

Pre-chewed Politics

Should the UK make greater use of referendums?

Yes – Referendums can provide a mandate that the Government can lack.

Turnout in the 2015 General Election was 66.1%. Although this is slightly higher than in 2010 (65.1%) and 2005 (61.4%), it is arguably still worryingly low, as it leaves the government with a weak mandate. The current Conservative majority Government was supported by just 24.4% of potential voters, making it hard to claim that a majority of the public has actively endorsed its manifesto policies. Referendums can provide a much clearer mandate.

However... turnout in referendums can be even lower than general elections, giving an even weaker mandate.

Turnout for the 1975 referendum on the UK's membership of the EEC was 63.2%, which is close to recent general elections. However, during the 1970s, general elections received turnout as high as 78.8% so it is clear that, even at a time of high participation, referendums received less public participation. At the other extreme, not only did only 50.1% of the Welsh electorate participate in for the 1997 Welsh Assembly referendum, but the 'yes' campaign won by the extremely narrow majority of 50.3%. Only a quarter of the electorate endorsed this substantial constitutional reform.

Yes – Referendums are 'pure democracy', and encourage political participation and engagement.

One of the reasons often suggested for why turnout is low in general elections, is that voters living in safe seats, and supporters of third parties, have little real opportunity to make their voices heard. It is argued that few people join political parties because members have little influence over policy decisions and candidate selection. In contrast, referendums give everyone an equal voice, without concerns about broken manifesto promises or wasted votes. The 2014 referendum on Scottish independence had 84.5% turnout, suggesting that people are willing to participate when they feel that their vote counts. The last UK general election to have turnout this high was in 1950 (83.9%).

However... referendums can also be very costly, and do not necessarily lead to greater political participation.

Holding a national referendum can cost around £120 million, similar to the cost of holding a General Election. It would be impractically expensive to hold them more frequently. While it is hoped that the greater use of direct democracy would lead to more political engagement, some political commentators have raised concerns that the large number of referendums and elections held in the US has led to 'voter fatigue', where the sheer number of votes detracts from their significance and lowers turnout.

Yes – Referendums can effectively 'entrench' significant constitutional reforms.

While *constitutionally* Parliament is sovereign and able to make or repeal any laws, it would be *politically* difficult for the government or Parliament to ignore the result of a referendum. The devolved assemblies in Scotland, Wales and Northern Ireland, which were established after successful referendums, could technically be repealed by Parliament. But this is extremely unlikely unless the public approved the decision in another referendum. It is arguable that given the flexibility of the UK constitution, this is an important check on the government's power.

However – referendums also undermine representative government and the flexibility of the UK constitution.

Some would argue that Parliamentary sovereignty, and the flexibility of our constitution, is an important asset. Elected representatives are expected to make informed decisions that are in the long-term national interest. If governments make poor decisions, they will be held accountable at the next election, and a new government can address the mistakes. However, referendums lack this flexibility. In 1978, voters in California approved a constitutional amendment that massively cut property taxes. Then, in 1988 Californians voted to increase spending on public schools. Lower taxes and higher spending meant increasing state debt. However, voters, rather than politicians were accountable.

Yes – Referendums can address issues that politicians are reluctant to take action on.

In the UK referendums are used solely for constitutional questions, but, in the US, they are used much more broadly. In November 2012, multiple states in America legalised gay marriage and the use of marijuana through public votes, which were triggered by an initiative process where the public collects signatures. These are issues that the main political parties have often been reluctant to comment on because they are divisive and they fear losing voters.

However... referendums on social issues can lead to a 'tyranny of the majority'

Many US states have an initiative process, allowing the public to trigger referendums by collecting signatures. Some states have seen referendums that have taken away the rights of minorities. In 2008, Californian voters approved a constitutional amendment that defined marriage as being between a man and a woman, overturning a decision by the Californian Supreme Court that had defended gay marriage. It is arguable that elected representatives are more likely to consider and protect the rights of minority groups, as was seen when the courts repealed the proposition in 2013.

Yes – Referendum debates educate the public on important political issues.

Part of the role of the Electoral Commission is to send out information to educate the public so that they can make a more informed decision. For example, for the 2011 AV referendum, the Electoral Commission sent out information explaining how the AV and FPTP worked. The media coverage of the referendum and the materials produced by the various campaigns expose voters to further evidence and arguments to inform their decision. The referendum on Scottish independence in 2014 had significant media coverage, and both campaigns went to great lengths to explain to Scottish voters the economic and social benefits of the union, or independence.

However... referendums can oversimplify complicated issues that are better left to elected representatives.

The real meaning of voting 'yes' or 'no' in the 2014 Scottish Independence referendum was often far from clear. Would an independent Scotland be able to use the pound? Would it be a member of the EU? These questions were not given clear answers, making it very difficult for voters. Similarly, both the 'remain' and 'leave' campaigns in the 2016 EU referendum have made claims that fact checkers have found to be extremely misleading. Well-researched predictions have often been presented as objective facts, which can make it very difficult for confused voters. At times, unrelated issues can dominate referendum debates. At times, the 2011 AV referendum centred on the fact that the Deputy Prime Minister Nick Clegg supported the reforms, rather than the actual merits of AV and FPTP.

Yes – Referendums can settle controversial issues in a more decisive way than Parliament could alone.

The Northern Ireland Good Friday Agreement referendum in 1998 had both high turnout (81%) and a decisive victory for the 'yes' campaign approving the agreement (71%). This gave far greater weight to the agreement, which confirmed the status of Northern Ireland as part of the UK and laid plans for the devolved Northern Ireland Assembly. It is arguable that by allowing a referendum on the European Economic Community in 1975, our membership was then considered to be more legitimate. By comparison, the controversial Lisbon Treaty, which made substantial changes to our relationship with the EU, was not approved with a referendum and has been challenged ever since.

However... referendums cannot settle controversial issues forever.

Referendums on creating a Scottish Parliament and Welsh Parliament were both defeated in 1979. However, this did not settle the issue. Referendums were held again in 1997 and this time the devolution plans were approved. But again, this did not settle the issue. A referendum was held in Wales in 2011 to give the Welsh Assembly further powers over legislation, and in 2014 Scotland narrowly voted against independence, and so further referendums seem likely. While the result of the 1975 EEC referendum has stood for over 40 years, this did not stop Eurosceptics from campaigning to leave, and they have successfully secured another EU referendum in June 2016.

No – Referendums are open to manipulation by the government.

The government can control the timing, the question, the options on the ballot paper, and the threshold for victory. The 2014 Scottish independence referendum was a yes/no question on independence, even though many Scottish voters wanted a third option for 'greater devolution'. This was arguably because the First Minister of Scotland, Alex Salmond, favoured a 'yes' vote, while the Prime Minister favoured a 'no' vote.

However... The Electoral Commission goes some way to ensure referendums are fair.

The Electoral Commission has a responsibility to monitor referendum questions and to advise when they are biased or unfair. In 2013, they rejected Alex Salmond's preferred question of "Do you agree that Scotland should be an independent country?" They argued that the word 'agree' unfairly encouraged people to vote yes. The watchdog instead recommended the question "Should Scotland be an independent country? Yes / No."

No – Referendum campaigns are unlikely to be evenly resourced and can be dominated by elites.

In the 2011 AV referendum, the 'yes' campaign spent £2.2 million, but the 'no' campaign spent £3.4 million. Critics argued that such a financial imbalance makes it unlikely that voters hear a balanced argument. In the 2016 EU referendum, the 'leave' campaign argued that the 'remain' campaign had an unfair advantage, because the Government, and the full weight of the civil service supported it. Although collective responsibility was suspended, the civil service was banned from helping Eurosceptic cabinet ministers with activities connected to the 'leave' campaign.

However... Recent reforms have introduced financial support and greater transparency over donations.

Each lead campaign is now given a grant of up to £600,000 and is also entitled to free postage of their campaign materials to each household. While the campaigns can still collect donations, any larger than £7,500 must be disclosed to the Electoral Commission so that funding is transparent. The Political Parties, Elections and Referendums Act (2000) also prohibits the government from publishing *any* "promotional material" that supports a particular referendum outcome during the four week purdah period prior to the actual referendum date.