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## **TRAPS OF PLEBISCITARY DECISIONS**

The paper claims that spreading plebiscitary practices of political decision-making is not definitely an attribute of public engagement in policy-making processes, but more a sign of decline of representative democracy. Plebiscitary mechanisms of public participation, such as referendums, recalls and popular initiatives, instead of enhancing the democratic grade of political decision-making may transform into manipulative means of ensuring interests of elites in power or those, who are seeking for power. Involving illustrations based on the analysis of recent resonant precedents of plebiscitary decision-making, the article shows the most widespread traps of plebiscite public participation and their repercussions.

**Key words:** decision-making, participation, referendum, popular initiative, recall.

### **Introduction**

Public participation in political decision-making has always been one of top research issues of political science. As modern democratic regimes characterized by rather controversial features, i.e. erosion of representative forms democratic governing, developing the phenomenon of democratic conformism and simultaneously spreading plebiscitary practices of political decision-making, the mentioned issue is gaining special topicality. Indeed, as more and more often researchers come to the opinion that «representative democracy is breeding political disaffection»<sup>1</sup> there is an evident tendency of intensifying the use of direct democracy practices of public decision-making even in the countries, where plebiscitary mechanisms are not regarded as conventional. Another tendency is significant narrowing the range of decisions, which are subject to public control. Delegating decision-making from the level of party-electoral competitiveness to the level of functional cooperation leads to neglecting interests of non-organized groups. The latter fall out of the processes of political decision-making and lose their opportunity effectively defend of their interests. Besides, it often happens that pro-governing and opposition segments of the elite mostly do not admit political subjectivity of citizens outward of electoral context that causes public distrust and apathy. That is why the practices of direct public engagement into decision-making are recognized as an alternative and potentially more effective means of democratic governance. This idea is a conceptual core in spectrum of contemporary evaluations and theorizing of «direct», «plebiscitary» or «participatory» democracy. It is assumed the use of direct participation can compensate the disadvantages of representative democracy. Thus, plebiscitary mechanisms of decision-making such as referendums, public initiatives (primarily petitions) and recalls are getting more and more widespread. Citizens get immediate opportunity to influence policy-making, determine long-term priorities and at the same time becoming more political conscious. Plebiscites can enhance unification of society in the face of solving public issues and various participatory adjustments can ensure inclusiveness and public control. It goes about publicly important issues such the determining of the state course, guaranteeing national security, territory organization, improving governance and political regime, defense of human rights etc. Still, plebiscitary practices can act as manipulative means for getting public legitimization of the decisions taken by politicians in advance. There are numerous precedents when exercising plebiscitary mechanisms had rather ambiguous aftermath. The results of the most discussed recent years referendums, including the one as for Crimea's joining Russia in 2014, the referendum on getting financial help of the creditors in Greece in 2015, the 2016-year's referendums on Brexit, the one in the Netherlands as for ratification of the Agreement on Association between Ukraine and the EU, and one on the constitutional reform in Italy, were ambiguously assessed by citizens and experts, as each of these instances created risks for stability both domestic and international political systems.

The issue of ambiguity of direct democracy has vast scientific basis. Though the most of literature is empiric and based on case-studies (Williams and Hume (2010), Aragonés and Sánchez-Pagès (2009), Fossedal (2005)), there are also works with outlining and conceptualization of plebiscitary practices

<sup>1</sup> Alonso, S., Keane, J., Merkel, W. (2011). Editors' introduction: Rethinking the future of representative democracy. In: S. Alonso, J. Keane, W. Merkel (Eds.). *The Future of Representative Democracy*. UK, Cambridge University Press, 9.

of democratic governance, their advantages and disadvantages (Merivaki (2016), Altman (2010), Qvortrup (2005)). The advantages of direct public participation are obvious from the point of view of citizens' engagement into the political decision-making. In respect of direct democracy, some scholars tend to stress educational functions of plebiscitary mechanisms, particularly value of citizens' knowledge and their comprehension of political matters Crowther (2015)<sup>1</sup>.

The present paper focuses on typical patterns of contextual data with which plebiscitary decision-making can have destructive outcomes for the political system: instead of creating welfare for everyone, it causes the effect of disappointment and doubt in society and may have the risk of public conflicts. The analysis of factors presupposing the ambiguous character of potential effects of plebiscitary practices can upgrade understanding of their role in the democratic modes of governance and their impact on the given social environment.

### **Conceptualization of direct participation in the framework of the theory of democracy**

In spite of the widespread turning to the ideas of direct democracy among politicians and researchers it is obvious that in modern states with great population and bigger territories in comparison with Ancient Greek polities the antique pattern of people power could not be implemented. Using the term of *direct democracy* in contemporary studies refers more to its complementarity towards representative democracy. Exploring whether direct democracy enhances or reduces the representative system of political participation, researchers outline the fact that implementing plebiscitary methods primarily connected with increase public distrust towards the mechanisms of representative democracy<sup>2</sup>. Albeit, the estimations of implementing practices of direct democracy in modern political systems are rather ambiguous: on the one hand, some plebiscitary mechanisms could be characterized «as strongly eroding crucial aspects of representative democracy»<sup>3</sup> and on the other hand they can produce positive effect enforcing politicians to take into account the public opinion.

The theory of plebiscitary democracy is connected with the conceptual heritage of Weber. He defined plebiscitary democracy as a special type of charismatic governing and presented it as a means of overcoming the tyranny of bureaucracy<sup>4</sup>. The main figure in this theory is a charismatic leader elected by the public direct voting. Yet, citizens are restricted in the right to fulfill control over bureaucracy from beneath. These functions are delegated to a charismatic leader who controls the bureaucratic activity from above. One of his main tasks is fighting bureaucracy to overcome oligarchy principle of governing.

According to contemporary views on plebiscitary democracy, each citizen should have an opportunity at least to accept or reject laws influencing his/her life. For instance, Williams and Hume outline, «a referendum is held when the people cast a vote to accept or reject a question of law or policy, such as whether to amend a constitution or a piece of legislation»<sup>5</sup>. In this framework, plebiscitary democracy can be accompanied by authoritarian tendencies where the leader of the regime uses public acceptance as a primary means of legitimization of the political decisions.

The concept of participatory democracy became widespread in the late XX – early XXI century. The participatory democracy is defined as «a process of collective decision-making that combines elements from both direct and representative democracy: Citizens have the power to decide on policy proposals and politicians assume the role of policy implementation»<sup>6</sup>. Proponents of participatory democracy suggest encouraging citizens' activity through increasing their competence and involving them into the political decision-making. Thus, the theory of participatory democracy accounts for the combined model of governing when together with mechanisms of political representativeness one uses procedures of direct public participation in political decision-making.

Whatever the pattern of involving citizens into policy-making could be called – direct, plebiscite or participatory democracy – the key category for assessing the efficiency of democratic mechanisms of public

<sup>1</sup> Crowther, J. (2015). Making Politics Educational: the Experience of the Scottish Referendum on Independence. *HSE. Social and Education History*, 4 (2), 163–185.

<sup>2</sup> Rosanvallon, P., Goldhammer, A. (2008). *Counter-Democracy: Politics in an Age of Distrust*. USA, New York, Cambridge University Press, 1–29.

<sup>3</sup> Altman, D. (2010). *Direct Democracy Worldwide*. UK, Cambridge, Cambridge University Press, 3.

<sup>4</sup> Weber, M. (1978). *Economy and society*. Berkley: University of California Press, 266–269.

<sup>5</sup> Williams, G. and Hume, D. (2010). *People Power: The History and Future of the Referendum in Australia*. Australia, Sidney, UNSW Press, 5.

<sup>6</sup> Aragonés, E. and Sánchez-Pagès S. (2009). A theory of participatory democracy based on the real case of Porto Alegre. *European Economic Review*, 53, 56–72.

participation is plebiscite format of decision-making in a broad sense looking into the etymology of Latin words «scitum» – decision and «plebs» – common people. Defining mechanisms of direct democracy «as publicly recognized institution wherein citizens decide or emit their opinion on issues not through legislative and executive elections but directly at the ballot box through universal and secret suffrage»<sup>1</sup>, Altman outlines the difference between «citizen-initiated and top-down mechanisms of direct democracy»<sup>2</sup>. While the most widespread citizen-initiated mechanisms of political decision-making include popular initiatives and recalls, referendums in the main are top-initiated.

### **Referendums as political means: gainers and losers**

Referendums are widely recognized as an important means of people power and mostly studied through their legislative status and the scope of their impact on the course of events. There is variety definitions of referendums and attempts of their differentiation from plebiscites. In the scope of normative estimation, including the one in the international law, the difference between a referendum and plebiscite is stressed. Plebiscite is identified as a social survey with the aim of defining the future of a certain area through direct vote which country this area should belong to. Such a definition of plebiscite narrows the context of the issues, which can be placed for public vote to territorial issues only. Though taking into account the etymology of plebiscite this concept refers more not to contents but for procedural characteristics of decision-making exactly though direct citizens' participation.

In the framework of political studies, referendum is mainly associated with plebiscite as a confirmation of a political decision through people voting on legislative issues or the home and foreign affairs. As Marquis notes, «political scientists often use the term «referendum» for cases where government is obliged to act according to the expressed will of the majority of the electorate»<sup>3</sup>. Referendum is an important means of direct realizing legislative power, which ensures citizens' right to express their views and take into account pluralist interests in the process of decision-making. The role of referendums in regulating public relationships is determined by their main social functions: realizing the right for public sovereignty, legitimization of authorities' decisions, forming public opinion. Nevertheless, there are many hidden difficulties in holding a referendum. Such format of public engagement into political decision-making is not that always realized for ensuring the principles of direct democracy. It is not a rare occasion that referendum as a means of public participation in decision-making provides the illusion of the participation itself. In reality, citizens' opportunities to express their view on the issue are rather restricted: citizens are suggested to make their choice out of alternative answers to the questions, which were formulated by someone else. Practically they just have to legitimize the options, which have been chosen beforehand. Despite the fact that out of all plebiscitary mechanisms referendums are the most overwhelming from the point of view of involving citizens, they are not always aimed to enhance the level of democratic character of the decisions. Moreover, the results of implementing this procedure may have unpredicted or even destructive effect for both those who initiated the referendum and for those participating in it. Even Switzerland, which is the world known leader in implementing plebiscitary practices of decision-making, according to Fossedal has «disadvantages of the referendum system»<sup>4</sup>. As the advantages of referendums have already been listed above, I will focus on destructive results – traps – that can be caused by such plebiscitary mechanisms of decision-making.

«**Society-Split Trap**». The plebiscites' results often split societies into almost equal camps of proponents and opponents of the decision placed on referendum. The topical example of it can be presented by the referendum of 2016 as for Britain leaving the EU. According to the referendum results, Brexit almost equally split the British society as for the future relations of Britain and the EU: 51,89% (leave) against 48,11% (remain)<sup>5</sup>. It is important that during six months after the referendum the opinion of both sides has not that changed, which is proved by the results of polls. According to ComRes' Survey,

<sup>1</sup> Altman, D. (2010). *Direct Democracy Worldwide*. UK, Cambridge, Cambridge University Press, 7.

<sup>2</sup> Altman, D. (2010). *Direct Democracy Worldwide*. UK, Cambridge, Cambridge University Press, 3.

<sup>3</sup> Marquis, P. (1993). *Referendums in Canada: The effect of Populist Decision-Making on Representative Democracy*. Background paper (Ottawa, Ont.); BP-328E. Parliamentary Research Branch, 9 <<http://publications.gc.ca/Collection-R/LoPBdP/BP/bp328-e.htm>> (2017, February, 8)

<sup>4</sup> Fossedal, G.A. (2005). *Direct Democracy in Switzerland*. New Brunswick (USA) and London (UK). Transaction Publishers, 109.

<sup>5</sup> *EU referendum results. Electoral Commission*. <<http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/electorate-and-count-information>> (2017, February, 08).

47% British confirm their desire to leave the EU, shown at the referendum in June 2016, while 45% would prefer to remain in the EU<sup>1</sup>.

Besides not convincing majority as for the issue of leaving the EU, Brexit showed other splits which can be characterized as accompanying effects. This is the estimation by the British of the question whether the UK should leave the SingleMarket: 36% consider that they should, while 41% of the respondents think that they should not.<sup>2</sup> The other problem is aggravated by the outer factor – a not loyal position of European political elites as for the conditions of Brexit, including in the framework of further relations between the United Kingdom and the European Union.

One more split trap among the referendum results as for leaving the EU for the United Kingdom was presented by the intention of the Scottish to hold a referendum for leaving the UK. It is worth reminding that the first Scottish referendum as for leaving Great Britain took place on September 18, 2014, when 55% of respondents answered that they would like to remain a part of the United Kingdom<sup>3</sup>. Yet, on June 24 at the referendum as for leaving the European Union 62% of the Scottish who voted expressed their desire to remain in the European Union<sup>4</sup>. The seriousness of the possibility of Scotland's leaving the United Kingdom is proved by the clear statements of Scottish governors announced the preparation of legislative mechanisms to hold the second referendum on Scotland's independence. Though Brexit is still in its design, it is obvious that a referendum, being a democratic mechanism for everyone, instead of uniting citizens for solving a certain problem can enhance the present or latent cleavages in a society and create new ones. Eventually, referendums can cause a risk of inner public tension and conflict, which may even result in deconstruction of state order.

«**Russian Roulette Trap**» can be induced by the overestimation of political support. It happens when politicians not having assured support of representative governing body, turn to plebiscitary mechanisms in order to convert referendum as levers of influence. Though, initiating to hold a referendum one may get into a trap through incorrect estimation of support for a potentially expected result. Instead of the desired public legitimization of a suggested decision, in case of failure, one may be publicly delegitimized as political actor. Recent illustrations of such plebiscite trap are presented by resonant resignations of 2016 – David Cameron after the results of a referendum on Brexit and Matteo Renzi after referendum on Constitution in Italy.

David Cameron during his election campaign in 2015 made it one of his election provisions to promise the referendum as for UK leave the European Union. Positioning himself as the only guarantee of holding the referendum, he tried to reach not only inner party stability (which was crucially important for conservatives) but also to receive electoral dividends betting euro-skepticism of the British. The Prime Minister had to act not only as the initiator and organizer but also as an active participant of the campaign for the EU membership of Britain. Although his outer goal was to provide more lucrative conditions for Britain in the EU. Yet, inner political motives had priority. Despite Cameron's active campaign in 2016 aimed at support of the variant of staying in the EU the referendum results cost him the post of party leader and Prime Minister.

Another example of «Russian Roulette Trap» is initiated in December 2016 by the Italian Prime Minister, Matteo Renzi referendum as for introducing changes into the Constitution of the country<sup>5</sup>. Among presupposed changes the main was to reduce of the influence of the Senate by curtailing the number of senators and limiting the scope of their influence on law-making process. The other key presupposed reform was centralization, with the aim of significant reducing the impact on regional solutions in the areas of infrastructure, transport, health, etc. Rome would have got the right to interfere into the decisions

<sup>1</sup> CNN – *BREXIT: Six Months on Survey*. Survey of 2,048 GB adults on Brexit, on behalf of CNN. <<http://www.comresglobal.com/polls/cnn-brexit-six-months-on-survey>> (2017, February, 8)

<sup>2</sup> CNN – *BREXIT: Six Months on Survey*. Survey of 2,048 GB adults on Brexit, on behalf of CNN. <<http://www.comresglobal.com/polls/cnn-brexit-six-months-on-survey>> (2017, February, 8).

<sup>3</sup> *Scottish Independence Referendum Report on the referendum held on 18 September 2014*. The Electoral Commission. December 2014. ELC/2014/02, 7 <[http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0010/179812/Scottish-independence-referendum-report.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0010/179812/Scottish-independence-referendum-report.pdf)> (2017, February, 08)

<sup>4</sup> *EU referendum results*. Electoral Commission. <<http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/electorate-and-count-information>> (2017, February, 08).

<sup>5</sup> *La Riforma Costituzionale. Testo di legge costituzionale pubblicato sulla Gazzetta Ufficiale n°88 del 15 April 2016* <<http://documenti.camera.it/leg17/dossier/pdf/ac0500n.pdf>> (2017, February, 8).

of regions and other areas in the sake of the national interest. Centralization would have helped to clearly divide responsibility between the center and regions. The proposed changes could create a risk of authoritarian tendencies, since they were apparently focused on strengthening executive power. The given reforms tended to Weber's pattern of plebiscitary democracy, when in the interest of political stability the head of state should count not on degrading parliamentary institutions, but directly on the will of the nation through plebiscites by which the proposed major government decisions are introduced. Although the draft constitutional reform was approved by parliament, Renzi decided to enlist the support of the population. To reinforce the importance of the effect of the referendum and perhaps with the desire to attract as many favorable votes as possible, he put at stake his position, announcing that in case of rejection of his proposals, he would resign. After all, Renzi failed to convince voters that the constitutional reform would significantly improve the political environment in Italy. In addition, radical political forces – Movimento 5 Stelle and Nordic League urged to vote against, hoping for resignation of Prime Minister. On December 4, 2016 the Italians rejected constitutional reforms proposed by Prime Minister of the country Matteo Renzi. Like Cameron, Renzi initiated referendum to consolidate his power, but overestimated the level of support and failed: 59% of those who took part in the referendum voted against<sup>1</sup>. As a result, Renzi lost the post of Prime Minister.

These two examples show how top-down initiated plebiscitary mechanism of decision-making, and actually playing games with voters, turned into a trap for the initiators that cost them their political career. It should be noted, that in both cases a significant role in influencing public opinion, and finally the results of referendums has been played by radical populist forces.

«Populism Trap» is probably one of the most widespread and rather dangerous traps, which can be caused by plebiscitary mechanisms of decision-making. Referendums themselves may become an instrument of manipulative populism from the side of political forces trying to gain or to hold power. As a rule, in such cases political actors appeal to the public will, though using it purely in their own interests. In the EU the populist parties built their electoral campaigns on the critics of democracy deficit in the European Union, technocracy of European political elites and appeals to implementing mechanisms of citizens' direct participation.

Turning to the above-mentioned examples of the latest referendums in Europe, one should note that the plebiscite on the UK membership in the EU not only was to solve pre-election task for David Cameron but also served as an electoral platform for increasing popularity of the Party of independence of the United Kingdom (UKIP). The proof is presented by the results of the elections to the European Parliament in 2014. The Party received 27,5% of votes taking 24 MEP seats<sup>2</sup> though in 2009 only 16,9% voted for it and the Party received 11 seats<sup>3</sup> fewer in the EU representative body. The UKIP success lies in the fact that it appeals to such widespread in the British society ideas as leaving the European Union and restriction on immigration.

In Italy, «where the abrogative referendum gives radical reformers considerable leverage, pressure from radical groups has been a primer factor in compelling reform of what had become a corrupt partitocrazia»<sup>4</sup>. The referendum as for constitutional changes has become a fail for pro-European left-centered forces. Yet, it inspired their main opponent – the populist and Eurosceptic Movimento 5 Stelle, led by Beppe Grillo. The program of Movimento 5 Stelle is oriented on creating «anti-partocratic system which should contribute to direct participation of citizens in state governing on the basis of implementing digital forms of democracy»<sup>5</sup>. The political discourse of Euroscepticism is used as a pre-election technology on whose speculation radical parties are forming their brand, optimizing electoral support and get the opportunity to enter European, national and local representative bodies. While for Matteo Renzi the referendum as for constitutional changes had mainly the meaning of legitimization of the suggested reforms project, for Movimento 5 Stelle this plebiscite became a convenient platform for increasing their popularity, attracting voters through the critics of the current authorities.

<sup>1</sup> *Referendum [Scrutini] (In complesso) – Referendum costituzionale del 4 dicembre 2016 – Ministero dell'Interno.* <<http://elezioni.interno.it/referendum/scrutini/20161204/FX01000.htm>> (2017, February, 8).

<sup>2</sup> *European Parliament. Election results. 2014. Seats by political group and Member State.* <<http://www.europarl.europa.eu/elections2014-results/en/election-results-2014.html>> (2017, March, 09)

<sup>3</sup> *European Parliament. Election results. 2009. Seats by political group and Member State.* <<http://www.europarl.europa.eu/elections2014-results/en/seats-group-member-2009.html>> (2017, March, 09)

<sup>4</sup> Bognador, V. (1994). Western Europe. In: D. Butler and A. Ranney (Eds.), (pp.24-97) *Referendums around the world: The growing use of direct democracy.* Washington D.C., USA. American Enterprise Institute Press, 95.

<sup>5</sup> *Movimento 5 Stelle* <<http://www.movimento5stelle.it>> (2017, March, 09)

Populists use Euroscepticism as an ideological platform and plebiscitary practices as an instrument of increasing their popularity at the national level. As an example one can regard the referendum which took place on April, 6, 2016 in the Netherlands as for confirming the Agreement on association between the European Union and Ukraine. The referendum had consultative and correcting character and was initiated by the group *GeenPeil*<sup>1</sup> and supported by a series of radical-right parties and Eurosceptic political forces in the Netherlands. After intensive anti-Ukrainian campaign 61%<sup>2</sup> of voters taking part in the referendum voted against confirming the Agreement. Though the referendum was not obliging, the government of the Netherlands could not but take it into account, which made the process of ratifying the Agreement more complicated.

«**Trap of Over-facilitating the Issue**». A disadvantage of referendums, besides the opportunity of their prejudiced interpretation is the fact that they lead to not common but the only opinion that ignores other visions of tackling the problem, obliges single-valued choice in solving complicated and often arguable issues. The trap lies in the fact that political actors use referendums in an attempt to defend themselves from bearing responsibility for unpopular decisions, which can cost electoral support or even political career. Though placing on referendum in July 2015 the issue of providing credits to Greece was positioned as realization of direct democracy, obviously this mechanism can be valued as an attempt of government officials to avoid responsibility for the necessity of taking decisions as for approval or disapproval to receive outer financial support and hold rigid but crucial reforms. The formulation of the question placed on the referendum was the following: «Should the plan of agreement (the order of debt paying, new system of credits and the complex of economic measures) be accepted, which was submitted by the European Commission, the European Central Bank, and the International Monetary Fund? »<sup>3</sup>. The citizens were suggested two variants of answers: «YES» (Greek – NAI) and «NO» (Greek – OXI). It is obvious that the entanglement of the question demanded a more complex approach than just placing it into the borders of binary option of choice. Having held a national vote as for the issue, which directly refer to duties of state authorities and is the sphere of its competence, the Prime Minister of Greece Alexis Tsipras shifted the responsibility for any variant of decision on the citizens and then on European institutions placing the latter into stalemate situation. Greek citizens in their majority (61,31%)<sup>4</sup> voted against the package of fiscal changes. Nonetheless, despite Tsipras's expectations the referendum results did not become an additional benefit and vice versa enhanced the creditors' demands. Greece had to turn to even wider economic measures than those which were refused by the population in the referendum: increasing and leveling taxation, reforms in pension system, increasing pension age, reducing subsidies, privatization of state actives for to recapitalization of banks and paying debts. The task of achieving economic and political stability in Greece failed. As a result, those who voted against the credit package and those who supported it found themselves in a trap of political manipulation from the side of referendum initiators and had to pay for any plebiscitary decision. The only political benefit which was received by the ruling Syriza after the referendum was the resignation of the main political opponent Antonis Samaras – the leader of opposition political force *New Democracy*.

The veto placed by the Parliament of Australia on the bill about holding referendum on legalization of single-sex marriages proves that providing the plebiscitary mechanisms of decision-making is not always efficient. Some complex or sensitive public issues cannot be solved in a bipolar framework through choice between «Yes» and «No». The bill on national vote as for legalization of single-sex marriages was initiated by the leader of the Liberal Party of Australia Malcolm Turnbull during the elections in 2016. Having become the Prime Minister Turnbull sent the bill to the Parliament (*Plebiscite (Same-Sex Marriage) Bill 2016*)<sup>5</sup>, but did not get support from the majority in the upper house. It is necessary to note that in Australia public discussion and debates as for the necessity of this referendum is rather ambiguous. There is the danger of radicalization in the intentions of certain public groups as for this issue during the agitation

<sup>1</sup> *GeenPeil*. <<https://geenpeil.nl>> (2017, March, 09)

<sup>2</sup> *Uitslag referendum Associatieovereenkomst met Oekraïne* <<https://web.archive.org/web/20160412162613/https://www.kiesraad.nl/nieuws/uitslag-referendum-associatieovereenkomst-met-oekraïne>> (2017, March, 09)

<sup>3</sup> *Ballot paper Referendum Greece July 5, 2015*. <<http://s.kathimerini.gr/resources/article-files/yhfodeltio-1.pdf>> (2017, March, 09)

<sup>4</sup> *Final results of the July 5th, 2015 referendum*. <<http://www.referendum2015.gov.gr/en/news/ellinika-telika-apotelesmata-dimopsifismatos-5is-iouliou-2015>> (2017, March, 09).

<sup>5</sup> *Plebiscite Same-Sex Marriage Bill (2016). Parliament of Australia*. <[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/bd/bd1617a/17bd022](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1617a/17bd022)> (2017, February, 08).

campaign before the referendum. Besides, the effect of majority tyranny is possible: if national vote does not support this suggestion, single-sex couples will turn out to be delegitimized in the opinion of society.

The given examples show how plebiscitary mechanisms of decision-making may have ambiguous effect for both initiators and participators of referendums. Plebiscites are often used as manipulative instruments to legitimize the confirmed decision or to shift responsibility for taking decisions as for complicated or sensitive issues on citizens. With authoritative and totalitarian leaders plebiscite may become the means of strengthening the system of personal power, elimination of political rivals and removal of opposition through solving the problems facing the regime without the participation of parliament, political parties and other democratic institutions. The worst pattern is implementing referendums with military-tactic aims. This scenario of direct democracy was used in March 2014 as for the status of Autonomous Republic of Crimea after the occupation of The Crimean peninsula by Russian troops. With breaking the procedure norms of preparation, law of Ukraine, international law and absence of observers from international organizations on March 16, 2014 in Crimea the referendum as for the status of peninsula was held. Because of impossibility to check the legitimacy of procedures and results, the referendum was not recognized by international organizations and many countries. It is symptomatic that even the position of the strong side did not enable the ruling forces of Russia (as it is clear that the scenario of Crimea annexation was prepared by the Kremlin) to avoid the trap of plebiscite for their decisions. Conflict with Ukraine, worsening of relations with many state leaders, exclusion from G8 and economic sanctions are the accompanying factors, which Russia faced after Crimea annexation, even on the condition of holding plebiscite on its territory.

While referendums are usually top-down initiated, the most widespread plebiscitary mechanisms of decision-making initiated by citizens are public initiatives and recalls. It could seem that public initiatives and recalls being grass-root practices of decision-making should be more oriented on the ideals of direct democracy. Yet, these mechanisms also have their traps.

#### **«Participatory Placebo Trap» of popular initiatives and recalls**

Petitions and public initiatives that provide citizens the opportunity to put forward proposals on relevant issues are gaining in popularity. However, regulatory and procedural ensuring of such mechanisms is extremely important. It is on whether political forces are ready to provide citizens with public access to the management, depends whether they fall into a trap of participatory placebo. In general, this procedure provides that citizens have to collect a requisite number of signatures to submit a petition for qualify a statutory measure. As an illustration, one can give an example of the European Citizens' Initiative.

Introduction of mechanism of public participation laid down in the Lisbon Treaty<sup>1</sup> – namely the European Citizens' Initiative was a response to numerous criticisms about the democracy deficit in the EU. During first years of functioning of the European Citizens' Initiative<sup>2</sup> there have been a significant public activity and interest in the possibility to influence the European political agenda. It is also symptomatic that a number of proposed initiatives concerned practices of strengthening participatory democracy. However, with almost 60 cast of these initiatives only three were registered and taken into consideration by the European Commission, including 1 (initiative project of an adequate quality of drinking water<sup>3</sup>) has a chance to be issued as a bill. Among rejected initiatives there are some that reflect social demand on improving democratic procedures in the EU. Particularly, the initiative to introduce the legislative system of the EU legal framework for referendum regardless of constitutions of Member States with the aim to make plebiscitary decisions mandatory for every branch of government of the EU<sup>4</sup>. Another quite a radical initiative is one for immediate referendum on confidence in the competence of the European government, whereby existing European structures of governance need urgent replacement by new bodies formed

<sup>1</sup> *The Treaty of Lisbon* (adopted 13 December 2007, and entered into force on 1 December 2009). <[http://europa.eu/linson\\_treaty/full\\_text](http://europa.eu/linson_treaty/full_text)> (2017, February, 08)

<sup>2</sup> *European Citizens' Initiative Official*. <<http://ec.europa.eu/citizens-initiative/public/welcome>> (2017, February, 08).

<sup>3</sup> *Communication from the Commission on the European Citizens' Initiative «Water and sanitation are a human right! Water is a public good, not a commodity!»*. Brussels, 19.3.2014 COM(2014) 177 final *European Citizens' Initiative Official* <<http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-177-EN-F1-1.Pdf>> (2017, February, 08).

<sup>4</sup> The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy (Date of refusal: 23/01/2014). *European Citizens' Initiative Official* <<http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1753>> (2017, February, 08).

democratically<sup>1</sup>. These and other similar initiatives indicate a clear dissatisfaction of the citizens of the European Union not only with supranational democratic governance, but obviously erosion of traditional mechanisms of representation of their interests at European level.

Recall is «a procedure whereby constituents have the power to remove a Member of Parliament or provincial legislature before his or her terms has expired»<sup>2</sup>. Plebiscitary recall is less common than referendums and popular initiatives, but still is an important procedure, which gives citizens the opportunity to influence the decision-makers. Recalls, in my opinion, present more a method of public control over authorities. One can indicate such positive features of recall as plebiscitary device, as it urges officials and representatives to be responsive for their constituents and can reduce political corruption. However, experts point out that recalls may threaten representative democracy and even more, «it would undermine the constitutional order of keeping the three branches of government separate»<sup>3</sup>. Recall may lead to a loss of independence for officials in the performance of their duties. Judiciary recall seems the most controversial, since the judiciary branch of power sometimes takes decisions against the will of the majority. Thus, recall can cause a «**nondecision-making trap**». Having certain fear as for recalls governors could avoid unpopular, but badly needed solutions, just to keep the voters loyal. Turning to the known precedent of an attempt of governor recall with Republican Governor Scott Walker in 2012, one should note that the political crisis in Wisconsin began after Walker sent to Congress state budget bill that would have cut benefits for members of trade unions and municipal services. Although Scott Walker still managed to carry the bill through Congress, and it came into force, initiated recall nearly cost him the post of a governor. It is important to note that since the recall is a targeted procedure it can be used as an instrument of political pressure or struggle against political opponents. Marivaki notices that «the heavy influx of out-of-state contributions during the 2011 Wisconsin gubernatorial recall and the 2013 recalls of two state senators indicate that outside interests played a major role determining the success of the recall efforts; as a consequence, the original intentions behind the attempts to recall these officials are questioned»<sup>4</sup>. Thus, despite efficient mobilizing and educative functions of grass-root plebiscitary practices, they are not deprived of the danger for those who decide to get into the trap of unpredictable consequences or effects of participatory placebo.

### Conclusions

The presented review of ambiguous effects of implementing plebiscitary mechanisms of decision-making is definitely not exhaustive. Every plebiscitary procedure, whether it is referendum of public initiative or recall, is an important element of citizens' participation in political life. Still, as overall studies and case-studies prove, each of plebiscitary procedures may have disadvantages and cause poorly predicted effects. At the same time, a trap in which participants of any plebiscitary procedure may find themselves is conditional context in which it is held. Plebiscitary decisions are, as a rule, oriented on long-term results. But the conditions under which they are initiated and held is a key for understanding whether a concrete plebiscite is a real means of implementing the public will in favor of society or it is one of enormous manipulative instruments of receiving electoral loyalty by certain political forces.

Plebiscitary precedents viewed in the article reveal that the mechanisms of political representation, particularly in Europe, are not sufficiently effective in terms of citizens. The mechanism of representation embodies an important relationship between the will of the citizens and the will of representatives in parliament, which, in its turn, should provide efficiency of representative democracy and legitimacy of taken decisions. However, changing of political space of large social groups in the last decade has serious consequences for relations between representative bodies and citizens. Partly it has happened due to the transformation of employment structure: exit from the labor market of metiers, in which the labor organizations arose that provided support for the political demands of the masses, led to marginalization

<sup>1</sup> To hold an immediate EU Referendum on public confidence in European Government's (EG) competence (Date of refusal: 29/10/2013). *European Citizens' Initiative Official* <<http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered/details/1634>> (2017, February, 08)

<sup>2</sup> Marquis, P. (1993). *Referendums in Canada: The effect of Populist Decision-Making on Representative Democracy*. Background paper (Ottawa, Ont.), 6; BP-328E. Parliamentary Research Branch <<http://publications.gc.ca/Collection-R/LoPBdP/BP/bp328-e.htm>> (2017, February, 08)

<sup>3</sup> Merivaki, T. (2016). Initiative, recall and referendum. *American Governance*, 72. <[https://www.researchgate.net/publication/292762593\\_Initiative\\_Recall\\_and\\_Referendum](https://www.researchgate.net/publication/292762593_Initiative_Recall_and_Referendum)> (2017, March, 11)

<sup>4</sup> Merivaki, T. (2016). Initiative, recall and referendum. *American Governance*, 74. <[https://www.researchgate.net/publication/292762593\\_Initiative\\_Recall\\_and\\_Referendum](https://www.researchgate.net/publication/292762593_Initiative_Recall_and_Referendum)> (2017, March, 11).



of the working class and the fragmentation of the population to other professional groups. Many of them did not manage to maintain an independent position in the political field, which significantly limits the articulation of collective goals. Becoming outsiders of global economy, employees see the root of their problems in migrants' entering the labor market and the lack of protection of their interests at the side of the ruling elites. These categories are often subject to political manipulation and grace field of electoral support for populist parties.

Plebiscitary mechanisms not always can guarantee sufficient expression of public will. The tendency of its spreading is a part of system problem of delegitimation of representative democracy, accompanied by decrease in efficiency of governments and loss of trust towards parliaments as transmission tools for public interests. It is obvious that success of plebiscitary procedures mainly depends on the level of trust of citizens towards the person who initiates plebiscite and the condition context. Even under favorable conditions, plebiscites may cause a trap and instead of the expected good for everyone, they can bring tension into society, risks of majority tyranny and harassment of those who supported the alternative variant, strengthening pre-centered authoritarian tendencies and spreading radical populism. It is important that in contrast to the decisions taken by representative or executive authorities, which can be corrected or canceled immediately, plebiscitary decisions cannot be ignored or just canceled at once. Despite potential risks, plebiscitary mechanisms of decision-making, along with ensuring direct expression of citizens' will, still have strong enlightening effect for both its initiators and participants.

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