History

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Abstract

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This chapter locates referendums within a history of European democracy, understood in terms of Paul Nolte's three Leitmotifs: search, fulfilment and crisis. The idea of the referendum is first presented as a search for something to complement representative democracy. The second part of the chapter explores how to fulfil direct democracy's promise, a dilemma that revolves around considerations of how effectively referendums live up to their promise when used. Thirdly, and finally, the analysis looks at the history of the memory, or legacy, of referendums. Judging by the historical record, there is no apparent reason to abandon direct democracy for fear of its consequences: crises provoked by referendums can spur the democratic search for fulfilling the potential of citizen empowerment.

3.1. Introduction

This chapter frames the history of referendums in modern Europe as a set of three intertwined histories, an approach inspired by Paul Nolte's (2012) thematic history of democracy divided into the following *Leitmotifs*: search, fulfilment and crisis.[1] Such a choice reflects a desire to locate referendums within a history of democracy, rather than relegating them to a discrete subform of democratic practice. The chapter's tripartite organisation is designed to define and explain the role played by referendums in modern European politics, which in turn means eschewing a straightforward chronological periodisation in favour of a conceptual mental map of democracy itself.

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The first element of this conceptual framework is the idea of the referendum as a search for something to complement representative democracy (Nolte 2012: 407). According to Nolte (2012: 216), innovation and novelty are inherent to democratic politics as an ever-changing *Lebensform* or life form, which is why the appeal of referendums lies in their ability to provide something distinctive that is considered necessary in a particular time and place. Secondly, there is the history of referendums as a type of historically bounded political event or practice as defined by campaigns and the rhetoric contained therein. That corresponds with the *problématique* of how to *fulfil* direct democracy's promise, a dilemma that revolves around considerations of how effectively, or not, a referendum lives up to its potential promise when used. Thirdly, and finally, there is the history of the memory, or legacy, of referendums and how this can impact politics and the political system further down the line. The extent to which referendums resolve problems or create new ones thus matches Nolte's claim that democracy does not advance in a straight line but is profoundly shaped by recurring episodes of crisis and countervailing~~counter-veiling~~ forces (Nolte 2012: 252).

Of course, there is a potentially darker side to referendums, where the purpose of the popular vote is to alter the legal system by eroding certain checks and balances (as exemplified by the 2017 constitutional reform referendum in Turkey; see Kalaycıoğlu and Kocapınar elsewhere in this volume). The focus in this chapter is not on anti-democratic initiatives used to diminish democratic constitutionalism, a practice that dates back to the illiberal plebiscites called by Napoleon or Hitler (Qvortrup 2018). Rather, it is on the way referendums fit into the inherently cyclical tendency to search for new ideas or practices as democracies grapple with policy challenges, old or new (Runciman 2014). Consequently, the history of referendums needs to be studied—much like the development of federalism (Burgess 2006)—in terms of processes as well as outcomes. This is particularly the case given the way the long-term resilience (and economic success) of modern democracy is accompanied by a habit of either ignoring policy problems or overreacting to them. As the political theorist David Runciman points out, 'democracies survive their mistakes … [s]o the mistakes keep coming' (Runciman 2014: 294), which is why referendums can be a way out of a democratic impasse—real or imagined—but they can also be a way of getting trapped anew. That oscillation is precisely the overarching historical-conceptual framework in which the use of referendums in Europe needs to be emplotted and which in some instances brings with it the danger of a 'neverendum', i.e. politics operating under the shadow of a future vote.

3.2. A Search for What? the Referendum as the History of an Idea

Popular sovereignty is the concept used to describe the belief that the people ought to exercise ultimate control over decisions affecting them collectively. However, the practical problem of making this possible in large communities, where face-to-face interaction between all those affected is impossible, explains why popular sovereignty has been delegated in most democratic systems to elected representatives (Manin 1997). The latter rule on behalf of what the political philosopher Richard Tuck (2015) calls ‘the sleeping sovereign’, i.e. the execution of government is kept separate from the actual mass of individuals in whose name it is exercised. The act of delegation at the heart of political representation implies a great degree of trust: not only trust in representatives’ ability or willingness to rule in the interests of the sleeping sovereign, but also trust in the ability of elections and the parties participating in them to correct deficiencies (real or imagined) in delegation.

The primary appeal of a referendum needs to be understood, therefore, in the context of the democratic search to empower the people of a particular community to govern their own affairs as an active sovereign. This search exists because of the inherent difficulty of fulfilling the promise of democracy, as memorably captured by Abraham Lincoln’s definition at the Gettysburg Address in terms of ‘government of the people, by the people, for the people’. The election of representatives on a periodic basis has not proved sufficient to satisfy fully this promise, for various reasons and at different times across modern Europe (Judt 2011). Dissatisfaction with the results of representative democracy—whether in terms of the policy outputs or the (un)representativeness of those elected—makes the conceit of letting the people decide for themselves inherently attractive (Webb 2013). Other plausible alternatives include technocracy or versions of authoritarian populism that lack democratic credentials and hence are beyond the scope of this discussion.

The search for an alternative to relying on representation to express popular sovereignty explains why referendums have become part of the history of European democracy. What historical analysis can offer, is reasons why representative democracy was not considered sufficient to empower the people at various points. The starting point for this task lies in assessing the way parties, governments and citizens have justified the use of direct democracy, notably arguments revolving around the nature of the decision at hand, including its novelty or constitutional significance.

In this context, it is particularly fruitful to examine the way democracies have adapted to European integration, a process that has obliged political elites to question the legitimacy of pursuing pooled sovereignty in the name of the people without a direct mandate from voters themselves. Transferring sovereignty is an inherently risky proposition for a government and historically it has involved a delicate balancing act between taking the initiative and seeking public approval. A case in point is the way five countries—in the space of three years—held referendums relating to European integration. France did so in 1972, over whether to accept enlargement of the European Economic Community (EEC), which would dilute French influence in European institutions and bring a more Atlanticist, Anglo-Saxon influence to policy-making (Gilbert 2004). Denmark, Ireland and Norway also held votes in 1972 on whether to join the EEC, after French citizens had approved the idea (see the chapters by Svensson and by Fossum and Rosen elsewhere in this volume). Finally, in 1975, the UK held a vote on whether to leave the EEC, having joined two years previously. This sequence of referendums held close together in time gives an important insight into the underlying tensions occasioned by European integration as part of the democratic search for solutions to vital policy challenges.

On the one hand, the five EEC referendums demonstrated elites’ trust in themselves to take the right decisions on behalf of their people. After all, each referendum only came about as a result of a government-led process of international negotiation, EEC membership applications having begun formally in 1970 after the departure of de Gaulle in France paved the way for enlargement (Wall 2012). Governments in the applicant countries, as well as in France, were united in arguing that pooling sovereignty in Europe was a necessary component of the democratic search for solutions to key economic and political challenges (Milward 1992). On the other hand, elected representatives’ confidence that they were taking the right decision for their country coexisted, with varying degrees of uneasiness, with a desire to include the people themselves in this process.

What makes direct democracy particularly attractive when it comes to a transfer of sovereign powers is the concern that representative bodies are seldom comfortable alienating or delegating sovereignty supposedly entrusted to them by the people (Bogdanor 2016). This is a problem memorably identified by the seventeenth-century English political philosopher John Locke, who argued that ‘the legislative cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others’ (Locke 1988: 362). In the course of modern European history, this logic of searching for a method of legitimising significant constitutional change by means other than parliamentary procedure has given rise to the cascade effect of referendum usage in Europe in relation to European integration, especially over EU/EEC/EEA membership (Mendez et al. 2014). A membership referendum has been held every decade since the 1970s, with only two countries that joined the EU since 2004 (Cyprus and Bulgaria) not resorting to a popular vote to confirm the elite decision (see Mendez and Mendez elsewhere in this volume).

In this way the referendum has become part of the fabric of European democracy as the nature of interstate relations has changed to accommodate supranationalism. The promise of a new constitutional order—which goes beyond the strictures of the conventional (Stein 1981; Weiler 1991)—for tackling transnational issues has thus been accompanied by a desire to go beyond representative democracy in order to legitimise this change. Fifty referendums on European integration have been held since 1972 (Qvortrup 2016), including in countries such as the United Kingdom and the Netherlands that had never before resorted to direct democracy at the national level. However, the same problem identified by Locke also applies in cases of territorial secession or independence, where what is at stake is equally a potential transfer of the locus of legislative power.

Self-determination referendums have a longer, pre-World-War-Two history stretching back to the sixteenth century, with especially notable examples in the process of Italian reunification during the nineteenth century (Qvotrup 2018). Modern instances of the search for an answer to the question of who should govern a particular territory include independence votes in Scotland in 2014 (see Curtice elsewhere in this volume), the contested 2017 vote in Catalonia (called without the consent of Madrid; see the chapter by Powell elsewhere in this volume),[2] as well as the referendums used to deliver devolution in the United Kingdom in 1979 and again in 1997–1998. The 1998 Good Friday Agreement in fact required two referendums, one in Ireland and one in Northern Ireland, to determine that governance of the latter would no longer be a prerogative of the UK government in Westminster (see Hayward elsewhere in this volume). In turn, this document necessitated a change in the Irish constitution to end its long-standing territorial claim to the whole of Ireland (Tonge 2000).

Moral issue referendums, such as those on abortion rights, divorce or gay marriage are another constitutive part of the history of direct democracy in Europe. There is a long history of popular votes on questions of morality and social justice, stretching back to the temperance movement that succeeded in organising a vote on alcohol prohibition in Canada in 1898 (Dostie and Dupré 2012) as well as in Sweden in 1922 (Tomasson 1998). Morality policy is distinct from EU-related issues or self-determination in that a transfer of sovereignty is not at stake. Historically, votes of a moral nature intersected with questions of religious identity and were associated with faith-based political mobilisation (Tomasson 1998). Invoking popular sovereignty as a way to provide clarity over sensitive moral policies brings to the fore the dilemma of whether voters are inherently conservative and cleave to traditional norms as supposed by the British legal theorist A. V. Dicey (Qvortrup 1999). Hence moral issue referendums provide a test for whether appealing to citizens directly is a conservative device for frustrating reform. In this context, direct democracy is part of the history of the search for ways to accelerate or impede societal reform and the record in countries such as Ireland, where referendums on legalising divorce were lost and won within a space of ten years (1986 and 1995), is often mixed (Gallagher 1996).

The use of direct democracy, which in theory could obviate concerns associated with delegating decisions to representatives, does not make the problem of political trust disappear. This is because referendums—part of a democratic search for allowing citizens to take collective control of their destinies—raise fundamental questions of trust in those who call referendums alongside trust in those who get to vote in them. For instance, the 2016 Brexit vote and its aftermath highlighted the question of why such a referendum was proposed in the first place and whether citizens can be trusted to come to the right decision on a matter with such far-reaching legal and economic consequences in the UK and beyond. Both these types of concerns are practical considerations associated with the reasons for resorting to direct democracy and the way in which citizens have responded on such occasions. Hence the next section examines the history behind the organisation of referendums in modern Europe to shed light on how far they can fulfil the promise of democratic empowerment.

3.3. Fulfilling Their Promise? The Use of Referendums in Practice

As outlined above, referendums have become one of the most important means whereby ordinary citizens can participate in deciding upon and shaping the contours of major national decisions such as European integration, regional devolution or indeed independence/secession, as well as moral values such as gay marriage. In this way, referendums have a number of potential benefits. They offer, in an EU-context, a chance for citizens to debate big EU issues, including enlargement, decision-making and competences that might otherwise be the purview of inter-elite agreement. At the same time, political leaders and parties have to articulate their preferences and visions regarding integration and where it is heading, something mainstream parties have traditionally neglected to discuss in national politics (Hooghe and Marks 2009). Similarly, domestic referendums on specific policies—often associated with normative social values as in the case of abortion policy or gay marriage—or constitutional reform perform the same function of creating space to debate questions of major societal importance as shown in Section Two of this volume. However, the benefits of making government of the people for the people a reality also need to be counter-balanced by an awareness of the potential limitations of referendums. For these can be deployed less as an objective in their own right than as a means to an end, namely for rendering the 'correct' result or shielding elites from negative repercussions stemming from policy choices. Hence this section examines the range of motivations behind such uses of direct democracy as well as the significance and symbolism of various specific campaigns, especially surrounding EU integration, with a view to demonstrating how far these votes fulfilled their democratic promise of public empowerment.

A mixture of motivations can lie behind the decision to hold a referendum in a modern European democracy (Hug and Schulz 2007; Finke and König 2009). Some votes stem from a constitutional obligation, as in Ireland where they are necessary in order to change the constitution. In France and the UK, legislation was passed seeking to create such a constitutional obligation regarding matters of EU integration. French voters were promised an automatic say on future EU enlargement in a 2005 constitutional amendment (greatly watered down in 2008), while UK law was changed via the 2011 European Union Act to make any EU treaty transferring new competences to Brussels subject to a popular vote. At other times, referendums can be the result of a top-down decision by a leader or government, or else the product of a bottom-up initiative based on popular mobilisation (Qvortrup 2015). Use of national-level popular initiatives is less geographically widespread than mandatory or government-initiated referendums, although they are chiefly found on European statute books (Morel 2017). Countries in Central and Eastern Europe legislated for popular initiatives —which are more commonly associated with Switzerland—as part of the democratisation process after the fall of Communism. Indeed, the origin of the initiative as a form of bottom-up participation to contest government policy or propose more radical change lies in nineteenth-century left-wing political organisation (Bjørklund 2009).

Most referendums on EU treaties have been held when a government has sufficient votes to ratify the treaty via parliament, so it is not a question of bypassing parliament to pass a treaty. Rather, national referendums on EU issues are, in theory, a way of connecting citizens to European integration. Asking citizens to vote provides democratic legitimacy to the process and outcome of integration by making their input count. This is in line with the rhetoric of bringing the EU closer to its citizens and making it more democratic, an ideal that emerged following the introduction of subsidiarity in the Maastricht Treaty (Hooghe and Marks 2009). Democratic legitimacy was also at the heart of the debates surrounding the EU Constitutional Treaty, which is why four countries held referendums on that treaty in 2005. Indeed, six more countries planned to do the same before the treaty's rejection by French and Dutch voters derailed the process (see Sternberg elsewhere in this volume).

However, there are also tactical political motives at play in the decision to hold a referendum. The balance of power within a party or ruling coalition is historically a crucial factor, as illustrated by the history of the use of referendums in the UK. Both the 1975 referendum on remaining in the EEC and the 2016 EU membership referendum were the product of internal divisions within a governing party (Glencross 2016; Smith 2017). Putting the issue to a national vote was justified as a way to settle the issue without splitting the party for good, on the proviso that individual MPs and cabinet ministers could take their own position. The devolution referendums in 1979 and the 2011 alternative vote ballot were, by contrast, a consequence of government weakness: regional parties and the Liberal Democrats, respectively, extracted these votes in return for keeping a government in power (Seldon and Snowdon 2015).

Another reason to hold a referendum is for elected representatives to avoid taking decisions that could subsequently hurt them in a national election. This was certainly the case when British Prime Minister Tony Blair announced a plan for a national vote on the EU Constitutional Treaty to parliament in 2004. Originally against a referendum, as the negotiations dragged on Blair realised that with a general election scheduled for 2005 it would be useful to separate the EU Constitution from the election campaign (Dür and Mateo 2011). In a country with many Eurosceptic voters, he did not want his party to suffer electorally by being responsible for ratifying an unpopular treaty. H~~, h~~ence the promise in the 2005 general election manifesto to put the constitutional treaty to the British people in a referendum. A similar logic applied to the French constitutional amendment of 2005 mandating a referendum on future EU enlargement—the political class wanted to avoid being held responsible at a future date for Turkish EU membership (Phinnemore 2006).

In practice, public empowerment to shape policy via referendums is a function of how a campaign is fought, not just the motivation that gave rise to a popular vote in the first place. Campaigning in turn affects turnout, a crucial variable as the use of direct democracy often hinges on the number of votes cast as an expression of the level of enthusiasm for participating in a major policy decision. This explains the use in certain cases of a participation quorum without which the status quo cannot be changed, because 'a low turnout in referendums is seen as a threat to their legitimacy' (Qvortrup 2002: 164). Beyond the question of legitimacy, turnout also matters for the purposes of predictability and hence the associated tactical question of whether to hold such a vote. Variation in turnout is one notable element of the unpredictability surrounding referendums on EU issues, where, unlike with European Parliamentary elections, turnout can be very high, as with the 89% who voted in Norway on EU accession on 1994. Turnout fluctuates more in referendums than in national elections (Leduc 2002) and can be lower, as with the 35% who voted on the Nice Treaty in Ireland in 2001. Associated with this uncertainty over turnout is the possibility of shifts in public opinion over the course of a campaign, which can be larger than with national elections where issues and debates are better known (Leduc 2002). Similar to the 2016 Brexit vote in the UK, the 1972 EEC accession referendum in Norway was initially considered to be a foregone conclusion but ended in failure and brought about the resignation of the Prime Minister (Holst 1975). The potential for a large swing vote is also suggested by the evidence from referendums held to, in effect, overturn an earlier electoral verdict. Irish voters rejected the Nice treaty by 54% in 2001 but adopted it a year later with a 63% majority; the Lisbon Treaty similarly failed the first time after 53% of voters rejected it in 2008 before subsequently receiving the backing of 67% of the population in 2009 (Hodson and Maher 2014; see also Laffan elsewhere in this volume).

These kinds of shifts in public opinion are the product of campaigns that invariably move away from the specific treaty at hand to debate the entire gamut of policies and problems associated with European integration. This discrepancy makes such referendum outcomes hard to predict and exposes the potential challenges of allowing the people to decide. For instance, one of the most important characteristics of campaigns surrounding referendums on European integration is the way that these 'shift the initiative to citizens and single-issue groups, and disarm party elites' (Hooghe and Marks 2009: 20). In the context of a 'constraining dissensus' (Hooghe and Marks 2009), mainstream political parties have had, at various times and in several countries, a hard task persuading voters to accept an EU treaty. A striking case in point is the Irish rejection of the Lisbon Treaty in 2008, even though it was supported by parties representing 90% of the seats in the legislature (Phinnemore 2013). Both treaty rejections and acceptances with only very slim winning margins (e.g. 51% in the 1992 French vote on the Maastricht Treaty) reveal a discrepancy between the preferences of political elites (governments and mainstream political parties) and ordinary people over European integration.

The campaigns for the referendums on the EU Constitution and its successor the Lisbon Treaty illustrate well this tendency to debate matters far beyond the contents of a particular treaty and in so doing lay bare the state of political trust between governed and governing at a given moment. In the 2005 French referendum, for example, the campaign paid little attention to the actual details of EU institutional reform even if this was one of the central components of the new treaty. Instead, opponents of the treaty managed to bring in other issues such as immigration, the possibility of Turkish accession, and whether the EU charter of fundamental rights compromised French abortion law (Glencross 2009). These policy issues were tangential (or indeed factually incorrect in the case of the fear that French abortion law could be altered) to the actual legal implications of the treaty. Yet the issues revealed voters' general concerns about integration and the direction it was taking.

Trust in elites is another key factor affecting the holding of referendums in practice, as party cues that make up for a lack of detailed political information—at least for EU-related votes (Hobolt 2007)—work to the degree politicians are trusted. Issues of trust in the motives of elites were very apparent during the Irish vote on the Lisbon Treaty. In Ireland, the nationalist party, *Sinn Féin*, alongside a coalition of minor and even ad- hoc parties, led the 2008 campaign against ratification of the Lisbon Treaty (O'Brennan 2009). The opposition camp had two principal arguments: objection to the weakening of Irish power (the result of the loss of a permanent commissioner and fewer national vetoes) and preventing 'the militarization of the EU'. The latter targeted the treaty's provisions for beefing up cooperation on foreign and security policy, seen as the death knell for neutrality by requiring Irish contingents for supposedly dubious EU humanitarian interventions.

Supporters of the Lisbon Treaty, a group including all the main parties except *Sinn Féin*, were slow to respond directly to these claims. Rather, they resorted to the stalwart justification of securing economic prosperity and also tried to establish positive historical precedents for Irish peacekeeping efforts. The primary objective, when engaging with the arguments of the 'No' camp, was thus to convince voters that changes to the *status quo* were not deleterious to Irish influence and neutrality (ibid.). This justificatory strategy sat awkwardly with two important contextual elements of the debate. Firstly, it was difficult to maintain that the treaty changes were so trifling when it was well known that the document was essentially the Constitutional Treaty redux, which the European Council wanted to avoid being subject to a new round of referendums (Phinnemore 2013). Likewise, this argument also appeared in contradiction with the grander claim that the new treaty would finally help reduce the democratic deficit, in particular by strengthening the role of national parliaments and adding an element of direct popular input via the 'citizens' initiative' (Monaghan 2012).

What the Irish referendum on the Lisbon Treaty also revealed was the problematic level of knowledge surrounding the contents of what citizens were voting on. A third of Irish voters incorrectly believed the treaty would involve the amalgamation of the Irish army into an EU army and overturn the country's prohibition on abortion, while over 40 per cent thought that the treaty would compel the Irish government to raise its notoriously low corporation tax rate (O'Brennan 2009). It is not surprising, therefore, that political scientists found evidence that voting 'No' on an EU referendum is associated with less knowledge of how the EU functions (Gabel 1998). This concern about a potential 'knowledge deficit' among voters is a double-edged facet of the practice of referendums. That is, public engagement during a referendum campaign offers a unique possibility for generating political information, while also presenting an occasion where extraneous claims and misuse of evidence can impede the quality of decision-making.

When it comes to EU integration, referendum campaigns can generate far more media coverage than is ordinarily the case in national politics. The use of direct democracy can thus open up a space for political contestation that is not ordinarily present. In this way, referendums can fulfil a good part of their promise to empower citizens by getting information about the EU across to voters and making such votes a reflection of majority preferences towards the distribution of supranational competences and not merely second-order moments of anti-government protest (Hobolt et al. 2009). Yet fulfilling the promise of increasing political knowledge is by no means guaranteed in a referendum campaign.

Voter competence is typically considered on the basis of the extent to which citizens are aware of the facts surrounding a given choice they are confronted with (Lupia 2006). Thus, this concern is less applicable to referendums on moral issues, where factual argumentation is a lesser consideration than collective values. The extent of factual knowledge available to citizens has been a concern in a variety of different referendum scenarios, ranging from EU treaties (Hobolt 2007) to California state-level initiatives (Bowler 2015). However, some referendums by definition do not permit full knowledge of the facts because a change in the constitutional status quo creates future scenarios of varying plausibility rather than guaranteed outcomes. Thus a secession referendum, as in the cases of Scotland and Catalonia in 2014 and 2017, respectively, confronted citizens to choose in the absence of certainty over what the full range of implications would be in the event of independence (Cetrà and Harvey 2018). The 2016 Brexit vote was similarly conducted under a cloud of uncertainty as to the exact outcome entailed by EU withdrawal, with voters' appreciation of the economic risks of leaving itself a reflection of attitude towards salient aspects of integration (Clarke et al. 2017).

Direct democracy thus obliges citizens, for better or worse, to ponder, manage and potentially ignore political consequences directly stemming—unmediated by the vagaries of representative democracy—from their choices. That is why it is important to examine what the result of using referendums has meant in different contexts. The next section explores the sometimes painful or positive legacies surrounding them, including notable moments of political crisis engendered by the use of direct democracy.

3.4. Crisis Moments? Historical Legacies and the Memories of Referendums in Contemporary Europe

Just as referendums are a way of adapting to European integration, so are democracies having to adapt to the use of referendums for EU matters and beyond. Memories of previous referendums, compounded by the spectre of new ones, have helped shape political debate and mobilisation across numerous countries in Europe. There is a clear political logic to this process of remembering and of forgetting, which shapes the development of national narratives as noticed by Ernest Renan already in the nineteenth century (2012 [1882]). In some cases, referendums have had spillover effects well beyond national borders, meaning their legacies matter even outside the places where they were held, as when Ireland voted to legalise abortion in 2018, creating pressure for similar change in Northern Ireland (Shepherd 2018). The use of direct democracy has also triggered major domestic and pan-European crises, such as those surrounding Brexit or the earlier rejection of the EU Constitutional Treaty. In other words, referendums have played a central role in the history of contemporary European democracy, which follows a pattern of recurring crises bringing with them episodes of reform and reaction (Nolte 2012).

The overhanging legacy of referendums can be seen in the way individual leaders are closely associated with the fate of the votes they called. Charles de Gaulle's post-war career was essentially defined by the succession of national referendums he organised, beginning with the 1958 vote to approve the establishment of the French Fifth Republic and ending with the failed referendum on Senate reform in 1969 that brought about his exit from power (Gaffney 2010; see also Morel elsewhere in this volume). Following de Gaulle, French Presidents have interpreted referendums as confidence votes in their leadership qualities, thereby leading to greater circumspection about their use (Morel 2017). Indeed, one of the hallmarks of optional referendums is government confidence in winning the vote. David Cameron, for instance, will also be forever defined by the drama of his failed In/Out referendum on EU membership. Yet in 2016 he was perhaps entitled to feel confident about his favoured political tactic of managing domestic challenges by forcing voters to choose between the status quo or an unknown future. He had already won two referendums on this basic premise, defeating supporters of the alternative vote in 2011 as well as partisans of Scottish independence in 2014 (Seldon and Snowdon 2015; Shipman 2016; see also the respective chapters by Smith, Blick and Curtice elsewhere in this volume). This confidence, however, seemed to rest on a certain degree of forgetfulness, given that the outcome of the Scottish independence referendum (55% in favour of remaining part of the UK) was much closer than originally expected. Indeed, in the final week of campaigning, the narrowness of the polls forced Westminster to offer a further package of devolution in the event that Scots voted to stay part of the UK.

The ramifications of referendums can extend well beyond the country in which the vote was held. This is particularly true of EU-related referendums because of their potential 'extraterritorial' effect, whereby rejection of a treaty in one country creates a conundrum for others (Mendez et al. 2014). This principle applies even to non-EU member states, as exemplified by the EU-Swiss relationship that was fundamentally shaped by the failed 1992 European Economic Area (EEA) membership referendum. Swiss rejection of the EEA led to the construction of an elaborate sector-by-sector bilateral treaty architecture that turned Switzerland into the most frequent EU-related user of direct democratic instruments as a succession of agreements were put to a popular vote (Trechsel 2007; see also Church elsewhere in this volume). It was one of these referendums, the 2014 'mass immigration initiative' that subsequently up-ended the entire relationship. The crisis even prompted retaliatory action by the European Commission, namely suspending participation in Horizon2020 research funding, which obliged the Federal Council to limit proposed restrictions on free movement (Schimmelfennig 2019).

Hence it is impossible to understand the historical course of European integration without acknowledging the impact left by referendums as Section Three of this volume addresses. The Norway-EU relationship is another example of the long-lasting consequences of the use of direct democracy, although this time the consequences were mostly felt at home. After Norwegian voters rejected EU membership in a 1994 referendum, Norway pursued a form of quasi-membership via the EEA. This established a process of 'dynamic homogeneity' maintained by highly institutionalised cooperation and domestic political adaptation necessary to limit grievances occasioned by implementing single market rules without a say in their formulation (Fossum and Graver 2018). Differentiation in Member State participation in EU policy-making also reflects the need to adapt to referendum results for years to come. Denmark was offered an opt-out in Justice and Home Affairs after Danish voters initially rejected the Maastricht treaty in 1992, resulting in a process of behind-the-scenes informal cooperation that left Danish policy-makers anxious to opt back into regain decision-making influence (Adler-Nissen 2009). Yet voters failed to accept the government’s argument that it was preferable to participate fully in order to shape EU policy in this area, rejecting an ‘opt-in’ referendum in 2015.

Reactions to crisis moments caused by referendums can take a more subtle and less institutionalised form, as in the way lessons of the failed Constitutional Treaty were internalised by supporters and opponents of the EU alike. In the aftermath of the decisive French and Dutch rejections of the Constitutional Treaty, EU political elites sought to avoid another flurry of referendums on the subsequent Lisbon Treaty (Phinnemore 2013) as well as on the so-called Fiscal Compact, an international treaty intended to fix economic and monetary union (Beach 2013). Leaders across Europe came to mistrust citizens’ reactions to referendums on legal and institutional reform of the EU system. In the face of increased policy salience, they nevertheless sought to insulate such developments from political contestation over what European integration is for and whether it is good for one’s country.

The decade following the defenestration of the Constitutional Treaty was marked by a populist Eurosceptic reaction (De Vries 2018). Calling for a referendum to expose fear of democracy by EU elites became a core Eurosceptic tactic. Anti-system parties such as the United Kingdom Independence Party, the *Front National* in France, *Movimento Cinque Stelle* in Italy or *Sverigedemokraterna* in Sweden promoted the use of direct democracy to tackle EU issues. Failure to offer a referendum on the Lisbon Treaty was integrated into an overriding populist narrative that elite-serving institutions act against the interests of the ‘real people’ (Müller 2017). It was no coincidence, therefore, that the first vote to be held under the popular initiative legislation the Netherlands enacted in 2015 was EU-related. Following a successful signature collection campaign, an advisory referendum was organised in April 2016 on the Association Agreement between the European Union and Ukraine (van den Akker 2017; see also van den Akker elsewhere in this volume). Voters’ rejection of the treaty then led to the amendment of the treaty to clarify, inter alia, that it was not a prelude to being granted EU candidate status or extending free movement rights to Ukrainians. Little more than two years after the Ukrainian Association Agreement vote, the Dutch government had put forward a law to abolish the consultative referendum procedure that had produced this reverse.

The overlap between the politicisation of integration, exacerbated by the Eurozone sovereign debt crisis, and calls to let the people weigh in on EU constitutional reform came to a head in Greece. Negotiations over the 2011 bailout package nearly broke down when Greek Prime Minister George Papandreou proposed to put the terms of the deal to the people in a referendum. The leaders of France and Germany, the largest Eurozone creditors, successfully pressured the Greek government into accepting the bailout without a vote (Glencross 2014). The idea of making the bailout conditional on the will of the people, however, did not disappear for long. In 2015, the radical-left Syriza government organised a vote on a new set of austerity measures that a near-unanimity of expert opinion suggested was the only way to remain in the Eurozone. The Greek government believed rejection of the EU deal—the final result was a resounding No by a 61% majority—would bring about an opportunity for the Eurogroup to rethink the credit terms, notably by offering debt relief (Boukala and Dimitrakopoulou 2016). These concessions never materialised, forcing the Greek government to accept the original terms of the new bailout without a reduction in debt (see also Papadopoulou elsewhere in this volume).

The way the Greek referendum has entered historical memory, therefore, is as another instance where the preferences of the EU outrank the will of a nation (Rose 2019), akin to previous episodes where rejection of an EU treaty was subsequently overturned by a further referendum. Indeed, Eurosceptics appear to have a long memory when it comes to the use of direct democracy and how the results are interpreted. What was significant in the 2016 UK referendum was the way the previous vote on EEC membership in 1975 was (mis)remembered. A key part of the United Kingdom Independence Party's pro-Brexit narrative was that 'the British people were not getting - and have never got - what we were led to believe we were voting for [in 1975]' (Farage 2012). This message leeched into Cameron's own justification that 'democratic consent for Britain's membership has worn wafer thin' (Cameron 2014), thereby suggesting that the 1975 referendum was about voting for a common market and not a political union. Yet the complaints from the anti-EEC side during the 1975 campaign are striking for their similarity with the pro-Brexit message of 2016: the UK pays too much for too few benefits, Europe is too inward-looking, accompanied by an overall feeling that it is fine to participate in an economic arrangement but that Britain must stay aloof from federal blueprints for monetary integration (Wall 2012). Hence the earlier referendum became memorialised politically in a way that deliberately obscured the content of what was discussed at the time.

The irony of the Brexit referendum is that it is highly unlikely to be remembered elsewhere in the EU as the moment when populist Euroscepticism delivered a preferable alternative to supranational integration. Despite certain predictions to the contrary, there was no immediate domino effect of other governments pledging to hold referendums on leaving. The illusion of getting a better deal outside the EU than as a Member State could only remain believable until formal exit talks began. Marine Le Pen's *Front National* had advocated 'Frexit' well before the 2016 UK vote (Ivaldi 2018), which explains the praise she originally heaped on the British government's approach to the EU, going as far as to advocate emulating Cameron's renegotiation and referendum tactic. Her intention was to ride a wave of French Euroscepticism to the *Elysée* Palace by offering a radical break with the pro-EU consensus. But her confused strategy on leaving the EU and/or the Eurozone went down badly with voters during her TV debate with Emmanuel Macron days before the presidential run-off (Michel 2018).

Ultimately, the way referendums are remembered and the legacies they leave is open to contestation, thereby affecting trust in the use of direct democracy. The way a referendum was held, or perhaps avoided, is part of political memory and can have long-lasting consequences. The desire to settle a political dispute can be realised, but is by no means a given;~~,~~ otherwise there would not have been two referendums on divorce in Ireland within the space of a decade. Referendums revisiting or linked to earlier votes illustrate~~s~~ the way direct democracy has become part of the fabric of democratic life in Europe as with the UK's EU membership referendum or Denmark's 'opt-in' vote. More subtly, the attempt to depoliticise EU reform after 2005 by dropping any 'constitutional' trappings when designing the Lisbon Treaty allowed populist parties to advocate greater direct democracy and cast themselves as true supporters of democracy. The common thread here is that while referendums may spark crises, they also contribute a fresh impetus for finding policy solutions to problems made apparent precisely by engaging the people directly in the first place, which is typical of the cycle of democratic practice (Nolte 2012). Judging by the historical record examined above, there is no apparent reason to abandon direct democracy for fear of its consequences: crisis can spur the democratic search for fulfilling the potential of citizen empowerment.

3.5. Conclusion

This chapter surveyed the way modern European democracies have used direct democracy as part of a search for solutions to some of the key political challenges they face: self-determination, European integration, public values.

This search is motivated principally by the promise that referendums can bring a certain kind of closure not available via representative government. Yet the ability to fulfil this promise is mixed because problems of political trust, which undermine confidence in representative democracy and create the allure of direct democracy, remain present whenever referendums are used. The use of referendums is endorsed or contested because of the processes involved as well as their specific outcomes. This helps explain why, instead of resolution or catharsis, direct democracy can also result in crisis moments whose effects last long into the future. Examined in this fashion, referendums in modern Europe very much belong to the history of contemporary democracy as sketched by Nolte (2012): they are fundamentally political instruments that can engender hope and fulfil the aspiration for self-government, but also bring about bitterness and disappointment.

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[1] *Suche*, *Erfüllung* and *Krise*, respectively.

[2] The ruling Popular Party, which has a mono-national conception of the Spanish state, opposed the Catalan vote and succeeded in having the Constitutional Court declare the referendum

unconstitutional, unlike in Scotland in 2014 where the UK government gave its consent (Cetrà and Harvey 2018).