

Debate

Designing Popular Vote Processes to Enhance Democratic Systems

ALICE EL-WAKIL AND FRANCIS CHENEVAL

The objective of our introductory essay (Cheneval and el-Wakil 2018) was twofold. First, we wanted to propose a concise case for a specific referendum design that could win the support of democratic theorists, namely binding bottom-up referendum processes. This aim seems to have been partly reached: five of our six respondents appear to agree that such processes could be valuable in democratic systems (Chambers 2018; Chollet 2018; Landemore 2018; McKay 2018; Moeckli 2018). All of them insist, with good reasons, that our case is incomplete, and introduce important and engaging considerations regarding to what democratic theorists need to pay attention when discussing the institutional design of popular vote processes. As such, our essay also appears to have advanced its second, more programmatic objective, namely to launch a normative discussion about the institutional design of popular vote processes in this Debate.

Hopefully, the discussion will continue well beyond it. The contributions gathered here are proofs, if need be, of the necessity to intensify normative debates about the way in which we should implement popular vote processes in our democratic systems. Therefore, we wish to take this opportunity to write the final words of this Debate to highlight aspects of the present discussion that could inform future research. We only briefly give in to the temptation to react to our respondents' many inspiring comments and objections to our initial argument by offering some clarifications in the first section. We then build upon their call for including more aspects of institutional design into the discussion and propose a systematic descriptive classification of the lines of variation along which the design of popular vote processes usually varies. We conclude with some reflections raised by the discussion about how to approach normative questions related to the institutional design of popular vote processes.

Some Clarifications

The contributions gathered in this Debate highlight the need for us to provide some clarification about our introductory argument. First, one passage of our introductory essay has puzzled our respondents, namely our statement that “completely undesirable outcomes need to be excluded beforehand by restricting the scope of majoritarian government” (Cheneval and el-Wakil 2018: 296). Simone Chambers, Richard Bellamy and Daniel Moeckli in particular wonder about what we mean with “completely undesirable outcomes.” Chambers (2018) and Moeckli (2018) agree that these should at least include outcomes that preclude the preservation of the legitimate context necessary to hold referendums at all. We endorse this widespread, minimal understanding of the substance

that democratic systems should produce (el-Wakil 2017) – at the risk of making our argument more vulnerable to Antoine Chollet’s de-politicization objection (2018). We agree with him that institutions alone cannot guarantee a “constitutionally safe-space” (see Chambers 2018: 306), and that practices play an essential role in the preservation of democratic values; yet we consider that this is not a reason not to take into account the desirability of formal protections to some fundamental aspects of democratic systems when we make recommendations about institutional design.

Chambers (2018: 305–307) goes on to argue that our statement is problematic because referendums precisely endanger such safety restrictions, especially when combined with “populist majoritarianism.” She rightly insists that constitutional initiatives can aim at modifying such protections against undesirable outcomes. She also mentions recent and planned referendum votes in Turkey or Poland, which show that the same can be true for top-down constitutional referendums. These concerns are certainly worth considering; but, if valid, they apply to top-down referendums and constitutional initiatives, not to our proposed design. Because their scope can only be legislation adopted by elected representatives, bottom-up popular vote processes rather provide an additional chance to refute a decision to change the constitution by elected representatives compared to purely representative systems (Cheneval and el-Wakil 2018). In addition, such scenarios mainly occur in “semi-authoritarian and authoritarian” political systems (Qvortrup 2017: 142) (with dangerous actors brought to power by elections, not by popular votes), which raises a range of new questionings that were left out in this Debate centered on democratic systems, namely systems characterized, *e.g.* for Nadia Urbinati (2006: 39), by “robust local autonomy and freedom of speech and association as well as some basic equality of material conditions.”

Second, we would like to comment on Bellamy’s (2018a) argument against referendums holding that they introduce domination by issue specific majority voting as opposed to taking into account the preference ranking of all parties in parliamentary compromise. The model presented by Bellamy is formally correct, but the problem with such formal examples is that they are also applicable to the election of representatives where there is always a choice between more than two candidates. If taken seriously, this formal argument represents a fundamental critique of democracy as collective choice of more than two options (issues or representatives), not only of bottom-up and binding referendums (Riker 1982). Democracy can be defended against these critiques on formal and empirical grounds, mainly by showing that the formally difficult constellations very rarely occur (Mackie 2003). This, however, is beyond the remit of this Debate. With regard to our topic, while it might be true that compromise is easier to achieve in parliament than in society at large, the dichotomy is wrong from a procedural point of view. As Antoine Chollet (2018) and Spencer McKay (2018) mention in this Debate, the existence of a right of sizeable minorities to trigger referendums establishes a threat of referendum *ex ante* in parliament. In order to avoid the referendum or win it if it takes place, representatives are incentivized to strike compromises that are broader than the ones they need to reach in view of attaining only a simple majority in parliament (Linder 2005; Neidhart 1970; Sciarini and Trechsel 1996). In Bellamy’s (2018a) terminology, bottom-up referendums can thus reduce domination in comparison to simple majority voting in parliament.

Finally, despite possibly misleading formulations in our piece, our argument should not be understood as an argument that *only* bottom-up and binding referendums can enhance democratic systems (Chambers 2018; Moeckli 2018; McKay 2018), as we note in several places (Cheneval and el-Wakil 2018). Rather, we claim that, when thinking about

institutional design, there are good reasons to favor bottom-up processes over the two other existing referendum processes, and binding over consultative decision rule.

Lines of Variation in the Institutional Design of Popular Vote Processes

Our essay proposed to adopt a differentiated conception of popular vote processes that accounts for variations among different processes. We presented the two lines of variation that enable to differentiate the four main popular vote designs, as highlighted in Table 1: the origin of the text voted on (elected authorities or nonelected minorities), which enables to differentiate initiatives and referendums; and the trigger of popular vote processes (constitutional requirements, elected majorities, or nonelected minorities), which differentiates three kinds of referendums.¹ We also introduced a third possible variation, namely the legal bindingness of the outcome of the vote.

Our respondents offer helpful considerations about other ways in which popular vote processes differ from one another, and insist that these other lines of variation impact the normative judgments we can make about these processes and the extent to which they enhance or threaten democratic systems. We here propose to build upon their suggestions and upon the broader literature on popular vote processes, both normative and empirical, to offer a more systematic account highlighting seven general lines of variation along which specific implementations of initiative and referendum processes differ, which add to the two specified in Table 1.² The list, summarized in Table 2, might not be exhaustive; in particular, further dimensions for each line of variations may need to be included. Nevertheless, we believe that our account provides clarifications and tools for future normative debates – and for increased dialogue between normative and empirical research.

First, some processes are regulated by a pre-existing, stable legal basis, while other ones are not (Suksi 1993: 29; Uleri 1996: 6, 12). A pre-existing legal basis is a requirement for the three processes that are not triggered by the governing majority of elected representatives, namely mandatory referendums, bottom-up referendums and popular initiatives. In these cases, constitutional or standard law generally specifies what needs to be done for any of these processes to be triggered, and what triggering them entails. In contrast, top-down referendums can either be based on pre-existing regulations, in which case they are “pre-regulated” or organized in an *ad hoc* way, “held at the discretion of a particular political agent without pre-existing legal norms” (Setälä 2006: 705). The *ad hoc*

Table 1: Four Main Popular Vote Processes

		Trigger		
		Constitution	Governing majority	Nonelected minorities
Origin of text	Elected representatives	Mandatory referendum	Top-down referendum	Bottom-up referendum
	Nonelected minorities	-	-	Popular initiative

¹ See our introductory essay for more on our choice to replace the traditionally used “citizens” by “nonelected minorities” (Cheneval and el-Wakil 2018).

² We leave Chollet’s call for introducing mandatory voting (2018) out of consideration here, as it is a general electoral requirement not immediately linked to the regulation of popular vote processes.

Table 2: Lines of Variation of Popular Vote Processes

	Yes	No
1. Legal basis		
Pre-existing legal basis	Pre-regulated	<i>Ad hoc</i>
2. Scope		
Issues of popular votes (legal nature, level of specificity, issue)	-	-
Law implemented or not	Abrogative	Rejective
Unity of substance	Yes	No (Packages)
3. Trigger requirements		
Approval by another actor (parliament, courts)	Yes	No
Time available for signature collection	-	-
Signatures threshold	-	-
4. Time		
Triggering moment	Yes (Specified)	No (Unspecified)
Date of the vote	Yes (Specified)	No (Unspecified)
Time in longer decision-making sequence	-	-
Frequency of popular votes	Yes (Specified)	No (Unspecified)
5. Ballot		
Question design	-	-
Various ballot format (yes/no, proposal/counter-proposal, multichoice, preferendum)	-	-
Limitation of number of issues	Yes	No
6. Information		
Campaign finance regulations	Yes (Specified)	No (Unspecified)
Provision of information regulations (by whom, how, what information)	Yes (Specified)	No (Unspecified)
7. Decision rule		
<i>Status quo</i> preserving	Yes	No
Outcome	Binding	Non-binding

character does not mean that there is no regulation whatsoever, as elected representatives generally adopt one-time regulations for a specific popular vote.

Second, popular vote processes can vary in their scope, namely in terms of the issues that can be voted on – or, as Moeckli (2018) writes, be excluded from popular votes. He and Chambers mainly highlight the distinction between popular votes on constitutional matters and popular votes on standard legislative issues, thus emphasizing variations in the legal nature of the texts voted on – which can also at times include fiscal or administrative law (Geissel 2016: 663, note 1; Guillaume-Hofnung 1994: 22; Smith 2009: 112). Chollet (2018) also insists that parts of laws can be put to a popular vote in “constructive referendums,” and McKay (2018) that, for popular initiatives, issues put to the vote can also include a counterproposal to the initiative committee’s text offered by elected representatives. A final dimension regarding the legal nature of texts put to the vote applies to bottom-up referendum processes only. It distinguishes between “abrogative” popular vote processes on texts that have already been implemented and “rejective” processes on texts that can only be implemented if they are accepted in a popular vote (the kind of referendums we proposed to defend) (Setälä 2006: 706). The scope of popular vote processes also varies according to their level of specification (e.g., is

it a general proposal as in Brexit, or a fully prepared law as in the Italian Constitutional referendum?) (Parkinson 2012: 162; Uleri 1996: 2), or their topic, with researchers asking whether they deal with moral issues, issues related to the functioning of political systems, more routine matters or objects causing deep disagreement in a specific context (Butler and Ranney 1994: 2–3; Levy 2017: 216, 219; Sinnott 2002: 812) – or, in the case of the European Union, whether they are “membership” or “treaty-ratification referendums” or “cooperation referendums” (Mendez et al. 2014: 23–27; Walter et al. 2018: 2). A final dimension of the scope line of variation regards what counts as “one” issue that can be voted on in one ballot question. The literature distinguishes between votes on “packages,” which bind a number of different measures together (Chambers 2001: 251), and votes on single measures. In the latter case, the issues put to the vote respect the so-called principle of unity of substance (Reidy and Suiter 2015: 161).

The specific requirements to trigger a top-down referendum, a bottom-up referendum, or a popular initiative constitute a third line of variation. Regarding top-down referendums, Moeckli (2018) insists in his response that triggering requirements can leave more or less discretion to governments in organizing referendums. Depending on cases, governing majorities have to obtain the support of the parliament or of courts to launch a referendum process. For popular vote processes triggered by nonelected actors, the number of signatures and the time available to collect them are the main aspects of variation. According to Altman’s (2011: 18–19) study of popular vote procedures worldwide, the number of signatures varies between two to three percent to twenty-five percent of the population for popular initiatives, depending on the country. In this Debate, Chollet (2018) argues that the signature requirements should not exceed one percent of the voting population, and we suggested that the signature threshold should be low enough so it can be reached by a variety of minority groups. Signature collection processes can also differ in that signatures can be collected online or not, or in that a first threshold has to be reached before the final deadline to trigger the popular vote process. This was for instance the case in the (now abolished) Dutch bottom-up referendum process, where the triggering committee had to first gather 10’000 signatures within four weeks to be able to continue on a second phase and collect 300’000 signatures within six weeks (Nijeboer 2016).

A fourth line of variation concerns the time aspect of popular vote processes. Institutional designs differ in terms of specifying or not when popular vote processes can be triggered. Rejective bottom-up referendums can for instance only be launched at one specific moment of the law-making process, namely right after the elected authorities have adopted the law that minority groups wish to challenge in a popular vote. Processes also differ according to whether they specify when popular votes should take place (Lacey 2017: 24; Parkinson 2001: 410). This can vary depending on the kind of popular vote process: in top-down referendums, elected authorities generally preserve a larger room for maneuver to set the date of a specific popular vote (Parkinson 2001: 409), while the votes in bottom-up referendums are generally “held within a certain time limit” after having been successfully triggered (Setälä 2006: 706). Another dimension concerns the moment of a popular vote in the longer decision-making sequence about an issue, with some designs preceding the legislation moment by elected representatives and serving to set the principles that the authorities should follow, and others taking place after the legislative process among elected representatives (Saward 2001; Setälä 2011). Finally, some popular vote regulations specify the frequency of popular votes (Mendelsohn and Parkin 2001: 5; Smith 1976: 5). In some U.S. states they only take place once a year, while in Switzerland national level popular votes can be organized four times a year.

Fifth, popular vote processes regulate the questions to which voters have to answer in different ways. They vary in terms of which actors can select the question that will be put to the vote, or demand that this question be changed (Parkinson 2001: 410). Depending on the question, the options that appear on voters' ballot vary as well. Most of the time, as mentioned in the introductory essay, questions put to a popular vote must be answered by yes/no, with one option generally being the *status quo* and the other the adoption of a new regulation or principle. We argued that such binary ballots have advantages for public debates. Occasionally, voters have to choose between a proposal and a counter-proposal and need to determine which one they prefer in case of acceptance of both, as mentioned by McKay (2018). Chollet (2018) highlights the existence of more innovative propositions, such as multiple-choice ballots, to which we add "preferendum" ballots in which citizens could distribute a number of points to rank several options presented to them (Smith 2009: 130–31), or ballots including justifications for voters' decision (Vandamme 2017). A further dimension of this line of variation is the length of the ballot form, namely the number of issues put to the vote simultaneously. Some procedures limit this number, while others do not – as for instance in California (Gerber 1999: 16). Furthermore, in certain cases, voters must vote on issues and elect their representatives at the same time.

The sixth line of variation concerns the provision of information to voters in the campaign preceding the vote. One of its dimensions concerns campaign finances. Different institutional designs set different regulations regarding the following questions (LeDuc 2015, 145; Reidy and Suiter 2015; Smith 2009: 135;): can public funding be used for the authorities' campaign? Should the authorities fund the campaign of other parties or interest groups? Must campaign expenses of parties or civil society groups be transparent to the public? Is there a limit to campaign expenses of each campaigning side? In his response, Chollet (2018: 346) insists that "budgets of campaigns should be controlled and limited, and at the very least monitored (so citizens would be able to know who pays what in the campaign)". Another dimension of this line of variation concerns who can provide citizens with what information on the issue(s) put to the popular vote. Some designs require elected authorities to provide all voters with sufficient information to gain a certain level of knowledge on the issue. Regulations can specify of what this information should consist, for instance whether it should be objective or partisan, what actor(s) should write it and make it available, and how it should be distributed (Saward 1998, 115). Particularly concerned with the deliberative quality of popular vote processes, Chambers (2018) and Landmore (2018) both recommend coupling popular vote processes with Citizens' Initiative Review devices, namely mini-publics gathered for a week that consults experts and affected actors to prepare parts of voters' guides. Landmore (2018) adds that popular vote processes should also include "open mini-publics" to enable citizens to discuss about the issue put to the vote and the arguments surrounding it.

The seventh and last line of variation we mention here concerns the decision rule for the popular vote itself. In some processes, a simple majority of votes is sufficient for a decision to be made and validated; in other processes, higher requirements are set that provide higher protection of the *status quo*. The latter take the form of participation quorums (see e.g., Uleri 2002: 881), approval quorum, or other forms of qualified majority.³ Moeckli's (2018) suggestion to set limits on referendums with judicial review and other legal

³ In a different piece, Bellamy (2018b: 5) claims that qualified majority requirements violate "a basic democratic and liberal norm that decision-making processes should be impartial and neutral between views in order to be fair" and unjustifiably "entrench the status quo."

safeguards also constitute such an additional protection, just as Chambers' (2018: 308) proposal to adopt "iterative referendums" combining "a preliminary consultative straw poll then a second binding one", which echoes the propositions of other authors (Barber 1984: 288; Cohen 1986: 37; Saward 1998: 114; and, in this Debate, McKay 2018 and Chollet 2018). It is also thinkable to aggregate the results of two votes on the same text taking place at two different points in time. A second dimension of the "decision rule" line of variation is the decisive character of popular votes, namely its legal bindingness or non-bindingness, which we discussed in the introductory essay. In practice, this line of variation concerns mainly top-down referendums, popular initiatives and bottom-up referendums, as mandatory referendums are generally binding (Beigbeder 2011). Among our respondents, Chambers and McKay suggest that legal bindingness might not be as important as we suggest in our essay: the value of referendums for mass deliberative engagement could be independent from the legally binding character of the vote (Chambers 2018), and the political context in which popular vote take place might have more impact than legal requirements (McKay 2018). We come back to the latter point in the section below.

Designing Popular Vote Processes

These lines of variation and their dimensions capture the *formal* institutional design aspect of popular vote processes. Though they might not all impact the democratic character of popular vote processes in the same ways, they have been and, we argue, can be discussed separately (Altman 2011; Parkinson 2001; Venice Commission 2007). More specifically, as mentioned in our introductory essay, we believe that something valuable can be said about each of these formal lines of variations and dimensions – even if these claims "might be revised or readjusted when we consider further aspects of a specific process, such as the kind of issue voted on, or specific contextual settings" (Cheneval and el-Wakil 2018: 296). Some of the contributions gathered in this Debate doubt the relevance of such an approach to popular vote processes and highlight its limitations. As they question how democratic theorists should approach the institutional design of popular vote processes, we wish to conclude by reflecting on their suggestions.

McKay (2018: 330) insists that making general normative claims about popular vote processes that only take formal regulations into account risks downplaying "how these institutions interact with formal and informal institutions throughout the democratic system." More specifically, focusing on the institutional design alone would minimize the impact of specific political contexts, which alone can bend the formal rules – as with the example of bindingness that McKay proposes (2018). This important comment points to the limits of institutional design: it constitutes only a formal structure that actors can use in desirable or less desirable ways (see e.g., Hendriks 2016), thus impacting the more or less legitimate informal rules that can surround these formal processes. However, precisely because popular vote processes modify or create structures of opportunity that provide new sets of empowerment and constraints to the actors of democratic systems (Lacey 2017: 62; Prato and Strulovici 2017: 441; Smith 1975: 303–304), we contend that this is not a reason not to launch general normative discussions about this formal structure. Without the availability of bottom-up referendum processes, nonelected actors cannot demand a popular vote on an issue decided among elected representatives. And depending on whether the popular vote is binding or not, how high the signature threshold is, or who sets the questions of the popular vote, these actors are not empowered in the same way.

While keeping the limitations of such discussions in mind, it is worth discussing whether or not such bottom-up processes, and more generally the opportunity structures provided by specific popular vote processes in the democratic systems in which they take place, can favor the realization of democratic ideals and values – be they deliberative democracy (Chambers 2018; Landemore 2018), non-domination (Bellamy 2018a), or “power of the people” (Chollet 2018: 342).

Moeckli and Chollet challenge our approach with a different point. For Moeckli (2018), whether popular vote processes enhance or undermine democracy can only be assessed if we also consider the kind of political system and set of other rules in which they take place. Normative inquiries thus need to be more informed by, but also centered on, existing contexts. Similarly, Chollet (2018) calls democratic theorists to adopt historically informed accounts of referendum processes and use actual cases. In particular, he argues that the Swiss case can offer satisfying answers to general objections against popular vote processes.

Both points valuably insist on the appropriateness of systemic approaches to devices of democracy (see also Bellamy 2018a), in particular to account for the interactions between these processes and their context of implementation (Mansbridge et al. 2012; Warren 2017). They also represent welcome calls for democratic theorists to engage with the wide empirical literature on actual cases of popular vote processes in political science, but also with existing insights from the fields of history, law, or economy, to inform their theoretical considerations, which we fully support. However, we worry that Moeckli and Chollet unjustifiably restrict the extent to which claims about the institutional design of referendum can be generalized. Their recommendations to stick to specific contexts and cases contrast with the practice of researchers in the field of democratic innovations, who devote long normative discussions to determine how best to design mini-publics for them to play a valuable role in democratic systems in general (see e.g., Gastil and Richards 2013; Moscrop and Warren 2016; Warren and Pearse 2008). The design of the Citizens’ Initiative Review process promoted by Landemore and Chambers here was for instance first developed as an abstract institutional design before being experienced in Oregon, and now in other U.S. states (Gastil 2000). Why would this approach not be suited to approach the design of popular vote processes? The fact that popular vote processes involve mass voting rather than micro-settings is no reason to renounce making recommendations about generalizable institutional design; the vast literature on electoral processes, e.g. majoritarian versus proportional representation, can only support our point.

All the contributions to the present Debate have advanced the normative discussion on popular vote processes. They have explored, from various perspectives, some of the new questionings raised by the acknowledgement that these processes are not a homogeneous category of processes, but rather processes whose role and impact on democratic systems vary depending on their institutional designs. There are many more such questionings that democratic theorists need to explore, and many more lines of variations to consider in more depth, to both inform the assessment of popular vote designs currently implemented and provide recommendations about which institutional designs we should want to include in democratic systems – and which ones we should avoid.

References

- Altman, D. (2011). *Direct Democracy Worldwide*. New York: Cambridge University Press.
- Barber, B.R. (1984). *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press.

- Beigbeder, Y. (2011). Referendum. *Max Planck Encyclopedia of Public International Law*. <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1088> [accessed: 8.08.2017].
- Bellamy, R. (2018a). Majority Rule, Compromise and the Democratic Legitimacy of Referendums. *Swiss Political Science Review* 24(3): 312–319.
- (2018b). Was the Brexit Referendum Legitimate, and Would a Second One Be so? *European Political Science*. Advanced online: <https://link.springer.com/article/10.1057/s41304-018-0155-x> [accessed: 19.07.2018].
- Butler, D. and A. Ranney (1994). Theory. In Butler, D. and A. Ranney (eds.), *Referendums Around the World: The Growing Use of Direct Democracy*. Basingtoke: Macmillan (11–23).
- Chambers, S. (2001). Constitutional Referendums and Democratic Deliberation. In Mendelsohn, M. and A. Parkin (eds.), *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns*. New York: Palgrave Macmillan (231–255).
- (2018). Making Referendums Safe for Democracy: A Call for More and Better Deliberation. *Swiss Political Science Review* 24(3): 305–311.
- Cheneval, F. and A. el-Wakil (2018). The Institutional Design of Referendums: Bottom-Up and Binding. *Swiss Political Science Review* 24(3): 294–304.
- Chollet, A. (2018). Referendums Are True Democratic Devices. *Swiss Political Science Review* 24(3): 342–347.
- Cohen, J. (1986). An Epistemic Conception of Democracy. *Ethics* 97(1): 26–38.
- el-Wakil, A. (2017). The Deliberative Potential of Facultative Referendums: Procedure and Substance in Direct Democracy. *Democratic Theory* 4(1): 59–78.
- Gastil, J. (2000). *By Popular Demand: Revitalizing Representative Democracy Through Deliberative Elections*. Berkeley: University of California Press.
- Gastil, J. and R. Richards (2013). Making Direct Democracy Deliberative through Random Assemblies. *Politics & Society* 41(2): 253–281.
- Geissel, B. (2016). Should Participatory Opportunities Be a Component of Democratic Quality? The Role of Citizen Views in Resolving a Conceptual Controversy. *International Political Science Review* 37(5): 656–665.
- Gerber, E.R. (1999). *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation*. Princeton: Princeton University Press.
- Guillaume-Hofnung, M. (1994). *Le Référendum*. 2nd edition. Paris: Presses universitaires de France.
- Hendriks, C.M. (2016). Coupling Citizens and Elites in Deliberative Systems: The Role of Institutional Design. *European Journal of Political Research* 55(1): 43–60.
- Independent Commission on Referendums (2018). *Report of the Independent Commission on Referendums*. London: Constitutional Unit UCL. https://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/182_-_Independent_Commission_on_Referendums [accessed: 10.07.2017].
- Lacey, J. (2017). *Centripetal Democracy: Democratic Legitimacy and Political Identity in Belgium, Switzerland, and the European Union*. Oxford: Oxford University Press.
- Landemore, H. (2018). Referendums Are Never Merely Referendums: On the Need to Make Popular Vote Processes More Deliberative. *Swiss Political Science Review* 24(3): 320–327.
- LeDuc, L. (2015). Referendums and Deliberative Democracy. *Electoral Studies* 38 (June): 139–148.
- Levy, R. (2017). The Deliberative Case for Constitutional Referenda. *Election Law Journal: Rules, Politics, and Policy* 16(2): 213–221.
- Linder, W. (2005). *Schweizerische Demokratie: Institutionen, Prozesse, Perspektiven*. 2nd edition. Bern: Haupt.
- Mackie, G. (2003). *Democracy Defended*. Contemporary Political Theory. Cambridge: Cambridge University Press.

- Mansbridge, J., J. Bohman, S. Chambers, T. Christiano, A. Fung, J. Parkinson, D. Thompson and M.E. Warren (2012). A Systemic Approach to Deliberative Democracy. In Parkinson, J. and J. Mansbridge (eds.), *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge: Cambridge University Press (1–26).
- McKay, S. (2018). Designing Popular Vote Processes for Democratic Systems: Counter-Proposals, Recurring Referendums, and Iterated Popular Votes. *Swiss Political Science Review* 24(3): 328–334.
- Mendelsohn, M. and A. Parkin (2001). *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns*. New York: Palgrave Macmillan.
- Mendez, F., M. Mendez and V. Triga (2014). *Referendums and the European Union: A Comparative Inquiry*. Cambridge: Cambridge University Press.
- Moeckli, D. (2018). Referendums: Tyranny of the Majority? *Swiss Political Science Review* 24(3): 335–341.
- Moscrop, D. and M.E. Warren (2016). When Is Deliberation Democratic? *Journal of Public Deliberation* 12(2): 1–12.
- Neidhart, L. (1970). *Plebiszit und Pluralitäre Demokratie. Eine Analyse der Funktionen des schweizerischen Gesetzreferendums*. Bern: Francke.
- Nijeboer, A. (2016). A Dutch Direct Democrat on the Ukraine Referendum. Democracy International e.V. April 12, 2016. <https://www.democracy-international.org/dutch-democrat-ukraine-referendum> [accessed: 19.07.2018].
- Parkinson, J. (2001). Who Knows Best? The Creation of the Citizen-Initiated Referendum in New Zealand. *Government and Opposition* 36(3): 403–422.
- (2012). Democratizing Deliberative Systems. In Parkinson, J. and J. Mansbridge (eds.), *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge: Cambridge University Press (151–172).
- Prato, C. and B. Strulovici (2017). The Hidden Cost of Direct Democracy: How Ballot Initiatives Affect Politicians' Selection and Incentives. *Journal of Theoretical Politics* 29(3): 440–466.
- Qvortrup, M. (2017). Demystifying Direct Democracy. *Journal of Democracy* 28(3): 141–152.
- Reidy, T. and J. Suiter (2015). Do Rules Matter? Categorizing the Regulation of Referendum Campaigns. *Electoral Studies* 38: 159–169.
- Riker, W.H. (1982). *Liberalism against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice*. San Francisco: W.H. Freeman.
- Saward, M. (1998). *The Terms of Democracy*. Malden: Polity Press; Blackwell.
- (2001). Making Democratic Connections: Political Equality, Deliberation and Direct Democracy. *Acta Politica* 36(4): 361–379.
- Sciarini, P. and A.H. Trechsel (1996). Démocratie directe en Suisse: L'élite politique victime des droits populaires". *Swiss Political Science Review* 2(2): 1–35.
- Setälä, M. (2006). On the Problems of Responsibility and Accountability in Referendums. *European Journal of Political Research* 45: 699–721.
- (2011). The Role of Deliberative Mini-Publics in Representative Democracy: Lessons from the Experience of Referendums. *Representation* 47(2): 201–213.
- Sinnott, R. (2002). Cleavages, Parties and Referendums: Relationships between Representative and Direct Democracy in the Republic of Ireland. *European Journal of Political Research* 41(6): 811–826.
- Smith, G. (1975). The Referendum and Political Change. *Government and Opposition* 10(3): 294–305.
- (1976). The Functional Properties of the Referendum. *European Journal of Political Research* 4 (1): 1–23.
- (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. Cambridge UK: Cambridge University Press.

- Suksi, M. (1993). *Bringing in the People: A Comparison of Constitutional Forms and Practices of the Referendum*. Dordrecht: Martinus Nijhoff Publishers.
- Uleri, P.V. (1996). Introduction. In Uleri, P.V. (ed.), *The Referendum Experience in Europe*. London: Palgrave Macmillan (1–19).
- (2002). On Referendum Voting in Italy: YES, NO or Non-Vote? How Italian Parties Learned to Control Referendums. *European Journal of Political Research* 41(6): 863–883.
- Urbainati, N. (2006). *Representative Democracy: Principles and Genealogy*. Chicago: University of Chicago Press.
- Vandamme, P.-E. (2017). Comment allier participation de tous et délibération? Le vote justifié”. *La Revue Nouvelle*, 7: 48–52.
- Venice Commission (2007). Code of Good Practice on Referendums. CDL-AD(2007)008. Strasbourg: European Commission for Democracy through Law. [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2007\)008-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2007)008-e). [accessed: 25.08.2017].
- Walter, S., E. Dinas, I. Jurado and N. Konstantinidis (2018). Noncooperation by Popular Vote: Expectations, Foreign Intervention, and the Vote in the 2015 Greek Bailout Referendum. *International Organization*. Advanced online. <https://doi.org/10.1017/S0020818318000255> [accessed: 21.07.2018].
- Warren, M.E. (2017). A Problem-Based Approach to Democratic Theory. *American Political Science Review* 111(1): 39–53.
- Warren, M.E. and H. Pearse (eds.) (2008). *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. Cambridge: Cambridge University Press.

Alice el-Wakil is a doctoral candidate and research assistant at the Chair of Political Philosophy of the University of Zurich. Her research focuses on democratic theory, and particularly on popular vote processes, institutional design, democratic innovations, and theories of representation. Email: alice.el-wakil@uzh.ch

Francis Cheneval holds the Chair of Political Philosophy at the University of Zurich. He is the author and editor of several books on democratic theory, history of political ideas, property rights and the European Union. Email: francis.cheneval@philos.uzh.ch