimar Republic in 1918 and of Italy in 1947; after the breakdown of communist systems in East Europe in 1989/90, all states also made several forms of direct democracy part of their new constitutions. Many of them used this instrument frequently: In Hungary, Latvia and Slovakia, between six and nine referenda have thus far been held, while in Lithuania, Poland and Slovenia between 10 and 13. Some countries, such as Ukraine and Slovenia, used an exemplary procedure by allowing citizens to separately answer several different questions. Today, there exists no Western democracy which does not have some elements of direct democracy in its constitution and political praxis.[3] Let us have a quick look at some important countries.

In the United Kingdom and France, the representative, parliamentary system was seen from the beginning as the decisive institution of a democratic and – in the case of France – republican constitution. Thus, efforts to improve democracy were directed mainly to improving access to and the working of this system – for instance, by extending suffrage to all persons (irrespective of gender, ethnicity, etc.) and by strengthening the competences of parliaments. The idea of *path-dependence* explains why direct democracy in these countries was introduced relatively late and still is not practiced regularly. Path dependence means that the development of new institutions is always linked to pre-existing, traditional institutions and practices, and that new institutions also have long-term consequences (Mahoney 2000). Reliance on the representative system is most evident in the United Kingdom: the Palace of Westminster is a synonym for modern, parliamentary democracy, as the Acropolis in Athens was for classical Greek democracy. In the case of France, however, direct democracy has also gained considerable relevance. As early as 1851, one of the first referenda in the Western world was held, asking the population if they agreed to the staying in power of Napoleon III. The proposition on the referendum was accepted with a high turnout of 81.7%, and

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3 See the useful collection of the constitutions of the EU member states in Kimmel/Kimmel (2005).

92% agreement; see Nohlen/ Stöver 2010:683).[4] Since that time, no less than 17 referenda have been held in France.

The explanation of path dependency may also apply to another seemingly 'deviant' case – the United States, where direct democracy does not exist at the federal level. However, at this level one aspect of direct democracy – the personality-bound election of leading political representatives, the President and members of the Congress – is also very important (Kost 2009:81). At the level of states and counties, cities and communes, direct democracy is very strong, as noted by Alexis de Tocqueville as early as 1835 (Tocqueville 1976; Lupia/ Matsusaka 2004:463).

A third, also somewhat 'deviant' example is the Federal Republic of Germany, where direct democracy also exists only at the level of the *Länder, Kreise* and communes (Kost 2008). The reason is that it was feared that antidemocratic movements could again gain influence, as they did in the Weimar Republic. I think, however, that this fear is based on a false presumption; the Weimar Republic did not cease to exist (or at least not only) because a majority of the population supported it, but because the majority centre and conservative parties did not fight against the National Socialists' overthrowing of the constitution. While a majority of the German population never voted for Hitler, a large majority of the German Reichstag agreed to a law which gave Hitler extraordinary power and in fact abolished democracy (Haller 2008:230-233). The same happened in Italy a decade earlier in 1922, when Mussolini was appointed Prime Minister by the king; all conservative parties in the parliament and senate supported the constitutional changes that were proposed, thereby abolishing democracy in Italy.

The fate of direct democracy under different political systems

Hypothesis 4 states that the relation between elites and citizens is strongly dependent on the character of the political system. In Hypothesis 4 it was claimed that totalitarian systems use direct democracy purely as a means of realizing their aims; they employ massive disinformation, pressure and violence to get the desired outcomes, or falsify results; authoritarian governments also use massive propaganda campaigns and pressure to get the desired results, but they respect some basic rules; elitist systems follow constitutional and legal

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4 These data are also available in *Liste von Referencen in den Ländern Europas*, Wikipedia (https:// de.wikipedia.org/wiki/Liste_von_Referenden_in_den_L%C3%A4ndern_Europas; 20.4.2017).

rules, but try to 'control' direct democracy by limiting its application and by avoiding the implementation of its results if they contradict the party's own aims.

Direct democracy as an instrument of leaders in totalitarian systems

In Europe, two political systems in the twentieth century can be characterized as 'totalitarian': the fascist regimes of the mid-twentieth century, and the communist regimes in the Soviet Union. There is no doubt that referenda have no place in the totalitarian world view and politics; even their parliaments are not bodies with real decision-making power. Let us first have a short look at these two totalitarian regimes.

In the communist systems, referenda had no formal place, but a few were held. This can be considered the last, strategic ploy of political elites that felt they could not realize their far-reaching aims, or did not see a way out of major trouble. In the constitution of the Soviet Union, direct democracy was not mentioned. The constitution of the USSR engendered a strict representative system, stating explicitly that "all power belongs to the working people through their deputies, the Soviets".[5] Only when the communist had serious trouble did they use referenda – i.e., as a last resort.

Two smaller referenda were carried out at the beginning of the time of rule of a communist party: in the German Democratic Republic, where it was much more difficult for the communists to establish and consolidate their power after 1945 than in the other central East European countries because East Germans still felt themselves to be part of the larger German nation. In June 1946, the communist party SED carried through a referendum with which they tried to legitimate their aim of nationalizing productive private property (Spilker 2006:85-86). This referendum was a great success in the eyes of the proponents: 77.7% of participants voted "Yes"; that is, in favour of state ownership of key industries. However, this result was due to the strategic decisions and activities of the government: moreover, it was only held in Saxony, which was a strong industrial province, with a strong communist base; a massive propaganda campaign was also organized before the referendum, and 1900 small businesses were returned to their owners in order to show to the public that only large enterprises should be the target of nationalization. This referendum "greatly boosted the morale of the SED leaders by convincing them that their policies had the potential to

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5 Constitution of 1936, Chapter 1, Articles 2 and 3.

become truly popular and win electoral support – not only in the SBZ (Soviet Occupied Area) but throughout Germany" (Spilker 2006:86). This was a serious misperception, however; people in the GDR always felt that they belonged to one 'German nation'. Also, the massive emigration from East to West Germany, which led to the building of the Berlin Wall in 1961, proved that the communist regimes had little legitimation.

One referendum was also held in the history of the Soviet Union. In 1991, after several republics of the Soviet Union had declared their independence, and ethnic-national movements and riots occurred in many other parts, the Congress of the People's Deputies of the USSR decided to submit the question of the survival and reform of the Union to a referendum. The question submitted to the people was: "Do you think the preservation of the Soviet Union as a reformed federation of equal and sovereign republics in which all rights and freedoms of the people of all nationalities are guaranteed, is necessary?" Seventy-six per cent of the 112 million citizens of the USSR agreed with this question. The high level of agreement is not surprising, however, given the fact that the question was only positively formulated, and very vague in many regards; many different topics were included in one question.

Let us now have a closer look at the fascist totalitarian systems and their view and use of direct democracy: namely, the two main fascist dictatorships in Europe in the 1920s and 1930s, those of Benito Mussolini (1883-1945) and Adolf Hitler (1889-1945). In contrast to Lenin in Russia, these individuals had both established their power in countries which already had democratic constitutions and experiences. Therefore, but also because violent attempts at taking over power had failed, they were anxious to give their takeover a democratic appearance.

The first fascist leader in Europe in the 1920s was Benito Mussolini, a former journalist and socialist agitator who moved rapidly towards embracing a new ideology which emphasized the role of a 'totalitarian state'. This term was first used by antifascist writers, but was later accepted by Mussolini himself. The ultimate source of all power in this state was the leader, whose personal orders had to be followed by everybody. Fascist ideology, however, was no coherent theoretical system, but only a means of legitimating the use of violence and terror against all enemies. Numerous well-known statements of Mussolini's express his contempt for the 'masses'; in his view, "they are stupid, dirty, do not like to work and are happy with little films in cinemas" (Smith 1981:126). Mussolini developed his worldview by reading elitist writers such as George Sorel, Vilfredo Pareto, Henry Bergson and Friedrich Nietzsche.[6]

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6 See https://de.wikipedia.org/wiki/Benito_Mussolini.

The same ideology, enriched with a fervent antisemitism, was taken over by the German dictator Adolf Hitler who came to power in 1933 who saw the masses in quite a similar fashion. This is expressed clearly in his extremely successful and influential political pamphlet, *Mein Kampf*, a paradigmatic representative of this kind of thinking in modern times.[7] In this book Hitler argues that the main aim of politics is to select the best leaders and to grant all power to them; parliaments may exist and function as advisory bodies, but they should have no legislative power. An absolute *Führerprinzip* must exist for any subsection of society, and the highest leader must have the last say in all important decisions. This belief corresponded with Hitler's own behaviour as leader of the NSDAP, according to which all who did not agree fully with his claim to absolute leadership were expurgated mercilessly (Hartmann et al. 2016:43). Hitler's ideas about leadership correspond to his opinions about the people, the 'masses'.

Hitler believed that individuals should be seen as a mass from the viewpoint of the political leader, and he compared the masses to women: Both prefer to subjugate themselves to a strong man instead of dominating a weak one; they are more satisfied with an unitary, exclusivist doctrine than with the granting of freedom; not sober consideration, but emotions guide their thinking and action (Hitler 2016:500f.). Propaganda, an essential element of political communication, must therefore focus on the emotions and present one and only one side of a problem repeatedly. It is evident that popular referenda about important political matters are with regard to this kind of thinking. All decisions must be made by leaders, be they in smaller social units and organizations, or at top of the state, the highest 'Führer'. Even parliaments should have no power to decide about anything (Hitler 2016:1129-1142).

I think that it was necessary to sketch out these ideas of Hitler (which were also upheld by other fascist leaders in Central and South Europe in the first half of the twentieth century) for three reasons. First, because they make clear what place is given to popular referenda in totalitarian thinking. Hitler's ideas are highly relevant even today. It is astonishing that some of his central arguments about the character of the people and their decisions in referenda are taken up by many analysts in public discourse in modern times.

One 'referendum' was hold by Benito Mussolini in 1934. It was typical of this dictator – as it was for Hitler in Germany later – to try to take over absolute state power through formal and legal means. After a parliamentary reform in 1928, the elections of 1934 were held in the form of a referendum that asked the

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7 Twelve million copies of this book were originally sold; recently it has been re-edited and printed under the supervision of a group of German historians.

question: "Do you approve the list of deputies appointed by the Grand Council of Fascism?"[8] Of the 10 million voters (who might have represented about 40% to 50% of the electorate), 99.8% approved. The voting procedure itself was far from secret, and it was declared that the election would have to be repeated in the case of a negative outcome.

In Nazi Germany, one referendum was also organized. After the annexation of Austria in March 12, 1938, Hitler ordered a popular referendum concerning the consent of Austrians to become members of the Third Reich. This referendum was arranged by Hitler for two reasons: First, because the last Austrian chancellor, Kurt Schuschnigg, had planned to carry out a referendum on March 13, thus the invasion of Austria by German troops on March 12-13, 1938 had been ordered to prevent this. The second reason was that Hitler wanted to increase the legitimacy of his rule, at which goal he strongly succeeded. Almost all (99.75%) Austrian voters agreed to unite Austria with the German Reich; according to official figures, 99.7% of eligible voters (Jews excluded) had participated in the referendum. It is evident, however, that this referendum was far from a free election; the weeks before, a massive propaganda campaign across Austria was initiated, the media were controlled by the Nazis, the voting process itself was tightly controlled, and the casting of votes was often open. A report of the Gestapo, Hitler's secret police, showed that in Vienna probably only one third of the population were against the integration of Austria into the German Reich.

"Take the bull by the horns": The forward but risky strategy of political leaders in authoritarian systems

Authoritarian systems are defined as democracies in which leaders and political elites have the opportunity to influence politics to a degree which is often barely compatible with constitutional rules and democratic standards. Such leaders, who often came to power through *coups d'état,* are also dependent on public consent that they often get through their particular charisma; that is, the belief of their followers in their particular leadership qualities (Weber 1964:179-188). However, charisma is not a personal quality but a characteristic of a relationship: It exists and exerts its effects only as long as the relation between leader and followers remains intact. A leader can assert the existence of such a relationship in different ways: By presenting himself as a 'strong man',

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8 See https://en.wikipedia.org/wiki/Italian_general_election,_1934.

by making far-reaching decisions which show him as a decisive leader, and by organising public events at which the masses can applaud him. One of the opportunities such leaders have is to carry out a referendum on some important issue: if it turns out positively, it can be interpreted by the leader as consent for his person and politics. But this strategy of authoritarian leaders does not bear fruit in all cases, as I will show in the following section. Even in the case when the instrument of direct democracy is misused, it can nonetheless demonstrate leadership or system strength. Referenda in two European countries will be considered here: Hungary in 2016, and in Turkey in 2017.[9]

The first example concerns present-day Hungary. In 2016, Prime Minister Victor Orbán organized a referendum on the proposed EU plan to relocate 120,000 refugees from Italy and Greece throughout other member states; according to this plan, Hungary would have been required to accept 1,294 refugees. Orbán, who came to power in 2010 through the landslide electoral victory of Fidesz (the party he founded and that he now leads), and who was re-elected in 2014, became one of the most powerful and prominent leaders of the new right-wing political forces in Europe. He represents a centre-right, strongly nationalist political orientation which is EU-critical and strongly against immigration. In the course of the great refugee movements through the Balkans in 2015/2016 he ordered the erections of razor-wire fencing and the use of water cannons against immigrants at the borders; within Hungary, refugee camps were built. With the referendum in 2016, Orbán planned to create strong public support for his radical position against refugees. In one regard, the results of the referendum supported Orbán's aims: 98% of voters agreed with the statement that Hungary should reject the EU relocation plan (however, at this time 54,000 asylum seekers were already present in Hungary). Orbán's government and party led a massive campaign in favor of the proposal, on which they spent huge sums of money and propagated strongly one-sided messages to the public, using many forms of xenophobic and racist arguments.[10] However, while Orbán celebrated the result as a great victory, in fact it was a blow for him because turnout was only 44% – less than the 50% required by the constitution to make it valid. This low turnout was to a large degree the result of the fact that most political parties besides Fidesz had not supported the referendum; many of them had asked voters to abstain from participating in the election, or to spoil their votes. That referenda are a double-edged sword in authoritarian systems is also indicated by the fact that the threat by civic movements in Hungary to call for

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9 In the first version of this paper, I also analyzed the referenda carried out under the authoritarian rule of Pinochet in Chile in 1980 and 1988.

10 See https://en.wikipedia.org/wiki/Hungarian_migrant_quota_referendum,_2016 (20.4.2017); Luke Waller, Viktor Orbán, Politico 28 (http://www.politico.eu/list/politico-28/viktor-orban/).

other referenda led Orbán to abstain from implementing harsh political measures that he had earlier proposed.

The second case concerns the Turkish referendum on a new constitution, carried out in April 2017. This initiative was very important for Europe for two reasons: First, because Turkey is a large, populous Islamic country (about 75 million inhabitants) which has been a NATO member since 1952 and which has long aspired to become a member of the EU; second, because the referendum was extremely controversial, not only in Western Europe, but also in Turkey itself. Erdogan was at least partly induced to propose the referendum because of the failed *coup d'état* against him in July 2016. The official aim of the referendum was to modernize the Turkish constitution of 1980. In practice, it implied a fundamental political change that would give sweeping powers to the president. The proposal for the referendum had to be submitted to parliament; even during the hearings and voting of the parliament, many irregularities and violations of rules were committed. In the campaign for the referendum, after parliamentary acceptance, it was mainly Erdogan's *Justice and Development Party* (AKP) and the *Nationalist Movement Party* (MHP) that were involved, in addition to Erdogan himself and his Prime Minister Yildirim; state funds were thus used to support it.[11] The 'No' campaign was supported by two parties (CHP, HDP) and high-profile dissidents from MPH party; they faced government-induced attempts at coercion and suppression. In view of these facts, the outcome of the referendum was surprising. Given a high turnout of 85%, only a narrow majority (51% of the electorate) approved the proposed constitutional amendments. Thus, although Erdogan presented the outcome as a victory and is now able to realize his plans for changing the constitution, the result shows a strongly divided Turkish society.

We can draw the following conclusions from this analysis. Even under authoritarian governments, referenda can turn out against the wishes of the leaders if three conditions are given: (1) If there exists a gulf within the political elite concerning the issue to be decided upon, (2) if there exists foreign 'ideological' support for the opposition, or (3) if the population itself feels that the incumbent leader or government has become ineffective and/ or is liable to violate human rights.

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11   See https://en.wikipedia.org/wiki/Turkish_constitutional_referendum,_2017.

How leaders in elitist democratic systems deal with undesirable referenda and unwanted outcomes?

Typical western parliamentary systems are defined here as elitist systems because it is the elected representatives – parliamentary deputies and the governments elected by them – who decide about most political issues. Following democratic elite theory, we can say that citizens have only a very indirect possibility of formal political participation in representative democracies; they can only elect a specific government (and often not even that, because governments usually consist of party coalitions which have not been voted for directly by citizens) or 'deselect' an incumbent government if they are dissatisfied, but they have little direct influence on concrete political decisions. Our democratic systems are elitist also from the perspective of political sociology; parliamentary deputies and members of the government do not come close to representing the population in terms of their social origins and characteristics. Most of the former are male, highly educated, have worked for interest groups or lobbies, and in disproportionate amounts are public employees (such as is the case in Austria); the reason is that they can get leave of absence from their workplace if they occupy political office. Thus, the interests of the groups from which they are recruited are certainly better represented in politics than those of other groups (e.g., workers, small-scale self-employed and entrepreneurs, women who work in service jobs, housewives, immigrants, etc.).

Here, I will discuss the attitude of political leaders and elites toward direct democracy and the strategies which they apply in this regard. In the course of the twentieth century, several hundred referenda have been carried out (Nohlen/ Stöver 2010). I will pick out two recent, spectacular and problematic cases in Europe which are telling examples of the behaviour of the elites with regard to direct democracy. Direct democracy should be employed when a fundamental problem of a nation state is concerned, such as a change in the constitution, a change in state territory, the accession of a state to a consequential international treaty, or the realisation of some very expensive and special project. The elites should respect the resultant decisions and eventually implement them into concrete laws. What we observe repeatedly, however, is the tendency of elites to put to referendum issues for which they have no parliamentary majority, or issues about which they simply were not ready to make a clear, often unpopular decision. What also happens is that leaders connect their political fates with the outcome of referenda. This happened in both of the cases that are discussed here.

On December 2, 2016 in Italy, a referendum was carried out concerning a significant change to the constitution proposed by Prime Minister Matteo

Renzi. Renzi was a very popular, reform-minded politician of moderate leftist orientation who had achieved a landslide victory for his *Partito Democratico* (PD) in the European elections of 2014. The reform proposal was developed by Renzi on the basis of the fact that Italy has one of the most unstable political systems in the world; since 1945, Italy has had over 60 governments with a mean duration of just one year; in the mid-1990s, the existing party system disintegrated completely, due to disclosures about massive corruption; between 2001 and 2011, the businessman and media owner Silvio Berlusconi, who acted as Prime Minister, only prevented his own conviction on corruption charges by enacting special laws through his parliamentary majority. The two main factors behind the instability of Italian governments are the strong proportional election system which enables many small political parties to obtain seats, so that every government has to rely on a number of parties, and the nearly equally strong role of the two chambers of parliament which often leads to the blocking of political decisions (Haller 2017). The changes proposed in the referendum included, among many other things, a reduction in the competencies of the senate, a reduction in the number of its members, and a diminution of the competencies of the provinces. Most of these changes made a lot of sense from the perspective of experts in constitutional law. One main problem with the referendum, however, was – aside from the hurry with which the proposals were elaborated – that Prime Minister Renzi announced that he would retire from office if the proposal were rejected. This had the consequence that all political parties which were against Renzi's government now opposed the proposed referendum fiercely. Pro and contra camps were similar to those that emerge at election times: not only centrist and right-wing parties, but also the related economic interest groups (trade unions, employer associations) and media opposed the referendum, while all centre-left and left-wing groups supported the proposal, following Renzi. Thus, the proposals contained in the referendum – instead of uniting all those citizens willing to support far-reaching reform – were rejected, and a deep political split between different political camps resulted. This split was also evident in regional terms: In the better-developed North and Central Italy, half or the majority of voters supported the referendum, while in the south a large majority was against it. As a consequence, Renzi resigned from office, extending the deep institutional crisis of the state.

The second example is the British referendum about whether to remain part of the European Union, held on June 23, 2016. This referendum has a long back story: Since Britain's entry to the European Community in 1972/73, its membership was continually contested, with strong swings between the pro and contra camps. In 1975, Labour premier Harold Wilson organized

the first referendum on the topic, in which a surprisingly large proportion of voters – 67.2% – were in favour of remaining in the EC. Among the reasons for this result were the popularity of Wilson, his former negotiations with the EU, and the support of all main political parties and influential newspapers for remaining. In the following decades, the Labour Party and the public mind shifted toward a more critical EU stance, as did that of the Tories under Margaret Thatcher's regime. In 1993, the anti-EU UK Independence Party (UKIP) was founded and became the strongest party in elections to the European Parliament in 2014. In a typology of the typical attitudes of people in the different EU member states toward the EU, Britons exhibited a special profile, seeing participation in European integration only as "a necessary evil" (Haller 2008:221-225). Only about one-quarter of Britons see the EU membership of their country as an advantage. Even premier Tony Blair (Prime Minister 1997-2007) had considered organizing a referendum on Britain's EU membership in order to put an end to the ongoing discussion about this issue. In 2014, the conservative prime minister David Cameron entered into negotiations with the EU with the intent of giving Britain more leeway to restrict immigration, obtain more power for national parliaments to veto EU laws, and strengthen trade liberalisation and slash red tape; he was under great pressure to do this by EU-sceptical members of his own party. After his victory in the national election of 2015, and on the basis of his negotiations with the EU, Cameron announced that a referendum would be held about Britain's EU membership in 2016. Soon, a fierce campaign in support of leaving the EU started, not only by UKIP and the influential large tabloid newspapers, but also from popular political figures such as Boris Johnson, the mayor of London; the consequence was the same as in Italy: A deep split between different camps, also in regional terms. The referendum results showed a clear majority for 'leave' in England and Wales, but a majority for 'remain' in Scotland and Northern Ireland. The negative outcome of the referendum was a shock to the continental members of the EU. Catastrophic scenarios were elaborated concerning the negative economic consequences of Brexit for Britain; none of these predictions has yet come true. *All* these reactions also show, in my opinion, that the EU-enthusiastic elites throughout Europe – like the British prime minister himself – did not consider the British referendum to be a truly open vote but rather a confirmation of the UK's membership in the EU. This attitude also inspired the main critique of Cameron in continental EU circles.

European integration: Where the split between elites' and citizens' understanding of democracy emerges most sharply

The process of European integration doubtlessly involves fundamental changes to the constitutions of its participant states. This situation also applies to the six founding members that in 1957 in Rome established a common economic market, and only later – through the treaties of Maastricht (1992) and Lisbon (2009) – continued to deepen the process of integration and to take more decisive steps "toward an ever closer Union", as indicated in the programmatic statement of the Rome Treaty. The changes were symbolized in the change of name from the European Economic Community to the European Community, and lastly, the European Union. Today, not only is economic trade totally free within the Community, but the border controls of individual countries have been abolished in the Schengen area (26 EU member states), and the Union has competencies in many other areas, including elements of a common defence and army. It is evident that such a process changes significantly the political system and constitution of member countries, and thus should be subject to referendum. Three related issues are illuminative about the attitudes and behaviour of the European elites with regard to direct democracy: First, the varying readiness of the political elites in the different countries to submit the process of integration to a popular vote; second, the deep gulf between elites and citizens over this issue; and third, the reactions of the elites to negative outcomes.

First, in which countries was the process of integration submitted to referendum and in which not? The list of these countries is telling. It is very obvious that EU referenda were held much more frequently in countries with a strong democratic tradition, or with a constitution which is more open to involving citizens, not only elites, in fundamental political changes. Switzerland leads all other countries with regard to the number of referenda held about European integration; between 1992 and 2014 no less than eleven referenda were held.[12] Also, the outcomes of these referenda are highly significant from the perspective of the topics of this paper: In the majority of referenda, the proposals were accepted. Swiss citizens even accepted the obligation of Switzerland to contribute financially to the cohesion fund for the new East European member countries. However, all referenda proposals which involved full membership of Switzerland in the EEC or EU were rejected. Thus, the Swiss have an attitude very similar to that of the Britons: They strongly accept the idea of a free market, but are unwilling to give up national independence and state sovereignty. What is most important

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12 A list of EU-related referenda is contained in Haller 2008 (Table 1.2, p.11-12); a more complete one in https://en.wikipedia.org/wiki/Referendums_related_to_the_European_Union.

for them (and explains why rejection of EU membership is most definitive in the rural, inner-Swiss cantons, but less strong in cities like Zurich or Geneva) is that the Swiss are not ready to dispense with their strong model of direct democracy, which would be overridden by decisions of EU authorities in Brussels in the case of full accession.

The two other countries in which a dozen or more referenda were held about EU-membership are Ireland and Denmark. In Ireland, this happened because Art. 46 of the Irish constitution states that any change in the constitution has to be ratified first by both houses of parliament, and then be submitted to referendum. Most of the Irish referenda found positive support for participation in European integration. This was no surprise, given the fact that EU membership would provide Ireland with a strong 'ally' in its relations with the former colonial power England, and the significant financial support which it was liable to receive through EU regional and structural funds. However, in June 7, 2001, the Irish rejected the Nice Treaty; this was a far-reaching decision because the consent of all EU member states was necessary for the Treaty to take effect. The comments of the elites about the result were that it was a misunderstanding, or a '*Betriebsunfall';* afterwards, negotiations began between Ireland and the EU (which confirmed, among other things, that Ireland would not have to participate in a common EU defence policy). A second referendum, held later in the year, confirmed Ireland's consent with a majority of 62.9%. A similar process happened in Denmark. In this country, all referenda about European integration also turned out positively. In June 1992, however, the Danes rejected the Maastricht Treaty with 50.7% of the votes; again, the EU rule came into force, as expressed in a satirical poem by the German writer Christian Morgenstern (1871-1914): "*Things cannot exist which should not exist".* After some negotiations, leading to several opt-out concessions for Denmark, 56.7% of voters accepted the treaty.

There are only a few countries that have never held a referendum about membership in the integration process. They include Germany and Italy, the two countries which experienced institutionalized fascism in the twentieth century, and Bulgaria and Greece. The latter two countries are not presently recognized for their particularly strong democratic systems. In Greece, a referendum was held on July 5, 2015 about whether the country should accept bailout conditions relating to its debt crisis; very harsh conditions were imposed by the EU Commission, the International Monetary Fund, and the European Central Bank. The announcement and management of this referendum, as well as the action taken afterwards, are an additional example of how political leaders and elites – in this case, both national and European elites – can misuse the instrument of direct democracy. First, the time period between the conditions proposed by

the Troika and the announcement of the referendum by premier Alexis Tsipras was extremely short and the period between announcement and execution was too short for an extended discussion (only about a week); the content of the referendum was also problematic since the Greek constitution forbids referenda about financial matters (which, per se, is also a problematic issue). The reaction of the EU was extremely negative – partly well-justified, partly not.[13] In spite of the fact that voters had rejected the EU-proposal by a clear majority (61%), Tsipras effected a drastic turnaround in his politics and introduced pension cuts, tax increases, and other austerity measures that were harsher than those rejected by the voters in the referendum.

Italy and Germany are the only two West European countries in which no referenda about EU integration have been held. [14] In Germany, many members of the scientific and political elite criticized this fact strongly, arguing that EU membership and the institutional deepening of the EU with the transfer of many powers to the EU fundamentally affect the German constitution (Haller 2008:230). It is evident that these two countries were once home to the most authoritarian and aggressive fascist regimes. The present-day German political elites not only consider it superfluous to ask their citizens about their consent to integration, they even consider the idea to be 'dangerous', given the country's fascist past.

Thus, we have seen already in this short overview that there obviously exists a deep split between elites and citizens about European integration in most EU member countries. The split is evident from looking at the results of referenda and votes within the parliaments in countries where both forms of decision-making were used in the 1990s (see Figure 1.1 in Haller 2008, p.13). In all countries (Denmark 1992, Switzerland 1992, France 1992, Austria 1994, Finland 1994, Sweden 1994), membership in the EU was accepted by a majority of between two-thirds and 90% in the respective parliaments, but approved by only a narrow majority of the population (between 51 and 60%); in many countries (including Norway and Switzerland), parliaments favoured accession, but the population rejected it (Tables 1.2a and 1.2b in Haller 2008, p.11-12). Only in the post-communist Central East European countries where such referenda were held in 2003-2004 did the population support accession in higher proportions, but in many cases, turnout was very low (46% in Hungary, between

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13 For instance, the claim by Juncker that there were no pension cuts in the proposal was contested by the *Financial Times* (see https://en.wikipedia.org/wiki/Greek_bailout_referendum,_2015, (22.4.2017).

14 In Italy, a "consultative" referendum was held on May 18, 1989 before the negotiations about the Maastricht treaty in order to give the European Parliament a mandate to elaborate the European Constitution.

52 and 55% in Slovakia and the Czech Republic). Thus, it is understandable that the elites were originally sceptical about referenda concerning the deepening and enlargement of the EU, and today are even more so.

This became more evident after the remarkable rejection of the European Constitution by 55% of the French and 63% of the Dutch in 2005, which was also perceived as a shock to the elites. Here, their reaction was most remarkable. The EU Constitution was revised in some minor regards (for instance, by removing all references to symbols of a 'European nation' such as the words 'flag' and 'anthem', and mentions of the term 'constitution'), but was nevertheless institutionalized under the name the Treaty of Lisbon in 2007. The chairman of the body which elaborated the EU constitution, former French president Valerie Giscard d'Estaing, openly confirmed this strategy, which cannot be called other than deceptive: "Looking at the content … the result is that the institutional proposals of the constitutional treaty….are found complete in the Lisbon Treaty, only in a different order and inserted in former treaties."[15] He also said that "only the format has been changed to avoid referendums".[16] In several countries (Czech Republic, Denmark, Ireland, United Kingdom, Poland and Portugal) referenda about the EU constitution were planned, but not carried out after the negative outcomes in France and the Netherlands. After Brexit in 2016, the negative attitude of the elites to referenda because of their unpredictable outcomes came again to the fore. This was most frankly formulated by former German president Joachim Gauck (2012-2017) who repeatedly expressed his view that citizens are not able to make rational decisions about complex issues. He said in television interview in regard to Brexit: "The elites are the not the problem, at the moment the people are the problem". A similar statement – "plebiscites are a premium for demagogues" – was made by the first, highly respected German president (1949-1959) Theodor Heuss (quoted in Grotz 2009:296).

The European Citizens' Initiative – buried alive?

In 2012, the European Union itself introduced the possibility of a Citizens' Initiative (ECI) at the level of the Union, based on the Treaty of Lisbon of 2009. This makes it possible for every citizen of the Union to propose legislation on

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15 Quoted in the British newspaper, The Telegraph; see http://www.telegraph.co.uk/news/ uknews/1567804/Giscard-EU-Treaty-is-the-constitution-rewritten.html.

16 Quote in http://www.eudemocrats.org/eud/uploads/downloads/e-Lissabon_til_nettet.pdf.

any topic for which the Union has the competence to legislate.[17] In order to be successful in this regard, a "citizens' committee" must be organized, composed of at least seven EU citizens residing in seven different EU member states. This initiative will be scrutinized by the Commission and the EU Parliament; if accepted, the committee can then collect signatures for a maximum of one year. An initiative is deemed successful if at least one million signatures from citizens in at least six member states are obtained; in this case, the Commission must take a position regarding the initiative within three months, but is not obliged to convert it into binding law.

This opportunity has been received enthusiastically all over Europe as the first transnational form of direct democracy; experiences since 2012, however, are disappointing. In one review, the authors write that it has been "buried alive" (Schmidt/ Breinschmid 2017). There are several reasons for this. First, the number of ECI's has decreased continuously; in the first year (2012) 23 ECI's were organised, but in 2016 only three. The reasons were the significant bureaucratic obstacles, and the small chance of success if proponents cannot dispose of an effective Europe-wide social network (such as unions, or well-established NGOs, etc.). Second, none of the successful initiatives led to concrete EU legislation, although some minor policy changes have resulted. The EU thus far has not simplified the initiative process – in fact, the Commission itself has developed a more negative attitude toward ECIs, calling them a potential danger to the integration process, liable to stir up mainly controversial and emotionally-laden topics.[18] This negative stance is all the more surprising since the main apprehensions about the instrument from the start were that the ECI would be hijacked by special interests and dominated by powerful interest groups and lobbies.

Why the Swiss are firmly attached to their political system. The consequences of direct democracy

As stated in the introduction, Switzerland is the model country for direct democracy. In the course of the twentieth century, there were probably more referenda held in Switzerland than in the rest of the world (for the statistics since 1971, see Kost 2008:84f.). The political system of this country has been influenced significantly by the extensive practice of direct democracy. Thus,

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17 See the detailed information at http://ec.europa.eu/citizens-initiative/public/basic-facts.

18 The ECI against artificial insemination ("Father, mother and child") was seen as such an example by the Commission.

it represents a good case for testing Hypothesis 6. The simple fact that both citizens and elites fully accept this system is proof that its positive outcomes may be considered more important than the negative ones. It seems just, however, to now present a list of the main positive and negative outcomes based on some of the extensive literature on the Swiss (and some other) political systems (see, e.g. Kirchgässner et al. 1999; Linder 1999; Kriesi 2008; Frey/ Stutzer 2000; Lupia/ Matsusaka 2004; Matsusaka/ Trechsel 2005; Höglinger 2008; Bernhard 2012).

The positive effects of direct democracy in Switzerland (but also in other countries) include: a higher level of social and political integration; fewer political demonstrations and riots in cantons with more opportunities for direct democracy; a high level of integration; a certain convergence in political attitudes between elites and citizens; an increase in the number of interest groups, thus of social interests which are represented and organized in politics (the same has been observed for the USA; see Gabrinie 2010); more thrift in public spending (this does not imply, however, that citizens are not ready to vote for some measures which cost a lot of money); a higher level of socio-economic development; and, more satisfaction with democracy, and life in general.

In some regards, the outcomes are ambivalent or even negative. These downsides include: A tendency to conservatism and restrictions on reform; better representation of well-organized groups and better educated people; disadvantages for certain minorities (Haider-Markel et al. 2007); and the emergence of oligarchic groups and of clientelist, even corrupt practices (as exist in the Swiss banking system). Such effects must be countered if these practices are not to harm the population (Ziegler 1990).

CONCLUSIONS

In this paper, I started from the basic assumption of democratic elite theory that political elites must play an indispensable role in modern democracies. Elites in power, however, tend to prefer the system of representative democracy to that of direct democracy because the former awards them much more leeway in decision-making. I have also discussed several arguments used by elites – authoritarian and democratic – against direct democracy, and the strategies they have followed when putting it into effect. It was also shown that many of the deficiencies of concrete instances of direct democracy in present-day Europe were due to the misuse of this instrument by political leaders and agitators. In the process of European integration and at the level of the European Union itself, referenda have also often been instrumentalized to obtain the desired results.

From these findings, we can deduce some clear consequences with regard to the way in which direct democracy should be implemented so that it can be considered a valid and important instrument of modern democracy. The four main objections raised by elites against direct democracy are now considered:

1. Direct democracy can be misused by inconsiderate leaders and elites. We have in fact seen that autocratic leaders try to use this process to strengthen their legitimacy, and that democratic leaders are also prone to use it for other purposes (e.g. to strengthen their power position). There are several measures which can be introduced to limit this problem: Define suitable barriers to referendum initiation (e.g., a minimum number of signatories) that are still not too high to make initiating referenda impossible; provide equal opportunities for all interested groups to promote their opinions; define financial limits for supporters of proposals; and, provide basic financial support for all parties involved.

2. People are not well informed enough to be able to decide about complex political issues. This objection is certainly also true to a large degree. However, two arguments can be made here. First, the political elites themselves, such as parliamentary deputies, are often very badly informed about the issues on which they must decide. Evidence for this has been shown convincingly in the case of parliamentary decisions about European integration in Germany (See Haller 2008). Second, the government itself can ensure that all citizens have at least the possibility to obtain information, for instance, by distributing booklets about the advantages and disadvantages of a decision (this happens in Switzerland). Third, the questions that are put to citizens must be very clear and unambiguous (often, very long questions are used that touch on different issues).

3. Citizens are not interested in many political issues, and often do not participate in referenda. This problem can be overcome partly by the measures enumerated in (2). Another important conclusion here is that referenda must lead to definite political outcomes. The relevance of this can be shown at the national and EU level. In Austria, for instance, turnout at non-binding referenda is much lower than at binding referenda. At the EU level, low turnout is certainly related to the very weak consequences of referenda.

4. Majority decisions in referenda may overrule and violate the views and rights of minorities. Here, several solutions are possible: First, a minimum level of turnout should be established only over which may results be considered valid; this may vary from 50% to 75%, depending on the issue at stake. Second, specific procedures must be implemented to preserve the

rights of minorities; if the rights of a minority or a small sub-region of a country is involved, a two-step procedure may be implemented: First, a vote should be held among the minority; only if a majority of this group agree with the carrying-through of a referendum should it be held.

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