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## **Referendums on the reform of political institutions: a comparison of France, Italy and Ireland before and after the start of the crisis**

### **Abstract**

Are referendums on political institutions held in times of crisis distinctive compared to “non-crisis” referendums? To answer this research question, this exploratory enquiry focuses on 5 referendums on the reform of political institutions held in France, Italy, and Ireland between 2000 and 2013. It examines referendums held before, and after the start of the economic crisis that has struck Europe since 2008, and aims at understanding whether the context of crisis has had an impact on the campaign dynamics, the coalitions defending or opposing the referendum, and the final outcome. Particular attention will be paid to the pre-existing political and economic context, to the level of legitimacy enjoyed by the government prior to the referendum, but also to the dynamics inherent to the referendum process itself.

### **Introduction**

The economic crisis that has struck the world since 2008, and the wealthy Western European democracies in particular, has left enduring scars and soon transformed into a multidimensional crisis, not limited to the economic sphere. One of the striking developments in the aftermath of the crisis, which is for instance particularly well illustrated by the case of Ireland, is the fact that political institutions have been often put under stress, and reformed sometimes substantially (Coakley 2013). Other major reforms are currently in progress: in Italy, the Senate just approved in first reading a reform that could lead, if eventually implemented, to the end of the so-called perfect bicameralism that has characterized Italy since 1947. More often than not, these reforms of political institutions deal with matters that are constitutionalized. As a consequence, they frequently require a referendum in order to finalize their adoption.

Yet, despite the fact many constitutions oblige institutional provisions to be adopted by referendum, the literature dealing specifically with this type of referendums is relatively scarce. Suksi (1993) drew early on a distinction between what he calls “policy vote” and mandatory constitutional referendums, but his analysis is mostly focused on the way in which referendums can enhance the legitimacy of a constitutional and political system. Similarly, Tierney (2012) who has worked specifically on constitutional referendums asks the question of the way in which they can be truly democratic instruments of the republican government. Despite the existence of numerous articles dealing with specific constitutional referendums on political institutions, there have been no systematic attempts to analyse the specific voting behavior and campaign dynamics attached to these referendums. This exploratory paper focuses precisely on constitutional referendums on political institutions, and attempts to provide preliminary answers to the following research questions: how can we explain the success or the failure of these constitutional referendums? Did the context of the economic crisis affect in any way the campaign dynamics and the final outcome of these referendums, and if so, how? I compare 5 referendums on the reform of political institutions held in France, Italy, and Ireland between 2000 and 2013. It examines referendums held before, and after the start of the economic crisis that has struck Europe since 2008. I postulate that the peculiarity of referendums on political institutions is the low level of knowledge and salience these issues have for the majority of voters. As a consequence, I aim to show that campaign dynamics and the attitudes towards the government are particularly central in explaining the final outcome of these referendums, in particular in times of crisis. With the example of Ireland, the crisis is shown to heighten anti-government reactions, making it much more difficult to successfully adopt referendums on political institutions.

## **Section 1. “A shield, not a sword”: are referendums on political institutions specific?**

Qvortrup, in a study in which he examines 124 referendums, has shown that, contrary to the common understanding considering that government typically control referendums (for instance, see Sartori 1994), more than 85% of them are “uncontrolled”, i.e. either required by the constitution, or initiated by the opposition or by the citizens. He concludes: “that the majority of the referendums held have been uncontrolled referendums, and that most of them have gone against the wishes of governments suggests that the referendum can provide an effective check on the legislature” (2000, 823). Typically, “uncontrolled”, required referendums are necessary in order to adopt provisions concerning the political institutions. In the three countries we examine,

for instance, referendums on any modification of the constitution are mandatory in Ireland, and can be required either by the president of the Republic in France or by a certain quorum of citizens and/or politicians in Italy. Strikingly, all five referendums under consideration (see section 3) can be classified as uncontrolled by the government.

Secondly, several authors have pointed out the fact that referendums on political institutions present intriguing characteristics compared to referendums on other topics. Miles has for instance called the constitutional referendum in Australia “a shield, not a sword” (1998). He indeed shows that Australian voters have tended to use the referendum to stop the centralization of power and to preserve certain aspects of the political system, voting therefore “defensively” (to preserve the status quo) rather than “offensively” (to enact change). As a consequence, only 8 out of the 42 proposals for constitutional change attempted between 1906 and 1988 have been successful in Australia. Gallagher, analysing referendums in Ireland more generally, shows that these tend to be often dominated by *ad hoc* groups marginalizing parties in the process (2011, 541). Political institutions typically rank low among voters’ priorities. These issues tend not to be very salient, with a low level of expertise of most citizens on this particular matter. As a consequence, Miles has shown in the case of Australia that the influence of political parties tends to decline during the course of the referendum campaigns, often leading to unexpected outcomes (1998). Similarly, based on the Australian and Canadian examples, LeDuc has pointed out the difficulty to secure any large-scale constitutional change through the referendum process, even in cases where the constitutional initiatives seemed to benefit from strong popular support (2003). Indeed, voters generally become involved in the referendum process with little information, making them particularly dependent on the election campaign to come to an informed decision.

Referendums on political institutions are therefore often uncontrolled by the government, and their outcomes is very dependent upon campaign dynamics as voters (usually) have few cues to build their opinion before the vote. One should add that referendums on political institutions also share commonalities with any referendum, and in particular, the hegemonic and plebiscitary aspects inherent to any of these consultations (Qvortrup 2000; Qvortrup 2001; Suksi 1993). In any referendum, there is an implicit question of support for the government. Consequently, there are numerous examples of referendum results which have been heavily skewed by the fact that (some) voters wished to punish their government. For example, the French President’s support for the 2005 referendum on the European Treaty was one of the best predictors of a “no” vote (Sauger, Brouard, and Grossman 2007), and this proved decisive for the final outcome. Since the issue of political institutions is usually not salient, it is very likely that such anti-hegemonic

dynamics loom larger than in referendums dealing with salient issues where opinion voting is central.

All of these characteristics actually resemble other specific referendums, for which a more systematic literature exists, i.e. the referendums on EU integration. Sarah Hobolt in particular has provided systematic insights about their specific dynamics. She underlines two main, not mutually exclusive approaches, used in order to analyse referendums: what she calls the “attitude school”, which supposes that voting on EU reflects the underlying attitudes of individuals towards EU integration, and the “second-order election school”, where it is supposed that the referendum is mostly a way for citizens to signal their satisfaction or dissatisfaction with the government (Hobolt 2006). One of the key assumptions is that when salience is high, and when voters have a great interest and knowledge in European affairs, they are more likely to rely on their attitudes rather than treating the referendum as a way to sanction or reward the current government. For instance, Franklin asserts that “on matters of low salience to voters, a referendum called by a government and opposed by opposition parties should generally be seen as a test of the standing of that government rather than as test of support for the policy nominally at issue” (2002, 756). Hobolt goes further theoretically and shows that voters are also affected by the uncertainty about the ballot proposal, making them more prone to reject the proposal when they are unsure about its consequences. Moreover, she shows that “both issue salience and political awareness act as mediating factors that regulate the relative importance of issue proximity considerations. When issue salience and voter knowledge is low, we can expect non-issue-specific (or ‘second-order’) factors to play a greater role”(Hobolt 2009, 56).

## **Section 2. Hypotheses**

Based on the theories exposed above, a couple of hypotheses can be drawn in order to analyse referendums on political institutions and the impact of the crisis on their final outcomes.

*H1. There is a strong discrepancy between the level of support for the ballot proposal at the beginning and at the end of the political campaign.*

In this first hypothesis, as it is underlined in the work of Hobolt (2009), it is expected that campaign dynamics will be particularly decisive in the case of referendums dealing with non-salient issues. This is based on the idea that issue voting in the Downsian sense is only likely when voters have a firm opinion on a given issue, which implies that this issue benefits from a certain

degree of salience. In such cases, the campaign should not modify a great deal the opinions registered prior to the actual campaign, and the votes should follow more closely party preferences of the voters. When it is not the case, it is likely that voters will actually build their opinion based on the cues provided by the different parties and *ad hoc* groups during the campaign itself. It is therefore more likely that a significant portion of voters will change their opinion over the course of the campaign. In the case of debates on reforms dealing with political institutions, which are typically the prerogative of few experts and politicians, it is expected that the issue is often non-salient for voters. Therefore, in the referendum campaigns analysed in France, Ireland and Italy, we should witness a strong discrepancy between the support for the ballot proposal before the campaign and during the actual vote.

*H2. The level of support for the ballot proposal tends to decrease over the course of the campaign when the issue is not salient, and during situations of economic crisis.*

As underlined by many authors, the support for a given ballot proposal is likely to be very dependent upon the evaluation of the government's performance in contexts where the issue at stake is not salient. In such cases, opinion voting is less decisive than what Hobolt has called "second-order election voting", meaning that voters use the opportunity of the referendum to punish or reward the government. One of the main assumptions of the literature on economic voting lies on the idea that trust in government, and ultimately electoral outcomes for the incumbents, are negatively affected by economic recession. To cite only recent works dealing specifically with the recent economic crisis, Lewis-Beck and Whitten (2013) have directed a special issue in which several contributions underline how the crisis has proved particularly fatal for incumbents. Similar conclusions are reached by Bosco and Verney (2012), or by Sauger who analysed the case of France (2014). Moreover, there is already documented evidence that the unpopularity of a given government may often lead to the rejection of ballot proposals, or at least to an outcome much more uncertain than initially expected. Taking the example of the referenda conducted in France and Netherlands to adopt the Maastricht Treaty in France and Denmark, authors have demonstrated that the rejection in Denmark and the tiny majority in favour of the yes in France could be explained by the unpopularity of the governments in place, while the same Treaty has been adopted with a large majority in countries like Ireland where the government was much more popular (Franklin, van der Eijk, and Marsh 1995).

### Section 3. Presentation of the five referendums analysed

Based on case studies conducted during my doctoral thesis, this paper analyses five referendums held between 2000 and 2013 in France, Ireland and Italy on the topic of political institutions (See Table 1). The first referendum held in France in 2000 deals with the reduction of the presidential term from 7 to 5 years. The two Italian referendums concern important constitutional reforms: the first one, held in 2001, modified profoundly the Title V of the Italian constitution regulating the organisation of the Italian State, giving new competences to Italian regions. The referendum of 2006, on the other hand, was a confirmative referendum on the major constitutional reform adopted by the Parliament in late 2005 and touching upon many topics of the Part II of the Italian constitution, among which the reinforcement of the power of the Prime Minister, a new modification of the organisation of the powers of the State and regions, and the reform of the Italian Senate to end symmetric bicameralism. Finally, I examine two referendums held in Ireland: one organised in 2011 on the powers of enquiry of the Oireachtas, and the second one held in 2013 on the abolition of the Seanad (second Chamber).

**Table 1.** *Main characteristics of the five referendums compared*

Topic, year and country	Turnout	Yes Vote	Controlled?	Trust for government	Coalition supporting the yes vote	Saliency of the issue
France, 2000 Referendum on the shortening of the presidential term	30.2%	<b>76.2%</b>	No	39.7% (1999)	Government and opposition	Low
Italy, 2001, Reform of the Title V	34.1%	<b>64.2%</b>	No	48.7%	Opposition	Low
Italy, 2006 Reform of the Part II of the Constitution	52.3%	38.7%	No	31.5%	Opposition	High
Ireland, 2011 Powers of inquiry of the Oireachtas	56%	47%	No	22%	Government and opposition	Low
Ireland, 2013 Abolition of the Seanad	39.2%	48.3%	No	18%	Government	Low

*Sources:* for electoral results, the *Ministère de l'Intérieur*, *Ministerio dell'Interno* and the *Oireachtas* online resources. For trust for government, the data has been compiled with the Eurobarometers data. The other information comes from the case studies of my doctoral thesis.

The turnout for all of these five referendums has been, overall, relatively low, with the exception of Italy in 2006, and Ireland in 2011 when the referendum was organised concomitantly with the presidential election. All of them were uncontrolled by the government.

In the case of France, a centre-left coalition was in power, whereas the President of the Republic was centre-right. Chirac used his constitutional prerogatives to call a referendum to approve the reform. Finally, in the case of Italy, in both cases the reforms had been successfully adopted by both chambers in the Parliament by a centre-left majority in 2001 and a centre-right majority in 2005. In both cases, the confirmative referendums were required by the opposition, and followed general elections where the majority that had adopted the reform in Parliament lost: a centre-right coalition came back in power in 2001, and lost the 2006 elections at the expense of the centre-left. Only two of these five referendums have been successfully adopted: the one organised in France, and the first referendum analysed in Italy. Both of the referendums examined in Ireland, and organised after the beginning of the economic crisis, have been rejected by small margins. There is also clear evidence that the level of trust for the government was lowest in Ireland, in the aftermath of the crisis. The coalitions supporting the reform varied across circumstances: in two instances, the ballot proposal was supported by both the opposition and the government. In both cases in Italy, the referendum proposal was supported directly only by the opposition which had just been defeated in the polls. Finally, in the case of the abolition of the Seanad, only the government supported the referendum proposal. To conclude, in all cases except the debate on the constitutional reform eventually rejected in 2006 in Italy, the issues were not salient in the political agenda and among voters, a fact that is also made obvious by the low turnout.

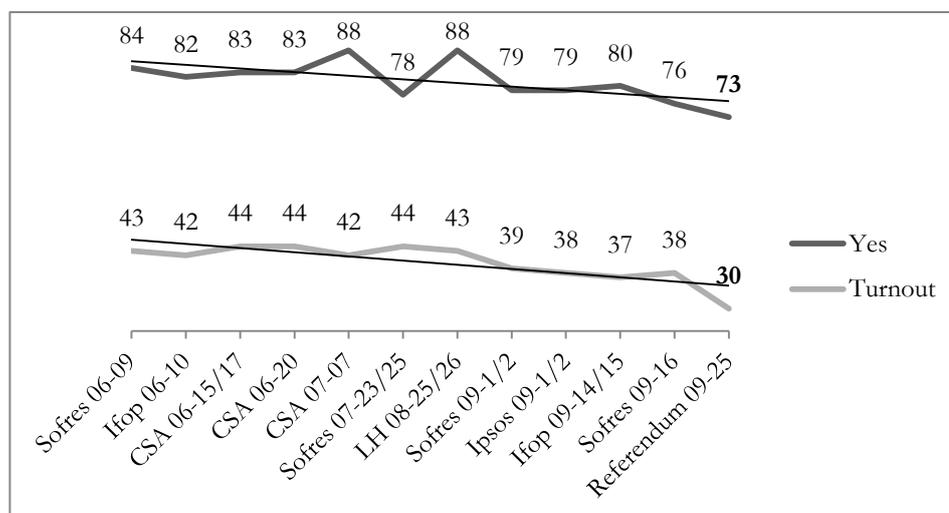
#### **Section 4. Avoiding blame: referendum dynamics on the shortening of the presidential term in France in 2000**

The shortening of the presidential term from seven to five years is a topic that had been going on and off the agenda in France since 1973, supported sometimes by the centre-left, sometimes by the centre-right, depending on which camp claimed the presidency of the Republic. Boutin and Revillois called it a “an electoral gadget for the sole use of the opposition” (2000, 48–49). In 1997, France experienced for the third time a situation called *cobabitation*, a French version of divided government where the president of the Republic and the Prime minister belonged to opposed political camps. In 2000, the socialist Prime Minister, Jospin, and the former president Giscard d’Estaing combined their efforts to put back the issue of the length of the presidential term on the agenda. The reform was successfully and rapidly adopted in both Chambers in June 2000, supported by a very large spectrum of parties ranging from the Greens to the Gaullists. The reform was perceived as being very popular among the political opinion, and each party saw

it as a first step to improve the functioning of the French political regime, even though these parties had sometimes opposed views on what a wider reform of the French institutions should look like (Bedock 2014).

After the adoption of the constitutional project by the parliament, the campaign for the referendum could be opened. Despite a certain number of advocates, both from the PS and the opposition, pushing for Chirac to use the Congress, he was steadfast in his decision to consult the French citizens in order to attempt to benefit from a popular reform. It is now surely remembered as one of the dullest referendum campaigns in the history of the Fifth Republic, leading to a paradoxical result: an overwhelming “yes” in favour of the *quinquennat* (73.2%), but with the lowest voter turnout ever registered for a national consultation (30.2%). It should also be noted that the level of support for the reform steadily decreased across the referendum campaign (Figure 1), even though the result was clearly in favour of the adoption of the reform: the level of support for the yes vote decreased by 11 points. So did the expected turnout that lost 13 points in three months.

**Figure 1.** Poll predictions for “yes” vote and turnout for the referendum on the *quinquennat*, June-September 2000



*Source:* Figures reported in the French newspapers Libération, Le Monde and Le Figaro between June and September 2000.

The first hypothesis therefore seems to be confirmed: there is a discrepancy between the level of political support at the beginning and at the end of the campaign. There also seems to be some evidence supporting the second hypothesis: in the context where the debate on the presidential term was non-salient amongst the French public, the support for the referendum proposal decreased during the campaign. However, what is quite remarkable in this particular referendum is the apathy of the French political parties that did not put any energy into defending a reform that almost all of them supported in the parliament. There are two main

reasons for this: the fact that the referendum was a presidential initiative, and also the perception that the referendum result was a foregone conclusion. Parties feared being blamed for calling a referendum on a topic that was not of great interest to the citizens, rather than sensing the potential gains in the case of referendum victory, which explains their policy of wait-and-see. This strategy was made easier by the fact that Chirac was clearly the sole and therefore main actor responsible for the referendum. There are two underlying conditions for blame here: firstly a perceived harm, in this case a futile referendum, and secondly a perceived responsibility, in this case Chirac (Hood 2010, 6). Thus, all parties except the RPR (centre-right) saw the referendum as an opportunity to weaken the president. The only political force that actively campaigned against the referendum was the small RPF, however the National Front (FN) and the Mouvement National Républicain (MNR) idly advocated for a “no” vote. The PCF supported a “critical and offensive abstention” (sic).<sup>1</sup> The Greens didn’t even manage to agree on an official position on the referendum, despite having supported the *quinquennat* in the parliament.<sup>2</sup> The UDF, having launched the reform through the voice of Giscard d’Estaing, basically refused to take any part in the campaign. In the Socialist Party, despite the nonchalant organisation of a few meetings, most protagonists implicitly or explicitly admitted that their best interest was in blaming the abstention on Chirac. Hollande, on 1 September 2000, made the following declaration: “we prefer the *quinquennat* rather than the *septennat*. The head of state, on the other hand, prefers the referendum rather than the Congress. Therefore, everyone will be judged on the decisions one has taken”.<sup>3</sup> The RPR of Jacques Chirac was therefore the most active party advocating for a “yes” in the campaign.<sup>4</sup>

The press coverage of the campaign mainly consisted of comments about the polls announcing an all-time low turnout, and on the lack of interest of French people in the matter. After interrogating politicians, advisers and experts about the insider version of the referendum, their impressions and interpretations were quite unanimous. Mény gives me an interesting account of the referendum, arguing that there was simply no “social demand” for such a

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<sup>1</sup> Beuve Méry, Alain. « Pour les communistes, Robert Hue prône une abstention critique et offensive ». *Le Monde*, 20 June 2000.

<sup>2</sup> Gurrey, Béatrice. « Les Verts ne parviennent pas à adopter une position claire sur le quinquennat ». *Le Monde*, 29 August 2000.

<sup>3</sup> « Nous préférons le quinquennat au septennat. Le chef de l'Etat, lui, a préféré le référendum au Congrès. Donc, chacun sera jugé sur les décisions qu'il a prises. » Mauduit, Laurent, Noblecourt, Michel. « Il faut redonner aux Français les dividendes fiscaux de la croissance ». *Le Monde*, 1 September 2000.

<sup>4</sup> The financial sums devoted by the state and the parties to the referendum give a clear idea of their disinterest in the campaign. The state spent €30.5 million on the referendum, whereas the European election of 1999 cost €101 million. Whereas the PS and the RPR spent around €300,000 in campaigning, parties like the UDF only spent €2300! Bulletin quotidien. 19 September 2000, found in the national archives.

referendum: “these are problems of political organization that are not perceived as political problems, but as problems of the political class”.<sup>5</sup> Obviously, from the point of view of the political actors, tactical aspects were at the forefront, which explains this lack of implication. Guelman, advisor to Jospin, notes that, for the Socialist Party, there was simply no perception of potential political gains to be made by campaigning, given that the positive result was inevitable.<sup>6</sup> From the point of view of the UDF, Dominique Paillé argues that after initiating the reform, “if we had been little soldiers in that story, we would have been the little soldiers of Chirac even though the RPR, given its divisions, was much less compact on the topic than us.”<sup>7</sup> In conclusion, given that French people has supported the concept of the *quinquennat* for decades, most of the political actors believed there to be more drawbacks to campaigning than to staying put, all the more so seeing as the initiative for the referendum clearly came from Jacques Chirac. This referendum was perceived as potentially risky, mostly because the issue at stake was not strongly politicised.

To conclude, the French referendum of 2000 is a good example to illustrate campaign dynamics on a popular, but non-salient topic dealing with political institutions: parties were particularly wary of politicizing the topic and squandering political capital by getting involved in the debate, so that the less costly solution mainly consisted in avoiding campaigning and providing basically no cues for voters to make their choice. This resulted in easy adoption, but with a very low turnout.

## **Section 5. Two referendums with different fates in Italy, 2001-2006**

It is interesting to compare the results of the two confirmative constitutional referendums held in 2001 and 2006 in Italy: despite the fact both of them concerned major constitutional reforms, the adoption and campaign dynamics were very distinctive, eventually leading to opposite results. The reform of the Title V was adopted by a wide majority of voters in 2001,

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<sup>5</sup> « Ce sont des problèmes d’organisation politique qui ne sont pas perçus comme de vrais problèmes politiques, mais comme de problèmes de la classe politique. » Interview with Yves Mény, political scientist and specialist of the institutions, ex-director of the European University Institute, 31 January 2013, at a café in Paris.

<sup>6</sup> Interview with Pierre Guelman, former advisor to the prime minister for parliamentary relations, 1997-2002, 5 March 2013, at his office in Paris.

<sup>7</sup> « Si on avait été des petits soldats dans cette affaire, nous aurions été les petits soldats de Chirac alors même que le RPR, compte tenu de ses divisions, était beaucoup moins soudé sur le sujet que nous. » Interview with Dominique Paillé, former general delegate of the UDF and UDF MP, 3 April 2013, at his office in Paris.

while the reform of the second part of the constitution of 2006 was rejected by almost two thirds of voters.

Largely as a consequence of the good electoral results of the Lega Nord in the 1996 election, a consensus emerged across the Italian political spectrum to support federalism and therefore, empowerment of the Italian regions. The constitutional laws 1999/1 and 2001/2 recognised the full statutory autonomy of the ordinary regions and of the regions with special status, and also implemented the direct election of the president of the region, who gained substantial powers of direction and government. These laws were approved by a very wide majority in both Chambers. The rest of the reform of Title V, however, ended up being adopted by a very small majority of five votes by the centre-left, a few days before the end of the legislature. This adoption “*a colpo di maggioranza*” (by the sole majority) was a first in Italian constitutional history, where the previous attempts had tried to unite opposition and majority in the constitutional reforms. The main provisions of this reform include the inversion of the legislative powers with a differentiation between matters of exclusive competence of the state, concurrent matters, and all remaining matters going to the regions, and greater financial and administrative autonomy to the Italian regions. At the time, it was opposed by the centre-right in the parliament on the grounds that it was “a set of feeble half-measures designed to curry favour with voters while doing little to change the actual substance of the highly centralized Italian constitutional order” (Amoretti 2002, 127). The reform was adopted thanks to a confirmative referendum in late 2001, during which the centre-left defended the reform while the centre-right challenged it for not going far enough towards decentralisation, although many individuals still took a position in favour (Amoretti 2002, 128). The referendum was only opposed by the Lega Nord and Rifondazione Comunista, for the absolute opposite reasons,<sup>8</sup> and resulted in a positive outcome (64.2% “yes” vote). There were no national polls conducted before the referendum, so that it is difficult to assess the two hypotheses underlined above. Overall, many experts denounced the lack of information about the referendum, but the result was seen as a foregone conclusion. Indeed, most of the presidents of regions supported the reform regardless of their political orientation. There is no evidence of “second-order” dynamics either, as the Berlusconi government was relatively popular, did not directly support the reform and did not get involved in the campaign, minimizing the risk of being punished in the polls. This referendum therefore closely resembles the one held in France in 2000.

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<sup>8</sup> RC used the opportunity of the referendum to protest against privatisations. Padovani, Gigi. «Bertinotti: un no per fermare chi cerca di privatizzare l'Italia». *La Stampa*, 5 October 2000.

The referendum of June 2006 displays totally different campaign dynamics, apparently confirming the two hypotheses: indeed, there was a strong discrepancy between the levels of support for the ballot proposal registered in the polls and in the actual vote, and the support for the constitutional reform declined over the course of the campaign. What is distinctive in this referendum, however, is the level of salience the issue has achieved in the Italian political debate. Indeed, the issue of institutional reform has been at the top of the priorities of the coalition partners of the centre-right for all of the 2001-2006 legislature. Moreover, the referendum directly followed a particularly disputed general election won with great difficulty by the centre-left. The newly formed centre-left government put all of its energy in campaigning against the constitutional reform of the centre-right. Much could be said, in retrospect, about the constitutional reform of the centre-right. Some criticisms are widespread, such as the fact that the legislative procedure that it would have put into place would probably have been very dysfunctional, and the fact that it did not correct the 2001 reform's fundamental flaws (rigid repartition of matters between state and regions creating conflicts of competences). Regarding the reinforcement of the PM, and federalisation, many experts now consider that, if anything, the strengthening of the executive was limited, and that it was probably a re-centralising rather than a de-centralising reform. That being said, however, during the process of the adoption of this constitutional reform in the Parliament, and even more so during the referendum campaign, the constitutional reform was demonised by the overwhelming majority of politicians and experts from the centre-left opposition on opposite grounds. The constitutional reform was described with colourful and comminatory judgments: as the "big ugly hash of Lorenzago" by the former president of the Republic, Cossiga,<sup>9</sup> as "imminent and grave danger for Italian democracy" by Prodi,<sup>10</sup> and as "a vision of extreme personalization of politics and power, even at the cost of a disaggregation of the institutional fabric" by Napolitano.<sup>11</sup> A few experts raised voices defending the new text, nevertheless, most constitutional lawyers and centre-left politicians not only opposed the reform, but argued against it on the grounds of serious accusations, the most common of these being the threat to Italian unity posed by devolution, the excessive personalisation of powers of the executive and of the PM, and the confusion of the new legislative procedure (for a synthesis, cf. Bassanini 2004).

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<sup>9</sup> « Quel pasticciaccio brutto di Lorenzago ». Cossiga, Francesco. « Francesco Cossiga : ecco perché sono contrario alla proposta del centrodestra ». *Corriere della Sera*, 18 September 2004.

<sup>10</sup> Rampino, Antonella. « Il professore contro il premierato e le modifiche della carta: un pericolo grave e imminente per la democrazia italiana ». *La Stampa*, 12 March 2005

<sup>11</sup> « Una visione di estrema personalizzazione della politica e del potere, anche a costo di una disgregazione del tessuto istituzionale ». Rampino Antonella. « La nuova costituzione voto scontato a Palazzo Madama, il centrosinistra si prepara al referendum per cancellarla ». *La Stampa*, 16 November 2005.

On 25 and 26 June 2006, 61.3% of Italian voters rejected the centre-right's constitutional reform, with a 52.3% turnout, a notable figure for a referendum.<sup>12</sup> There are two main reasons behind the clear “no” vote in this instance: the bad timing, and the successful campaign. Firstly, the change in the balance of power between centre-left and centre-right found concrete expression with the arrival in power of a new government led by Romano Prodi in April 2006. In addition, the centre-right chose not to campaign for a “yes” once it had decided to place the referendum *after* the parliamentary elections. Therefore, the timing chosen for the referendum was inauspicious, as the government did not manage to organise the referendum at a time when the balance of power was in its favour. Secondly, the referendum was perceived primarily as a move stemming from the Lega, which led to strong opposition to the reform in Southern Italy, a zone that had traditionally been favourable to the centre-right. The referendum took place after the parliamentary elections of 2006, which were won by the centre-left coalition with a very slim majority in the Senate. The coalition's opposition to the adoption of the constitutional reform in itself contributed to the victory of the “no” side in the referendum. In addition, the centre-right voters did not mobilise to the same extent as their centre-left counterparts during the referendum contest, explaining - at least partially - the 20 percentage point gap between the “yes” and the “no” vote. On one of the opinion polls available of the topic one month before the referendum, it was expected that 56% of the voters would go to vote, among which 48% would vote yes and 52% would vote no.<sup>13</sup> In the end, the no vote was much higher, showing the greater capacity of the centre-left parties to mobilize their supporters. Indeed, in 2006 Berlusconi preferred to give himself and his coalition the best possible chance of winning the parliamentary elections, rather than risk losing them by a wider margin in the case of a negative referendum outcome. As a result, after the electoral defeat, the people who had actually elaborated the constitutional reform did very little to mobilise in favour of the “yes” vote. During the 2001-2006 legislature, the constitutional reform was, for Berlusconi, the gateway between the Northern League and the government, and the way to keep LN in government. As the leader rightly considered that the referendum would be virtually impossible to win if the parliamentary elections were lost, the cause of the constitutional reform was more or less abandoned by the centre-right.

The second factor behind the referendum results is the rhetoric that came from the centre-left, which had managed to successfully present the constitutional reform as a Lega project. The “yes” vote won in the electoral strongholds of the Lega (Lombardy and Veneto),

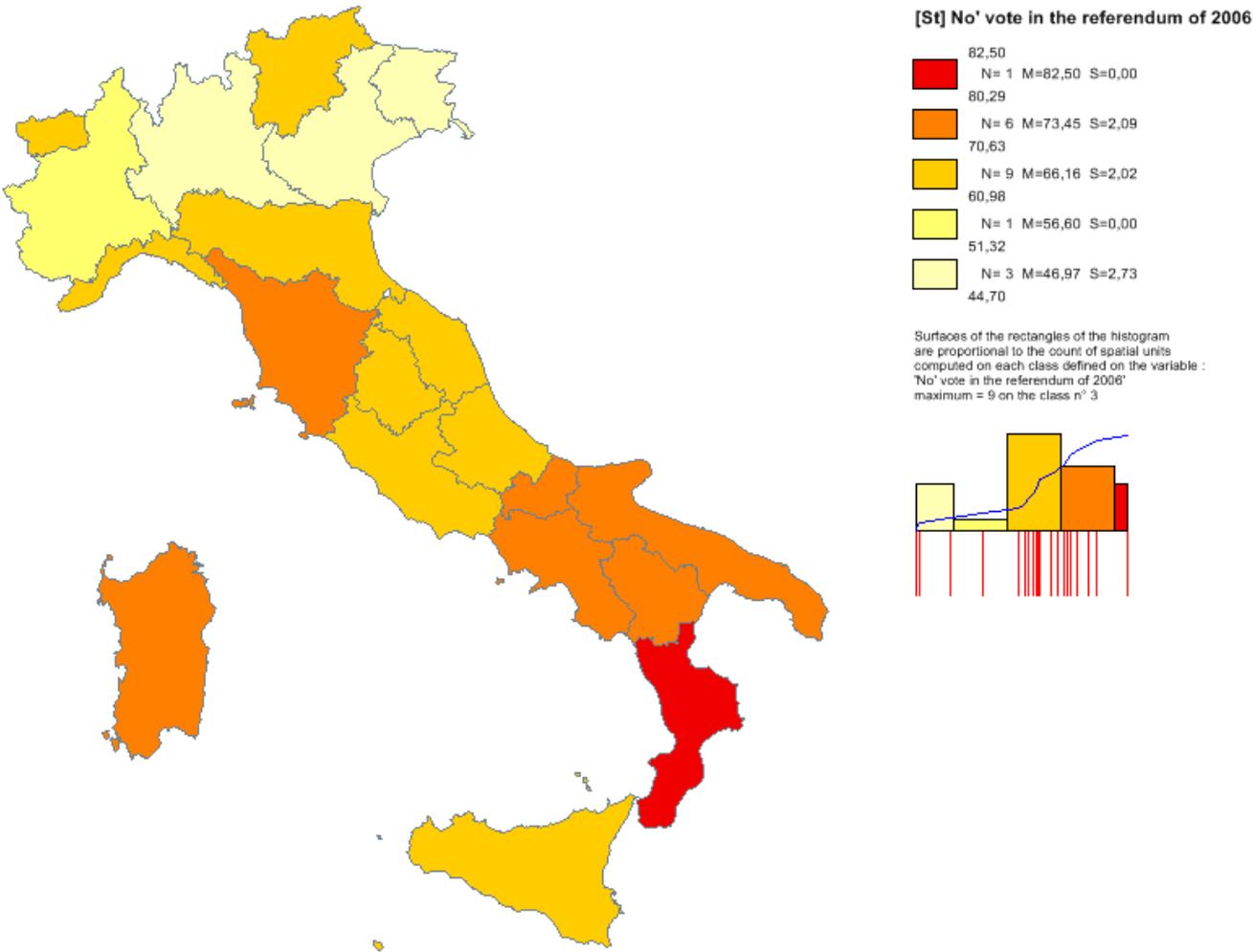
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<sup>12</sup> Note that no quorum of registered voters is necessary for confirmative constitutional referendums, unlike abrogative referendums, where a 50% turnout of registered voters is required.

<sup>13</sup> Martini, Fabio. «Un primo sondaggio cancella l'ottimismo. Il “No” avrebbe solo due punti di vantaggio». *La Stampa*, 29 May 2006.

whereas the referendum was defeated in all other Italian regions, with the “no” vote peaking in Calabria with 82.5% (Figure 18). The electoral map shows clear evidence of strong opposition to the constitutional reform, not only in the traditional strongholds of the centre-left (Tuscany, Emilia-Romagna, and centre-Italy), but also in the South, where parties such as the UDC, AN, and FI in Sicily are stronger.

**Figure 2.** “No” vote in the referendum of 2006 by region, Italy



*Note:* “M” refers to the arithmetic mean. “S” to the standard deviation, and the figure on top of each class to the maximum by class. The map was computed with the software Philcarto.  
*Source:* Ministero dell’Interno, archivio storico delle elezioni

Therefore, there is here evidence that the campaign dynamics have been very unfavourable for the camp of the reformers. However, the campaign dynamics did not follow second-order election logic by punishing the government: rather, the referendum was the continuation of the centre-left victory in the much disputed 2006 election. The centre-left has opposed the centre-right’s constitutional reform altogether. As Vannino Chiti, the minister for

parliamentary relations between 2006 and 2008, recalls, “the reform has been conducted by the forces who sustained the Berlusconi government. (...) So, in all of the parliamentary debate, there has been a poor involvement from our part. It has substantially been a confrontation”.<sup>14</sup> The constitutional reform adopted in 2005 was both divisive and salient. What is here central to explain the difference between the 2001 and the 2006 referendums is the attitude of the opposition who came back to power just before the referendums. In the first case, in 2001, the centre-right (then in the opposition) was involved in the conception and elaboration of the constitutional reform up until the breakup of the third *Bicamerale*. Despite the fact that the centre-right refused to vote on the reform of Title V during the final phase of the process, and the fact that the centre-right called for a “no” vote in the referendum, the confirmative referendum was adopted by a comfortable majority. As already explained, the centre-right’s main argument to justify its formal opposition was that the reform did not go far enough. This strategy is different to opposing the reform altogether: it consists of showing agreement with the objectives, but also of blaming the government for not doing enough to achieve them. Therefore, in many ways, federalism was framed as a *valence issue* (Stokes 1963) during the 2001 referendum, which can be defined as “those issues on which there is agreement on the ends of politics” (Green 2007, 629). The implicit, underlying argument behind the centre-right rhetoric was that the centre-left was unable to deliver on that shared objective, i.e. federalism.

In 2006, on the other hand, the centre-left built its rhetoric by framing the constitutional reform as ultimately a *position issue*. The main difference, in this instance, stems from the fact that the reforms at stake were divisive. The vote on the 2006 reform was therefore clearly following an “attitude voting” pattern, where voters decided on the referendum based on their ideological proximity and the cues provided by the Italian parties on the constitutional package. In particular, the opposition to the Lega of the centre-left and of two of the centre-right parties (AN and the UDC) proved particularly decisive.

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<sup>14</sup> « La riforma fu portata avanti dalle forze che sostenevano il governo Berlusconi (...) Per cui, in tutto il confronto parlamentare, ci fu un scarso coinvolgimento nostro. Fu sostanzialmente un muro contro muro.» Interview with Vannino Chiti, MP of Toscana between 2001 and 2008, minister of the relations with the Parliament between 2006 and 2008, senator of Toscana since 2008, DS, 3 July 2013, at his office in Rome.

## **Section 6. “Crisis referendums”: the referendums on powers of enquiry and Seanad abolition in Ireland**

In Ireland since 2011, the agenda of political reforms has been a clear consequence of the economic crisis, which has been presented in the media, by civil society activists and by the experts as a political crisis requiring a massive overhauling of the Irish political institutions to improve transparency and accountability in the political system (Bedock 2014). The failures at referendum of the reforms to expand the powers of enquiry of the Oireachtas and to abolish the second chamber (Seanad), at first glance, seem very puzzling. Indeed, both of these political reforms benefited from widespread assent when they were put on the agenda, and most observers and polls foresaw an easy adoption by referendum. Yet, in both cases, the final outcome was the same: the rejection of the reform by a small, but decisive, margin of voters. These two referendum campaigns illustrate well the dynamics inherent to non-salient issues in a context where the government is unpopular. They also show in what way the economic crisis, by de-legitimising durably the government, accelerated the “second-order” logics of these two referendums, turning them into two opportunities to express distrust towards the government.

The governing coalition took rapid action concerning the powers of enquiry of the Oireachtas, which was one of the recommendations of the Joint Committee on the Constitution (2011). This referendum sought to overturn a 2000 High Court judgment, referred to as the “Abbeylara judgment”, which considered that the Oireachtas had no inherent powers of enquiry under the Constitution. The proposed amendment would have given explicit power to the Houses of the Oireachtas to conduct enquiries into matters of “general public importance”, and to make findings in respect of the conduct of individuals. Sub-section 4 of the proposal stated that “it shall be for the House (...) to determine the appropriate balance between the rights of persons and the public interest for the purposes of ensuring an effective inquiry”. The consequences of this point were relatively unclear. This caused major concern among law specialists in Ireland. Most lawyers interpreted it as a means of making it very difficult for an individual before such an enquiry to defend his/her rights in court if he/she felt wronged. This last point was not debated thoroughly in parliament, and was put forward by Alan Shatter (FG Minister for Justice), and Brendan Howlin (Labour Minister for Public Expenditure and Reform). The elaboration of the proposal was, undoubtedly, conducted solely by the government, with a very short parliamentary debate (only two hours for the second reading!). Still, the main opposition party, Fianna Fáil,

voted in favour of this bill.<sup>15</sup> Therefore, all main Irish political parties were in favour of this measure. What proved decisive in explaining the “no” vote was the mobilisation of both civil society and law specialists. Eight former holders of the Office of the Attorney General, the legal adviser to the government and the chief law officer of the state, spoke out against the constitutional amendment.<sup>16</sup>

One month before the vote, opinion polls showed extensive support for the proposed measure (between 74% and 81%, Marsh, Suiter, and Reidy 2012, 9). The referendum was held on the same day as the presidential election, on 27 October 2011, and was rejected, with 53% of voters opposed and 47% in favour, and a turnout of 56%. This came as a clear blow for the government, all the more so because opinion polls showed that 74% of those who voted in the referendum were actually in favour, as well as 58% of the voters who voted “no” (Marsh, Suiter, and Reidy 2012, 11)!<sup>17</sup> Experts gave three primary reasons to explain why the referendum was not adopted: the sense among voters that the amendment would give too much power to politicians, the lack of knowledge on the topic (with a large number of voters unable to recall the “yes” and “no” arguments), and the tendency to trust the experts calling for a “no” vote, such as Attorney Generals or legal specialists, more than politicians (Marsh, Suiter, and Reidy 2012).

There was therefore clear evidence supporting our two hypotheses in this case: the results of the referendum are markedly different from what was expected in the polls, and the campaign dynamics on a low-salient issue for voters have conducted a majority of them to express distrust for a reform perceived as potentially empowering the government. One can also interpret this referendum in light of the fact that the leading coalition had underestimated the costs of political reform. It had been perceived as an “easy” and uncontroversial topic in the election, whereas the referendum showed that the actual adoption of precise measures involved a great deal of debate, effort, and coordination to avoid the possibility of the opposition (here, outside of the parliament) re-framing the referendum, and even changing its outcome. The referendum on the abolition of the Seanad provides an even better illustration of these re-framing dynamics unfavourable to the government in the aftermath of the economic crisis.

The proposal to abolish the Seanad was one of the most highly visible proposals contained in the Programme for Government, and was present in the 2011 manifestos of all of the four main political parties. The focus on political reform in the 2011 election was the result of

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<sup>15</sup> Whelan, Noel. “Coalition a victim of its own haste on referendum”. *The Irish Times*, 5 November 2011.

<sup>16</sup> Brennan, Michal, McDonald, Dearbhail. “Top legal experts call for No vote in new poll”. *The Irish Independent*, 24 October 2011.

<sup>17</sup> <http://per.gov.ie/wp-content/uploads/OIReferendum-Report-Final-2003-corrected.pdf>  
The report draws on quantitative data provided by the poll company Red C.

the emergence of a narrative linking the crisis with the failures of the political system. In this context, the Irish upper house served as a cheap expiatory victim. The Seanad, its functioning, and the lack of added value of an upper house in its existing form have been criticised for decades, but most of the debates concluded by calling for profound reform of the Seanad. The decision to abolish the Seanad if Fine Gael returned to power was made unilaterally by Enda Kenny and his advisors, without the consultation of the parliamentary party, and was announced by Kenny himself in October 2009 on the occasion of the Fine Gael presidential dinner. This position was gradually endorsed by all of the major political parties, with a strong and explicit link drawn between the economic crisis, the need to reform the institutions, and the call to abolish the Seanad. When I asked one political adviser why Fine Gael chose the abolition of the Seanad as its “showcase” political reform, his answer was clearly directed towards political communication, rather than towards any grand, visionary plan for the way Irish political institutions should look:

“Easy communication. (...) I think that was just a simple idea that could be easily communicated, whereas a lot of the other reforms, or issues about electoral reform, constituencies, lists, the public would find it difficult to understand without knowing how the system works an awful lot. It would have been harder to communicate on those issues than say, simple message of Seanad abolition, the reform agenda of the Seanad has not worked out, and therefore we put this out there”.<sup>18</sup>

In other words, the idea to abolish the Seanad was not deprived of populist overtones, but it was a consensual idea that seemed to be shared by a majority of politicians and of the people when it was first put on the agenda. In 2011, 58% of the people surveyed agreed with the proposition “the Seanad should be abolished”, 22% neither disagreed nor agreed, and 20% only disagreed.<sup>19</sup> Kenny, from the beginning, expressed the will to leave his mark on this reform. It was therefore clearly the “pet project” of the leader of the new Irish government.

In reality, soon after the election it became obvious that the abolition of the Second Chamber was an extremely complex legal matter: the Seanad is mentioned 67 times in the Irish constitution, in no less than 16 articles, which implies that its abolition would require the rewording of substantial sections of the constitution. Consequently, the date for the organisation of the Seanad referendum was delayed until October 2013. Moreover, the abolition of the Seanad would leave clear winners and losers in every single party in the parliament, the losers, of course, being the senators themselves. The bill to abolish the Seanad was finally adopted in July 2013, with opposition from Fianna Fáil.<sup>20</sup> During the official campaign, the reform was opposed by the

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<sup>18</sup> Interview with a political adviser, op. cit.

<sup>19</sup> The survey had been conducted by the Irish National Election Study of 2011.

<sup>20</sup> *Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill* 2013. Dublin: Stationery Office.

main opposition party, Fianna Fáil,<sup>21</sup> by some ex-Fine Gael<sup>22</sup> and Labour politicians,<sup>23</sup> by the Green Party,<sup>24</sup> as well as by influential civil society advocates.<sup>25</sup> For example, the Seanad Reform Group, comprised of sitting senators and former politicians, welcomed academics and experts who supported Seanad reform (see, for example, Quinn et al. 2012). The “yes” side, on the other hand, was supported by the government coalition, but also by Sinn Féin.<sup>26</sup> The coalition against the reform attempted, and succeeded in de-legitimising the reform by re-framing it as a divisive issue, denouncing as cynical the motives of Enda Kenny, who had campaigned on the basis that voters should get rid of senators costing €20 million a year. Indeed, the main – if not the only – argument put forward by the Fine Gael party was the “savings” argument. The most striking element, in reviewing the press coverage, the debates on the abolition of the Seanad, and the interview notes is the almost complete failure on the part of the abolitionists to frame the debate along the lines of “do we need a second chamber and how should the parliament be organised vis-à-vis the government?”. Instead, the superficiality of most of the arguments pushing for Seanad abolition is abundantly clear: saving money, and getting rid of politicians. The opponents, on the other hand, all argued that the Seanad should be reformed, rather than abolished; virtually no one defended the Seanad in its existing state. Moreover, despite the fact that Kenny tried to focus the campaign purely on Seanad abolition – and therefore on a simple and unidimensional question – the contenders placed the question of the Seanad within a wider frame, insisting on democratic accountability and linking the issue with Dáil reform.<sup>27</sup> Fine Gael tried to provide plans for Dáil reform concomitantly with the campaign for Seanad abolition.<sup>28</sup> However, the negative campaigning over the Seanad issue led many of the undecided voters and experts to choose the “no” side in the referendum. In the end, against all odds, and despite the polls which

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<sup>21</sup> Martin, Michéal. “A no vote would signal that people want real reform”. *The Irish Times*, 24 September 2013.

<sup>22</sup> Carroll, Steven. “Creighton despairs at the public’s desire for fewer politicians”. *The Irish Times*, 1 October 2013. Lucinda Creighton and six other TDs who were expelled from the Fine Gael party because of their stance against the law on abortion adopted in 2013 have created the Reform Alliance.

<sup>23</sup> O’Regan, Michael. “Campaign trail attracts some strange political bedfellows on No side”. *The Irish Times*, 12 September 2013.

<sup>24</sup> Brennan, Michael. “Green party warns abolishing Seanad would concentrate power in smaller political circle”. *Irish Independent*, 5 September 2013.

<sup>25</sup> Cf. for example O’Toole, Fintan. “Say No to coalition’s reform charade”. *The Irish Times*, 1 October 2013.

<sup>26</sup> Adams, Gerry. “Seanad must be abolished to create better democracy”. *The Irish Times*, 30 September 2013.

<sup>27</sup> This is, for example, the argument of influential TV journalist Vincent Browne. Browne, Vincent. “Cynical Seanad abolition stunt must not be rewarded”. *The Irish Times*, 17 July 2013.

<sup>28</sup> Cf. *supra* and the detailed proposals: <http://www.merriestreet.ie/index.php/2013/09/government-publishes-programme-of-dail-reform-2/?cat=3>

consistently predicted the abolition of the Seanad by a comfortable margin,<sup>29</sup> Kenny lost the referendum, with 51.7% of the electoral turnout voting against abolition. The turnout was amongst the lowest ever registered for a referendum in Ireland, with only 39.2% of voters actually going to the polls. Therefore, the result of the vote can be thought of as a mix of sanction against the government and Kenny's cynical motives behind Seanad abolition, of the lack of mobilisation, of the consequences of the poor wording of the referendum,<sup>30</sup> but also of the successful re-framing of the abolition of the Seanad as a divisive issue.

There are clear commonalities between the lost referendum on powers of enquiry and that on Seanad abolition. First of all, both issues benefited from a very wide assent of the citizens and major political parties in 2011. The actual results are clearly not in line with the level of support registered for the ballot proposal at the beginning of the campaign, hereby confirming clearly the first hypothesis. Secondly, neither the issue of the powers of enquiry nor the abolition of the Seanad were very salient issues amongst the general public. As a result, the consensus for these reforms has eroded substantially over the course of the campaign, with the wish in both instances to punish the government for what was perceived as an attempt to "grab power". There is therefore abundant evidence confirming the second hypothesis. The referendum requirement has therefore proved to be particularly difficult to overcome. As noted by Semetko and De Vrees, "despite the apparent simplistic nature of the referendum vote (Yes or No), the referendum issue is often multi-faceted and different aspects may trigger different perceptions among voters" (2013, 3). The abolition of the Seanad and the expansion of the powers of enquiry may have been popular, yet as soon as reform opponents successfully re-framed these reforms into a complex, multi-faceted framework ("the power of politicians and their accountability", "the power-grab of the government and the lack of checks and balances in the Dáil"), these issues became highly contentious and divisive. Many previous studies have demonstrated how much the arguments, the key messages and the framing of referendum campaigns can effect the final outcome (LeDuc 2002; Lupia 1992; Lupia and McCubbins 1998). In this instance, the fact that the government monopolised the elaboration of the reform, in order to claim credit for it, pushed the opposition and external political actors to re-frame the argument to punish the government, eventually leading to the non-adoption of these two reforms. The will to sanction

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<sup>29</sup> In the last major Ipsos MRBI poll published, when undecided voters were excluded, the proposal was backed by 62% and rejected by 38% of the individuals surveyed. When including the undecided, 44% backed the proposal, 27% said they would vote to retain the Seanad, 21% did not know what they would vote, and 8% said they would not vote. Beesley, Arthur. "Seanad referendum set to pass as voters back argument for cost savings". *The Irish Times*, 30 September 2013.

<sup>30</sup> Citizens were to vote "yes" to abolish the Seanad and "no" to retain it, which caused some misunderstandings and confusion at the polls.

the government was exacerbated in the context of the Irish political crisis, where the entire political class was deemed responsible for the mismanagement of the economy.

## **Conclusion**

These five referendums on political institutions display very distinctive dynamics, enabling to understand better the mechanisms ruling this type of referendums. With the exception of the 2006 constitutional referendum in Italy, these referendums were dealing with low-salient issues. As a consequence, it is possible to distinguish between three patterns here. On the one hand, in the case of the referendum on the presidential term in France in 2000 and of the reform of the Title V in 2001 in Italy, the major political forces basically decided not to campaign to support either the reform or the status quo. As a consequence, the interest for the issue remained very low, and the adoption was relatively straightforward, although there is some evidence in the case of France of a slow erosion of the support for the reform over the course of the campaign. In the case of the 2006 referendum on the second Part of the constitution in Italy in 2006, the issue was salient and as a consequence there is evidence that the result can primarily be explained by “attitude voting”, where voters expressed the vote closest to their opinion or at least the one of their favourite political party. Finally, in the case of the two Irish referendums following the crisis, there is clear evidence of second-order election voting dynamics with a strong “anti-government” overtone, where the two votes have been used to express enduring mistrust against the government. Voters appear therefore particularly willing to use referendums as a way to punish government in times of crisis, including on issues apparently benefiting from a wide popular assent.

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