



# A Closer Look at Referenda

FRED HARRISON

THE HISTORICAL timidity of public discussion in the United Kingdom has cracked over this country's quest to join the EEC. This, however, has little to do with the idea that the people are finally becoming "politically conscious," as Marxists would put it; rather, it is an inevitable response to the sheer magnitude of the implications—social, economic and constitutional—involved in our joining the community of the Six. One subject that the politicians are anxious to exclude from debate, however, is that of holding a referendum on the issue. The people, say our leading parliamentarians, do not have the *right* to bind the government of the day by voting overwhelmingly one way or the other.

Is such opposition to referenda opposition to democracy *per se*?

One might begin the reply by saying that referenda are redundant in a system such as ours *if* the political parties offer a choice of competing policies to the electorate and *if* the other, extra-parliamentary groups and institutions—the pressure groups—are sensitive to the opinions and needs of the public. If this is not the case, there is an argument for a limited role for referenda.

Traditionally, there are two reasons why people are attracted to the use of referenda:

(1) It offers the tantalising prospect of mass participation on the Athenian City State model—based, as it were, on a purer form of democracy than the later institutional arrangements that adopted that label.

(2) It offers supplementary expression of public opinion on particular issues during the years between elections, particularly where no clear election mandate was given on an important issue, and where the issue is one of vital consequence to the nation, such as a constitutional matter.

The following is the case put forward against referenda:

- Issues are often not capable of being reduced to

such simple terms that a straight "Yes" or "No" would be appropriate; many people would want to qualify their opinions—a "yes, but . . ." response which cannot be accommodated on a referendum form.

- For the public to be competent to respond, they would have to be educated in the facts and opinions on the issue at stake. Who would supply the necessary information? Political parties, pressure groups, bureaucrats? Manipulation of opinion, it is argued, becomes possible.

- Referenda can be misused as instruments for unscrupulous governments or individuals seeking the endorsement of the public in order to claim that they hold power legitimately—an endorsement that might not be so readily granted by a wily assembly of representatives of the people.

- The system of referenda belittles the role of leadership, by-passing the normal methods of public debate and thus is likely to give rise to conservative, timid reactions.

- If used on a large scale, referenda would make orthodox democratic government unworkable. Many considerations have to be taken into account in making single decisions and paid politicians are those best placed to discharge this function, whereas individuals concerned with group rather than national interests are likely to produce responses inappropriate to the occasion.

- Historically, referenda have received poor support on the Continent. And the poor turn-out of voters gives rise to doubt that the public "will" has been expressed.

- The use of referenda would undermine the moral nature of the state and its political institutions, for it implies widespread distrust in leaders.

The last two points come from Laski's "Grammar of Politics." The first, concerning the lack of support for referenda, has not been borne out by recent experience in



France, the turn-outs for referenda having been as follows:—

1958	85 per cent
1962	77 per cent
1969	80 per cent

Further, this carries no weight as an argument in favour of the rejection of direct participation and consultation, unless the lack of interest is caused by something other than the frigidity of existing political institutions. If, as I contend, people are unresponsive because of a feeling of estrangement from their political "masters," then this is good reason for the kind of shake-up that would follow from the use of referenda.

On his second point, Laski observes: "The remedy for an inadequate legislature never lies in the mere multiplication of machinery. That problem is a moral issue, where mechanical checks are out of place." Unfortunately he does not show any way of changing this moral condition without recourse to the multiplication of machinery.

(Laski, of course, was at one stage in his professional career anxious to reduce further the number of machines in the liberal democratic system: specifically, to suspend even regular elections, once a socialist government had got into power, for fear that the unenlightened electorate would switch allegiance to another party!)

Let us take next the alleged difficulties of informing the masses of the issues at stake. Parliamentarians, it is said, have wider access to the facts upon which reasoned decisions can be made. My retort is this: what use is all this (even if it is true) if the Members of Parliament are then ordered to vote according to the wishes of their party bosses, irrespective of their own views? Free voting is a rarity in the House of Commons.

Then we have the point that people are more likely to be reactionary than legislators. Examples frequently cited for this curious idea are that, left to the masses, we should still be hanging criminals and locking up homosexuals and women would not have won the suffrage. There is inconsistency among the anti-referenda brigade on this point. Dorothy Pickles, for instance, in her recent



book on *Democracy*\* cites the alleged conservatism of the masses *vis-a-vis* their legislators, and then elsewhere in the book is confident enough to assert: "Representatives tend to reflect the natural conservatism of the majority of their electors."

(By the way, am I wrong, or did women have to chain themselves to the Westminster railings, and work like trojans in field and factory during the first world war, before they "proved" themselves to the enlightened men of Parliament?)

We should now consider the claim that the present system sufficiently represents the public will.

Political parties in general do represent the wide spectrum of mass opinions. Unfortunately, the power lies with a handful of Cabinet ministers, and far too infrequently do they allow MPs to express their own opinions, and those of their constituents, when voting in the Commons. Further, the different parties offer a very narrow choice of competing policies, so the choice of the electorate is limited.

Pressure groups, say those academics who have studied the British pluralistic approach to constitutional government, may be more important than political parties representing minority views. Again, this system is far from perfect; leaders of major groups become bureaucratized and join the ranks of "them" rather than remain with "us." Further, the range of groups favoured with direct access to Whitehall and Westminster is narrowly limited, which means that huge segments of public opinion are neglected in the daily processes of governmental consultation with "citizens."

By what criteria, then, can we judge referenda to be a valid method of supplementing the existing processes of government? I offer two:

(1) *Where no coherent political leadership is offered.* For instance, the threat of disintegration of a society through the sterility of political leadership warrants recourse to public opinion. De Gaulle came into power in 1958 when France faced such a situation, and his use of referenda proved a successful method of binding the nation together when, beginning with the Algerian issue, it threatened to split apart in civil war.

(2) *Where political parties and leaders offer no choice.* Where the electorate are as one with political party opinions, the question of choice does not arise. Where, however, there is evidence that the people are opposed to the unanimous views expressed by politicians, then would be a time to invoke a referendum.

An example of this latter criterion is the current situation facing the UK over joining the EEC. The three political parties support entry on some terms; yet, according to opinion polls, the majority of British citizens do not favour joining. Is there, then, not a clear case for a referendum, if parliamentary democracy is about representation of the people?\*

There will be controversy over what is meant by "representation" of the people. Mr. St. John-Stevs does not consider it to "consist in a timid and unimaginative following of public opinion but in shaping it creatively towards great ends." This is an interesting point. Did

\*B. T. Batsford Ltd., London, 1970.

\*A choice of terms is no real choice.



our politicians who decided not to join the EEC at its inception behave timidly and unimaginatively? And why should we assume that the change of mind has turned our parliamentarians into purposeful and imaginative beings?

I do not, however, believe that the ordinary citizen's interpretation of democracy is that of someone else moulding his opinion creatively to ends great or small. This may well be what happens—indeed I believe it to be the case—but the ends are usually small, rather than great.

The above criteria are minimum conditions for a system of referenda; they do not specifically allow for a referendum to be held on, for example, a major constitutional change, which many people would argue ought to be the subject of popular consultation.

We cannot pretend that this system does not pose problems. For instance, how much public opposition to the unanimous view of the political parties ought to constitute a sufficient basis for a referendum? Fifty-one per cent? Seventy-five per cent? And how should this feeling be gauged? By the far-from-perfect method of opinion polls?

However, these difficulties are hardly insuperable.

There are times when even holding a General Election is not an adequate substitute for a referendum. General Elections are imperfect guides to what the broad mass of the public thinks on a single issue, for the simple reason that the electorate is not, in the words of Peter Pulzer,\* "as rationalist utopians once thought, in a state of perpetual choice. On the contrary, most political allegiance seems to be a matter of habit, and it is here that the psychologists' and sociologists' explanations become relevant." The most important factor in British voting is social class, and the narrow margins within which party allegiance fluctuates testifies to the rigidity of that allegiance. True, one-third of the working class votes Conservative, which seems to be strong evidence against the argument that the political parties appeal to voters on a class basis, but this point is irrelevant here—the important factor is that this one-third votes *consistently* for the Tory party.

Habit, therefore, can distort individual choice when it comes to voting at a General Election.

We hear much about the misuse of referenda by historical figures who used them as convenient instruments to further their self-aggrandisement. But the critics conveniently forget that these authoritarian characters emerged in times of instability, and were a consequence of—not the cause of—the civil instability; their misuse of referenda was a by-product, which cannot be invoked in discussions of their use within a constitutional system where the rules of the game are accepted by all.

Finally, we must consider the demonstrable apathy shown by the majority towards matters political and ask if this is sufficient evidence that people do not want

direct participation in any form.

Two principal explanations are offered for such lethargy. One is that, given the high rising living standards people feel no need to press any further. The other is that people have retreated in the face of the increasingly complex issues that can be handled only by experts.

The first contention is wholly unconvincing: there is no evidence that people are complacent and contented with their lot—rather, the strikes and the increasing expressions of discontent from quarters (like the civil service) which are traditionally mute would seem to indicate the contrary.

The second has substance to it; the so-called specialists run so much of our lives that the ordinary citizen is excluded from participation on the grounds that he is untutored in perplexing matters of state. *Ergo*, the layman is estranged from the political processes.

It is true that the layman cannot evaluate the intricacies involved in technical problems; often, as in the case of the EEC, neither can the so-called experts. But this is beside the point; the point is that, while the layman would not want to usurp the function of the expert, he would say that experts ought—in a democracy—to be allowed to take decisions only in the light of revealed public preferences.

The expert's role, *per se*, stops at the point where he can—or ought to, in a democracy—brief the public on the options open to it. And referenda, appropriately used, are a legitimate instrument for gauging those preferences.

When Parliaments claim to be superior to the people, then they are not drawn from the people and are therefore not representative of the people.

When Parliaments claim to be better informed than the public, then the process of education, which J. S. Mill considered so important a feature of democracy, has been eliminated.

When Parliaments claim to have goals which are not those of the people, then they are not in harmony with the people.

The people, given these circumstances, have open to them no *choice*—the key feature commending a liberal and free democratic system of government.

Such Parliaments, then, should be eliminated as anti-



democratic, even if the process has to be accomplished through a plebiscitary "tyranny" of the majority. For is there any special virtue in a tyranny of the minority?

\**Political Representation and Elections in Britain*, George Allen and Unwin, London 1967.