

Let the People Rule?

Direct Democracy in the Twenty-First Century

Edited by Saskia P. Ruth, Yanina Welp and Laurence Whitehead



© Saskia Ruth, Yanina Welp and Laurence Whitehead 2017

First published by the ECPR Press in 2017

Cover: © Mark Kench

The ECPR Press is the publishing imprint of the European Consortium for Political Research (ECPR), a scholarly association, which supports and encourages the training, research and cross-national co-operation of political scientists in institutions throughout Europe and beyond.

ECPR Press Harbour House Hythe Quay Colchester CO2 8JF United Kingdom

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Typeset by Lapiz Digital Services

Printed and bound by Lightning Source

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

HARDBACK ISBN: 978-1-785522-57-4 PAPERBACK ISBN: 978-1-785522-66-6 PDF ISBN: 978-1-785522-67-3 EPUB ISBN: 978-1-785522-68-0

KINDLE ISBN: 978-1-785522-69-7

www.ecpr.eu/ecprpress

ECPR Press Series Editors

Peter Kennealy (European University Institute) Ian O'Flynn (Newcastle University) Alexandra Segerberg (Stockholm University) Laura Sudulich (University of Kent)

More from the ECPR Press Studies in Political Science series:

Global Tax Governance

ISBN: 9781785521263

Peter Dietsch and Thomas Rixen

'Tax specialists may think they have little to learn from a book on global tax governance, especially one that concludes that the best solution is to create a new International Tax Organisation (ITO). They would be wrong. Anyone concerned with international taxation will benefit from this excellent collection of essays about the nature and possible resolutions of the conflicts within and between states about fiscal sovereignty, tax competition, and domestic and international equity that underlie the international tax discussion. The authors do not always agree with each other and few readers are likely to agree with all of them. But this book makes clear what is really at issue in this discussion and shows why even the recent prodigious efforts of the OECD-G20 BEPS group are most unlikely to produce any lasting solutions. For nation-states and economic globalisation to coexist, something like an ITO may indeed prove necessary.'

Richard Bird, University of Toronto

Decision-Making under Ambiguity and Time Constraints

ISBN: 9781785521256

Reimut Zohlnhöfer and Friedbert W. Rüb

'Associated with the work of US political scientist John W Kingdon, for more than three decades, the multiple-streams Framework has informed the work of numerous policy scholars from all over the world. Featuring an excellent line-up comprised of well-known and more junior contributors, this edited volume offers a timely overview of key comparative, empirical-methodological, and theoretical issues raised by the Multiple-Streams Framework. This coherent book will interest the many policy scholars who draw on this now classic Framework.'

Daniel Béland, Johnson-Shoyama Graduate School of Public Policy, University of Saskatchewan

New Perspectives on Negative Campaigning

ISBN: 9781785521287

Alessandro Nai and Annemarie Walter

'The study of negative campaigning has mostly been about American elections. Refreshingly, the essays in this book look at what happens in other countries. By so doing, they truly offer new perspectives and thus advance our understanding of attack politics. Recommended to anyone interested in elections and campaigns.' John G Geer, Vanderbilt University

Please visit www.ecpr.eu/ecprpress for up-to-date information about new and forthcoming publications.

Contents

List of Figures and Tables	vii
Abbreviations	ix
Contributors	xi
Acknowledgements	XV
Preface Leonardo Morlino	xvii
Chapter One – Direct Democracy in the Twenty-First Century Saskia P. Ruth, Yanina Welp and Laurence Whitehead	1
Chapter Two – Between the 'Fiction' of Representation and the 'Faction' of Direct Democracy Laurence Whitehead	7
Chapter Three – Constitution Making in Democratic Constitutional Orders: The Challenge of Citizen Participation Gabriel L. Negretto	21
Chapter Four – A Problem or a Solution? The Referendum as a Mechanism for Citizens' Participation in Constitution Making Jonathan Wheatley	41
Chapter Five – Plebiscites and Sovereignty: A Historical and Comparative Study of Self-Determination and Secession Referendums Matt Qvortrup	61
Chapter Six – The Scottish Independence Referendum: A Model of Good Practice in Direct Democracy? Stephen Tierney	77
Chapter Seven – The Motivations Behind the Use of Mechanisms of Direct Democracy Yanina Welp and Saskia P. Ruth	99
Chapter Eight – Recall, Political Representation and Citizen Participation: Reflections Based on the Latin American Experience <i>Rocio Annunziata</i>	121

Chapter Nine – The Levelling Up of a Political Institution: Perspectives on the Recall Referendum *Uwe Serdült and Yanina Welp**	137
Chapter Ten – Direct Democracy and its (Perceived) Consequences: The German Case Brigitte Geissel	155
Chapter Eleven – Direct Democracy in Switzerland: The Growing Tension Between Domestic and Foreign Politics Pascal Sciarini	169
Chapter Twelve – Direct Democracy and the European Union Fernando Mendez and Mario Mendez	187
Chapter Thirteen – Let the People Rule? Laurence Whitehead, Yanina Welp and Saskia P. Ruth	207
Afterword on Brexit Referendum, 23 June 2016 – The 'People Ruled' that the UK Should Quit the European Union Laurence Whitehead	221
Index	227

List of Figures and Tables

Figures	
Figure 3.1: Democratic constitution making in the absence of pre-existing regulation	28
Figure 10.1: Mechanisms for direct democracy (state and local levels)	157
Figure 11.1: Attitudes of the Swiss public towards the FMP	180
Figure 12.1: Distribution of EU-related referendums by type	189
Figure 12.2: Mosaic plot of EU referendums (type of referendum by motive for calling referendum)	195
Figure 12.3: Two three-way interaction plots (average turnout by referendum outcome)	197
Tables	
Table 3.1: Citizen participation in constitutional change	23
Table 3.2: Congressional support of the largest new party in the presidential election	31
Table 3.3: Procedural agreement and popular participation in constitution making	33
Table 3.4: Single-party control, constituent body powers and intervention in or usurpation of legislative functions	33
Table A4.1: National referendums in the Commonwealth of Independent States (CIS) and sub-Saharan Africa	56
Table 5.1: Secession referendums (1944–80)	63
Table 5.2: Secession referendums (1991–2014)	67

8(
104
108
117
141
143
158
160
163
175
179
180
196
199
200
201
202
203