CHAPTER 10

DIRECT DEMOCRACY ON TRIAL: THE CITIZENS-INITIATED REFERENDUMS

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An effective representative democracy with robust avenues
for public participation does not depend on the existence of
citizens-initiated referenda.
— Janet McLean 2000

. . . if the select committee had listened and had . . . made
some areas binding, ordinary and common New Zealanders
would have felt that at last they had some say in what happened
to them . . .
— Ian Peters, MP, Tongariro, 1993

When New Zealanders went to the polling booths on election day in 1999, some were surprised to be issued with a bundle of papers. As well as their general election ballots, voters also faced two citizens-initiated referendums (CIRs). Citizens' initiatives were a relatively recent addition to the country's democratic practices. The legislation enabling such initiatives was passed late in 1993, only a few weeks before the referendum approving MMP. The timing was not entirely fortuitous. Both CIR and MMP were nurtured by the same widespread mood of disillusion, to which National politicians were tactically, and in many cases reluctantly, responding (Jackson and McRobie 1998, 86–92). Since 1993, however, only one initiative had proceeded to a referendum vote.[1] In 1999, therefore, citizens-initiated referendums, like MMP, were on trial.

One of the two 1999 initiatives, dealing with crime and punishment, arose from the much-publicised callous bashing of an elderly woman in the context of growing public concern over the incidence of violence in the community, and particularly violence committed by intruders into people's homes. The resulting referendum question asked: 'Should there be a reform of our justice system placing greater emphasis on the needs of victims, providing restitution and compensation for them and imposing minimum sentences and hard labour for all serious violent offences?' Although three separate questions — greater

provision for victims, the imposition of minimum sentences, the introduction of hard labour — were woven into one, a format which defied the basic need to put to electors a simple, unambiguous question, the intent of the referendum was clear: get tougher on crimes of violence. The outcome, expressing the community's collective sympathy, indignation, fear of, and outrage at, such crimes, was an overwhelming 92 per cent 'yes' vote. That such a result was widely anticipated perhaps suggests that resort to a full-scale referendum was unnecessary to achieve a political response. It also raises questions about the extent of information on CIR issues available to the voting public. While the events preceding the referendum on violent crime were fully publicised in the media, the pros and cons of the various solutions embodied in the referendum question, such as 'minimum sentences' for violent crime, or the practicalities, even the meaning, of 'hard labour', received little or no attention. The substantive as distinct from the emotional basis for the huge 'yes' vote is thus open to question in a society that values informed action.

The second initiative asked: 'Should the size of the House of Representatives be reduced from 120 members to 99 members?' Simple, unambiguous, and on the surface dealing with a technical matter, the question nevertheless tapped into widespread feelings of distrust of politicians (Vowles, Aimer, Banducci, Karp 1998, 164). These had intensified with the experience of the radical reforms and broken promises associated with governments between 1984 and 1993. On top of this, the first MMP election in 1996 added a flood of negative perceptions of politicians' behaviour in Parliament, and of the competence and judgement of individual MPs. The advent of proportional representation and the increase in the size of Parliament to 120 MPs resulted in a more heterogeneous Parliament than before (Chapter 9), including an unusually high intake of inexperienced politicians, some of whom were plunged straight into taxing ministerial roles in the unfamiliar context of coalition government.

'Direct' versus 'Indirect' Democracy

Citizens-initiated referendums sit uneasily within the theory and practice of representative democracy. The essence of representative democracy is the election by voters of legislators, who then have the task of deciding the direction and details of public policy. In text-book language, representative democracy is therefore 'indirect democracy', since the citizens have largely delegated the responsibility of determining policy to others. The alternative, 'direct democracy', allows citizens to participate individually in the policy-making process by means of referendums; that is, by voting on specific policy options. Referendums are widely, but variously used among the world's major democracies (LeDuc, Niemi, and Norris 1996, 13–15). Most commonly, they are used to decide constitutional issues such as the question of European integration, the status of French Quebec in Canada, whether Australia should become a republic, and electoral reform, and the term of Parliament in New Zealand. Less frequently, 'direct democracy' has been extended to more general questions of public policy by means of the initiative, whereby citizens

or groups outside the legislature directly propose public policies which are then voted on. Only in Switzerland and Italy is the initiative used frequently at the national level. Within the United States, about half the states have provisions for the initiative process, while some, such as California and Oregon, frequently use the initiative to decide public policy on a range of issues.

The merits of 'direct' and 'indirect' democratic practices are a matter of debate, both forms having their ardent advocates. Supporters of direct democracy claim that one of the virtues of the process is that it gives people the ability to enact reforms that representatives might be reluctant to consider. Direct democracy not only produces debate on issues that might otherwise be ignored, it also promotes government responsiveness and accountability by forcing public officials to adhere to the voice of the people. By enabling greater popular control of the policy agenda and outputs, referendums have strong normative appeal. What could be a more democratic way of determining policy than referendums — government 'by the people'? Accordingly, some have argued that the establishment of direct democracy legislation gives individuals a greater sense of involvement in politics, as well as reducing popular mistrust and alienation (Bowler, Donovan and Tolbert 1998; Mendelsohn and Cutler 2000).

Opposed to this is the belief that initiatives and referendums allow voters, many of whom are ill-informed, to exercise many of the powers normally reserved to Parliament. This view upholds a preference for laws to be made in a deliberative manner by representatives who have the time and expertise to grapple with the usually complex, often uncertain and always contestable nature of public policy. Critics of direct democracy also contend that it has the potential to threaten legitimate minority interests, resulting in the so-called 'tyranny of the majority' (see Gamble 1997). In New Zealand, the presence of an indigenous Maori minority has given these fears specific relevance. The Royal Commission on the Electoral System warned of the possible use of initiatives and referendums by larger groups 'to curb special programmes for disadvantaged minorities, or to enforce their own cultural dominance' (RCES 1986, 175). Lijphart (1999, 230–1), however, reverses the balance by finding the Swiss 'referendum-plus-initiative' procedure to be a way for minorities 'to challenge any laws passed by the majority of the elected representatives'. Critics of direct democracy also contend that the process has the potential to be undermined by the domination of special interests, especially those commanding superior resources. In the United States, virtually any initiative can qualify for the ballot if the backer has enough money, and voters may be manipulated by one-sided campaigns.

The Use of Direct Democracy in New Zealand

Although New Zealand (formerly a British colony) was constituted as a representative democracy, governments here, as in all democracies, have resorted to referendums from time to time. From 1911 to 1989 citizens voted every three years on questions about control of the liquor industry, and the location of 'licensed premises' (Hughes 1994, 156). Since 1949, New Zealand

citizens have also voted in seven non-licensing referendums, four of which
dealt with the constitutional questions of the term of Parliament and the voting
system.[2] Historically, there has been periodical pressure to extend the practice
of 'direct democracy'. Introducing the Citizens Initiated Referenda Bill in
1993, the Minister of Justice noted that the direct democracy debate had begun
a century earlier (Hansard, 14 September 1993, 17951). Hughes (1994, 158)
links the early twentieth-century impetus for using referendums and initiatives
in New Zealand to the 'contemporary North American enthusiasms of the
Populist and Progressive movements'. In New Zealand, the labour movement,
first through the Social Democratic party, and after 1916 the Labour party (the
nation's third party at the time), campaigned on promises to extend direct
democracy by introducing such practices as the initiative, referendum and
recall (Hughes 1994, 156). Yet by the time Labour was first elected to govern-
ment in 1935, all these had been been dropped from its manifesto. New
Zealand then entered a period of almost pure, Westminster-style, representative
democracy (Lijphart 1999, 21–5).

Populist political instincts re-emerged after 1970. The growing perception
that politicians were untrustworthy, and governments unresponsive, resulted in
more strident advocacy of direct democracy. In 1984, the Social Credit MP,
Garry Knapp, introduced a bill to Parliament in favour of citizens-initiated
referendums. The Labour government referred the bill to the Royal Com-
mission on the Electoral System. In 1986, the Royal Commission reported that
they had 'received a wide range of suggestions on how there could be more
opportunities for popular participation in Government through referenda', as
well as other suggestions to enable the expression of 'the popular will' (*Report,*
171). The Commission, however, found little virtue in any provision for
popular initiatives in the legislative process (173–5).

By 1988, the National party, still in opposition, had realised that political
capital could be made by throwing its support behind the demand for citizens-
initiated referendums (Church 2000, 185). They had read the mood accurately.
At the time of the 1990 election, 78 per cent of respondents agreed with the
proposition put to them in the NZES post-election survey that 'we should be
able to make government hold a binding referendum if we want one on a
particular issue'. Back in power after the election, National kept its word on the
issue. Bending to the weight of demand (and hoping to deflect growing interest
in electoral reform), the National government, unopposed by Labour, passed
the Citizens Initiated Referenda Act establishing a CIR process. Even though
the results of any referendum would not be binding on the government, the new
procedure was a significant adjunct to the long-standing machinery of rep-
resentative government.

For a CIR to take place, petitioners must secure signatures from 10 per cent
of eligible voters in one year. If they succeed, government must hold a
referendum within one year. Within two years of the Act's passage, close to
twenty petitions had been approved for circulation on a wide variety of topics,
such as the prohibition of egg production from battery hens, the ending of
parole for murderers sentenced to life imprisonment, and an end to preference
on the basis of ethnic origins (Catt 1996). Yet all of these petitions failed to
gain the requisite number of signatures within the year (Catt 1996). Indeed,

prior to 1999, only one CIR appeared before the voters (in December 1995). Sponsored by the Firefighters Union, the measure was intended to protect firefighter jobs by asking whether the number of employed full-time firefighters should be reduced. Consistent with the union's intent, voters decisively opposed reduction by 88 per cent (see note 1). The government refused to take notice of the result, citing low turnout, the general inappropriateness of using the CIR procedure to deal with a complex issue of industrial relations, and budgeting priorities (Mulgan 1997, 284).

Opinions about Direct Democracy

Since the introduction of the CIR procedure, public attitudes have remained strongly in favour of provision for referendums. In 1999, two-thirds of our respondents considered that 'referendums and citizen-initiated referendums' were 'good things', and only 1 per cent rejected them as 'bad things'. The remaining third in a sense shrugged their shoulders, either agreeing that referendums did not 'make much difference' or having no opinion on the matter at all. Yet while indicating strong approval of referendums in general, the data also hint at a waning of popular enthusiasm for them. Compared to 1990, when there was overwhelming support for the idea of forcing governments to hold binding referendums, in 1999 slightly fewer than one-third of respondents agreed that the 'results of citizens initiated referendums should automatically become law'. While the wording of the two items differs, their sense is comparable, and the gap between 78 per cent and 32 per cent is too wide to be attributable solely to question wording.

Table 10.1: Mass Opinion about Direct Democracy (%)

	Agree	Disagree	Don't Know
Referendums and CIRs are good things	64	0	23
Referendums should become law	32	35	14
Referendums get attention	75	7	12
Referendums are too complicated	17	59	8
Parliament not voters should make final decisions on law and policy	50	32	8

SOURCE: NZES 1999 Post-election

Nevertheless, 32 per cent constitutes a substantial minority whose devotion to binding citizens-initiated referendums would, if implemented, amount to a significant diminution of Parliament's sovereignty. It would relocate New Zealand closer in constitutional practice to Switzerland, Italy and a number of states in the USA (Catt 1999, 57–61). Yet the data also show that populist enthusiasm for referendums is held in check by regard for Parliament's traditional role. Overall, 50 per cent of NZES respondents in 1999 agreed with the proposition that 'Parliament, not voters should make final decisions on law and policy'. Another 11 per cent expressed neutrality, while 32 per cent

disagreed (the remaining 8 per cent confessing not to know). Agreement with this core principle of representative democracy rose to 61 per cent among those who were 'very interested' in politics, and even a third of the 31 per cent who advocated binding referendums, agreed.

Affirmation of Parliament's role also climbed steadily with the age of electors. For example, 65 per cent of respondents over 65 years of age agreed that Parliament should prevail over voters in determining law and policy, whereas only 32 per cent of those in the 18–23 age group did so. However, the gap between the age groups is more the result of uncertainty among the younger cohorts than their greater preference for direct democracy. While 34 per cent of respondents in the 18–23 age group disagreed that Parliament should prevail over voters, the proportion among the 55–64 group was only slightly less at 29 per cent. Meanwhile, the proportion who were neutral on the issue or could not say slumped from 35 per cent among the 18–23 age groups to 14 per cent for the 55–64 age group and further down again to 11 per cent among those over 65 years.

Aside from age-related attitudes, other factors might also incline people toward or away from the processes of direct democracy. For example, we might hypothesise that those who feel that politicians are out of touch or who are dissatisfied with democracy will want voters to make policy themselves. People's party preferences and ideology might also influence these attitudes. Because direct democracy is majoritarian in principle, and has the potential to threaten minority rights, particularly in small communities (see Donovan and Bowler 1998), we might expect minorities to be less supportive of the idea of direct democracy. We have used a basic regression model to explore such patterns of attitudes toward the role of Parliament versus voters in the policy process. The data in the table confirm that older citizens were far more sceptical of direct democracy than younger ones, but also show that women were more supportive than men. There is no evidence, however, that citizens view the process in either partisan or ideological terms, nor do we find any differences between minorities and New Zealand Europeans. On the other hand, people who believed MPs to be 'out of touch with the rest of the community', or who were dissatisfied with 'the way democracy works in New Zealand', were more likely to want to circumvent the legislature. This finding indicates that citizens may see direct democracy more as a vehicle for registering protest than as a means of influencing the policy-making process.

When the two sets of responses on referendums and the role of Parliament are combined, we find that the 'hard-line' populists — those who thought that citizens initiated referendums should automatically become law, and who also denied that Parliament, not voters, should make final decisions on law and policy — shrink to 17 per cent of electors, while their opposite number — the most ardent advocates of parliamentary supremacy ('no' to binding refer-endums, 'yes' to Parliament making the final decisions) — accounted for 27 per cent of electors. Discounting the 9 per cent who chose either the neutral or 'don't know' response for both items, it is clear that a majority of electors see some place for citizens initiated referendums within the more deliberative policy-making procedures of representative government, though the largest

group do not want them to be binding. However, an unusually high proportion of respondents — 12 per cent — did not know whether or not referendums should be binding, and another unusually large group — 19 per cent — chose to be neutral on the matter. These replies from nearly one-third of our respondents suggest a high degree of uncertainty within the electorate over the place of referendums. This in turn is consistent with the evidence of a considerable shift in the balance of attitudes between 1990 and 1999. Such a shift may reflect any of a number of causes — the changed political climate, electoral turnover, the more inclusive and representative nature of MMP Parliaments, the extent to which governments have responded to the issues that prompted the referendum initiatives, and the mixed experience of citizens initiated referendums since 1993.

In practice, the CIR procedure in New Zealand has not so far been conspicuously successful. Critics have noted the difficulty of representing public policy issues in a form that is appropriate for a referendum, that is 'in neutral language in a simple question' (Palmer and Palmer 1997, 202). Perhaps because such referendums do not bind the government to any subsequent action, no provision has been made for an impartial public education programme on CIR issues. Electors thus risk casting their votes on inadequate or one-sided information, in an exercise the outcome of which is indeterminate. Yet even without the cost of a state-funded public education campaign, the expense of a referendum has been questioned. While two of the three referendums held so far were dovetailed with the general election in 1999, the 1995 referendum cost $9 million (Palmer and Palmer, 204). The purpose of non-binding referendums has also been questioned on the ground that they duplicate the less expensive practice by concerned citizens of petitioning Parliament in order to attract the politicians' attention to issues (McLean 2000, 366). While neither a non-binding citizen initiated referendum nor a well-supported petition guarantees a government response, both are equally capable of demonstrating public concern to which politicians may wish to respond. Having two overlapping procedures for this purpose is difficult to justify. Most contention, however, still surrounds the question of whether or not referendums should be binding. While a clear majority in 1999 thought that referendums, including citizens initiated referendums, were 'good things', not too complicated for the average voter, and very definitely a way of getting the politicians' attention, nevertheless, less than one-third wanted to see them become automatic tools of law-making.

Given the potentially antagonistic relationship between legislative institutions and CIRs, and the fact that CIRs might alter how legislatures operate, we should expect political elites to be more sceptical about direct democracy. Surveys in Canada and the United States have indicated greater resistance to CIRs among incumbents generally, the governing party in particular, and among respondents who placed themselves at the ends of the ideological spectrum (Bowler, Donovan and Karp 2001). Table 10.2 shows the responses of New Zealand candidates to a similar battery of questions. Overall, while support for CIRs is, as expected, somewhat lower among people aspiring to be policy decision-makers, there is still considerable sympathy for CIRs. Half the candidates agreed that referendums and CIRs are 'good things', most

conceded that referendums get attention, and only a little more than a third believed that they are too complicated for voters. But there were far greater differences between electors and elites on the defining question of whether or not referendums should be binding. Only 9 per cent of the candidates thought that CIRs should 'automatically become law'. A similar distribution is evident on the question of whether Parliament or voters should make final decisions on law and policy. These results reveal support for the institutions of indirect democracy, and indicate that while elites may show some support for direct democracy in principle, they are nonetheless not very receptive to the idea of relinquishing their power to formulate policy to voters.

Table 10.2: Elite Opinion about Direct Democracy (%)

	Agree	Disagree	Don't Know
Referendums and CIRs are good things	50	13	34
Referendums should become law	9	81	10
Referendums get attention	87	8	5
Referendums are too complicated	37	44	19
Parliament not voters should make final decisions on law and policy	83	10	0
CIRs will make bad law	44	24	32
CIRs restrain parliament	44	31	24

SOURCE: NZES 1999 Candidate study

Voting on the 1999 CIRs

In politics, minor scandals make major headlines. After the 1996 election, the reputations of New Zealand First MPs, Tukoroirangi Morgan and Robyn McDonald, soon wilted under intense and deliberately destructive scrutiny by the Opposition and sections of the media. The performance of Alliance MP, Alamein Kopu, similarly drew scathing comment, rising to a chorus of public denigration when she left the Alliance and as an Independent MP switched support from the Opposition to the Government. A perception of MPs as being more self-interested than principled reached new heights with the collapse of the National–New Zealand First coalition in 1998 and the departure of a number of its MPs to other parties. Ironically, considering the tendency of many people to disparage politicians' blind adherence to party discipline, 'party hopping' brought more scorn on the heads of those who shifted their allegiance. Slighting politicians was by this time not merely rife, but even *de rigueur* in some walks of life.

Yet the resulting CIR seeking to cut the number of MPs was flawed in that its sponsor's aims were unlikely to be met by the means chosen to achieve them. The stated purpose of cutting the number of MPs was to improve their parliamentary behaviour. It was suggested that if there were fewer MPs they would have to work harder, which would reduce the time wasted in empty debate and partisan point-scoring. Yet such behaviour had been a feature of

New Zealand's adversarial style of politics well before the advent of the 120-member Parliament in 1996. Whatever the merit of the referendum's objective, reverting to 99 MPs would not solve the problem. But in addition to being ineffectual in achieving its prime objective, cutting back the number of MPs meant sacrificing significant gains in the practice of representative democracy. The move to MMP and the larger House of Representatives is too recent to allow a definitive assessment of the effects of the change. Nevertheless, it is clear that even after only one MMP election Parliament had become a more representative institution (Chapter 9), less overshadowed by the dominance of the Executive, and that its select committee system had been invigorated. Indeed, these were some of the benefits of a larger Parliament that had prompted the Royal Commission to recommend a minimum of 120 members, regardless of whether New Zealand adopted proportional representation or retained its traditional plurality electoral system (117–129).

Other possible benefits of the larger Parliament had yet to fully manifest themselves. For example, the quality of parliamentary debate was little improved, though the contribution of some members who owed their place to MMP and the larger Parliament provide exceptions. Other advantages were more evolutionary — for example, the effect of a larger 'pool of ministerial talent' promised by an expanded House. In this regard, normal recruitment paths favouring political experience within the two larger parties, and the lack of parliamentary expertise among most members of the smaller parties' caucuses, acted as delaying factors. Also requiring time to develop was the greater opportunity for MPs in a larger House to concentrate on, and develop special expertise in, particular policy areas. Nevertheless, at least one observer of the public policy process already saw portents of this during the first MMP Parliament (Easton 1999, 216).

While the stated aim of the CIR focused on the behaviour of MPs, the consequences of any reduction in their numbers were much wider. The reduction was almost certainly intended to be achieved by cutting the number of list seats to thirty-two. Indeed, the original wording of the petition had recommended this (Church 2000, 290). The alternative of reducing the number of electorate seats was not politically feasible, as it would have meant also increasing their geographical size to the detriment of effective local representation. A reduction in the number of list seats has consequences which the referendum's sponsors may or may not have intended. It is possible, though not inevitable, that a smaller ratio of list to electorate seats would put at risk the proportional allocation of seats intended by MMP. A second effect would be to greatly reduce the opportunity for larger parties to broaden their representation to perhaps include MPs from minority interests, or to achieve a better geographical spread of representation. For most of the larger parties' proportional share of parliamentary seats would be made up from the electorates they had won. In 1999, for example, because Labour did so well in the electorate contests, it would not have been eligible for any list seats in a hypothetical 99-seat House (see also Chapter 12). Even if no reduction were made in the present number of electorate seats, the effectiveness of local representation would be reduced. For the allocation of constituency duties to most list MPs, some of whom have set up offices in their home territories, has helped to

compensate for the increase in size of electorates under MMP.

The proposed reduction in the size of the House was thus far from benign with respect to the functioning of MMP. Yet none of the possible wider consequences were adequately presented to the public in the lead-up to the referendum. While the advocates of reduction could rightly claim that a smaller Parliament would cost less in raw dollar terms, the estimated annual saving of $7.1 million is a mere drop in the bucket of public expenditure. Such a saving at the expense of a more effectively functioning Parliament would amount to false economy, as the Royal Commission had concluded (128–9).

Attempts to argue the case for more or fewer MPs on the basis of the ratio of MPs to populations are problematic because they are complicated by the presence or absence of state and local governments and of an upper house. Nevertheless, a comparison of the New Zealand Parliament with others shows that even with 120 MPs the New Zealand House is not disproportionately large (Electoral Commission 1999; NZES 2000, 59). Moreover, historically, even the present 120 MPs for 2.5 million registered voters compares unfavourably with the ratio a century earlier, when there were 70 MPs from European electorates to serve 303,000 registered electors (McRobie 1989).

There were clearly two sides to the proposal to cut the numbers of MPs, yet they were never adequately debated before the referendum. Rather, the objective of reducing the numbers was allowed to be subsumed within and borne along by anti-politician sentiment. There was virtually no official programme of public education on the issue.[3] Before the election campaign began, there was a certain amount of newspaper and magazine coverage of the issue, but this would have reached only a small fraction of eligible voters. During the campaign, the issue was almost completely crowded out, save for one very brief item on television news on each channel. When a group of academics opposed to the reduction moved to publicise and explain their case, they were castigated for their action by sections of the print media, and their analysis largely ignored.

Most, therefore, who cast votes for a reduction in the number of MPs may have done so sincerely, but only those who had gone to considerable personal effort would have made their choice on the basis of a balanced consideration of the arguments for and against such a cut. But the proportion of electors who made such an effort would be small. Indeed, during the campaign phase of the NZES voter survey, 35 per cent of those sampled said they had not even heard of the referendum, and they were about 6 per cent more likely than those who were aware of it to say they would vote for cutting the number of MPs.[4] Nevertheless, other research has demonstrated that even relatively uninformed voters can make effective decisions on initiatives and referendums (Lupia 1994).

To assess people's reasons for supporting the referendums we constructed a model that estimates the likelihood of voting for each of them. For the referendum on reducing the number of MPs, we included variables that measure evaluations of electorate and list MPs, along with a general measure of the degree to which citizens view politicians as responsive. If voters who supported the initiative were primarily venting their anger at politicians, we should expect to see stronger support among those who are dissatisfied with all

MPs and the political process. On the other hand, if voters reacted to the initiative in a rational way, then we should expect to see differences between voters depending on their policy preferences. Those disenchanted with list MPs specifically should be more likely to support the initiative while those who believe women's representation in Parliament should be increased, or those who value proportionality, should be less likely to support the initiative.

For the crime initiative, we include a measure of support for additional spending on police and law enforcement, and another assessing support for the death penalty. To determine whether voters who supported the initiatives believed they were participating in a meaningful policy-making process or simply engaging in a symbolic protest, we include two of the measures discussed earlier, measuring opinions about direct democracy. We have also controlled for ideology, preferred party, and socio-demographics (see Appendix C, Chapter 10 for more details). Figure 10.1 shows the relative impact of the five most important factors shaping support for the referendum to reduce the number of MPs, while Figure 10.2 shows the relative impact of three factors shaping support for the crime initiative.

In both cases, those with more political knowledge were significantly less likely to support the initiatives. Most likely this reflects the fact that people with more political knowledge are more likely to encounter some of the debate over the initiatives. For them, the issues were less clear-cut, and their voting patterns less skewed. This suggests that had there been a public education campaign, the size of the margin between the 'yes' and 'no' votes would probably have been much reduced.

The data also reveal some of the underlying attitudes and policy preferences steering electors toward their referendum choices. As Figure 10.1 shows, those who wanted more women in Parliament were far less likely to vote for the initiative, while those disapproving of the list MPs were more likely to vote in favour. This is consistent with evidence that the message about the consequences of reducing the number of MPs was getting through. Although not depicted in the figure, support for proportionality (in effect approval of MMP) is also significantly related to voting against the initiative to reduce the number of MPs. On the crime initiative, as Figure 10.2 shows, respondents who wanted more spending on police and law enforcement, or those who believed in the death penalty, were not surprisingly also more likely to vote in favour. In both initiatives those who believed that referendums should become law were more likely to vote in favour.

Although not shown in the figures, there was a detectable effect of ideology, with those on the left being far less likely to vote 'yes'. In this context, partisan differences also emerged, though these were more apparent on the initiative concerned with the size of Parliament. Labour, New Zealand First, and Green party voters were significantly less likely than National's (the comparison category) to support the initiative on MPs. The measures for the other parties, although statistically insignificant, were all negative, indicating lower support than National. In the crime initiative, however, only the Alliance and the Greens were significantly less supportive than National. In both initiatives, minority groups in the population were less supportive than New Zealand Europeans. The reason for this is not obvious for the crime initiative,

Figure 10.1: Factors Influencing Likelihood of Voting to Reduce the Number of MPs
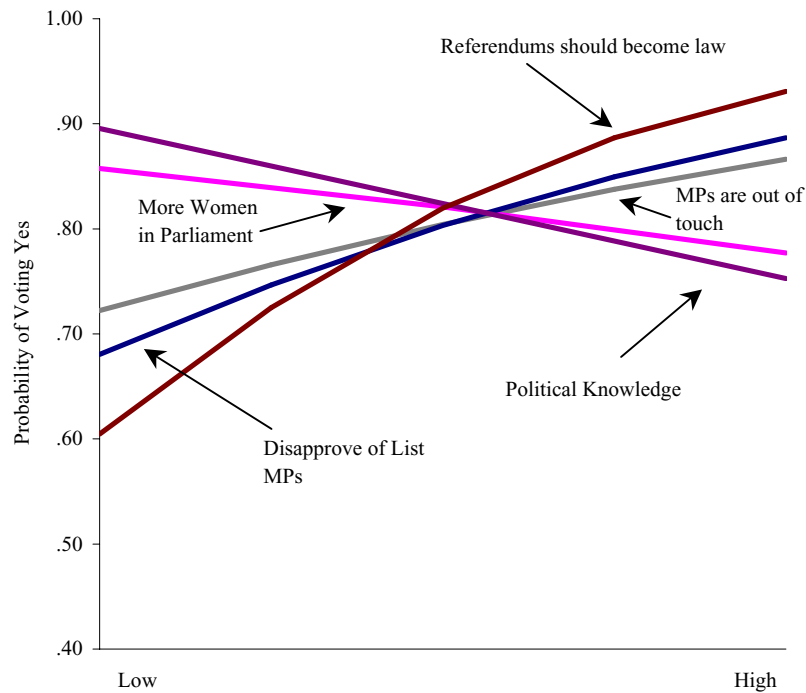

but the greater opportunities for minorities to achieve representation in a larger Parliament, especially by means of a favourable party list placing, would explain the response in the second case.

Conclusion

Two years before the election, the Palmers had written: 'Just what role citizens initiated referenda may play in the future is not easy to predict, but the portents are not favourable' (Palmer and Palmer 1997, 205). At that time, 20 of the 21 petitions launched since the CIR legislation had come into effect in 1994 had either lapsed or been withdrawn (Church 2000, 287–93). Only the initiative concerning the firefighters had been put to a vote, prompting a dismal 27 per cent turnout of enrolled electors. The referendums in 1999, in which 85 per cent of electors voted, were therefore the first serious test of the CIR experiment. They provided a comprehensive canvassing of electors' responses to two legitimate issues of public concern, which had aroused strong feelings across the community, and the distribution of votes was decisive.

Yet we are still left with a picture that is hardly clearer than the one the Palmers found. Ambiguity still surrounds the CIR process. The non-binding

Figure 10.2: Factors Influencing Likelihood of Voting to Get Tough on Crime
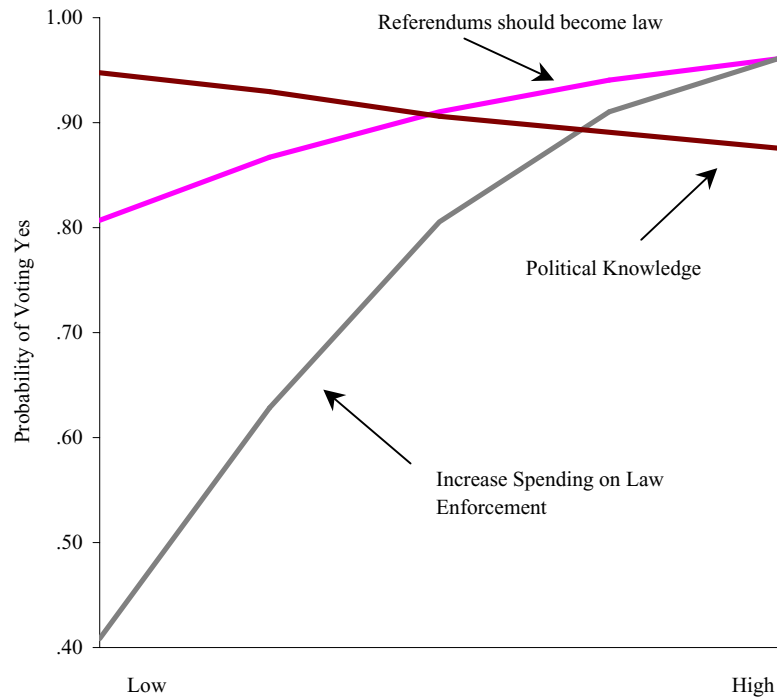
status of such referendums conflicts with the expectation of many citizens, especially those who have sponsored and supported a successful initiative, that action will automatically follow. In 1999, both initiatives received over-whelming endorsement from voters. Their moral mandates were therefore clear and powerful ones. Neither, however, bound the government to any action. Rather, the CIR process merely threw the issues back into the political arena. Subsequently, the government has acted in broad accordance with one of them, stiffening penalties for violent crime, but has taken no steps to reduce the size of Parliament (see Chapter 12). What had been a contentious issue before the CIR process remained one after. What had been achieved? At most, the initiative on the number of MPs had raised the salience of the issue, thus perhaps preparing it for another round of more deliberative assessment than has hitherto occurred.

In the avalanche of votes in favour of both initiatives, we can detect some elements of rationality in people's responses. In the circumstances of the election campaign, the issues at stake were given little attention, least of all attention that might have extended people's understanding of them. That on election day the voters expressed a collective judgement on the two refer-endum issues is not in doubt. That it was an informed judgement can be doubted. Rationality was given little chance. The result was two directives to

the incoming government, neither of which could be said to represent a definitive expression of informed opinion, and neither of which obliged the government to do anything. Had the 1993 legislation made CIRs binding on governments, there might have been a more adequate (and expensive) programme of public education. But to move from indicative to binding CIRs would be a major constitutional step — a step forward, some would say, and others, a step backwards.

Our surveys have shown that there is wide popular support, extending even to the ranks of parliamentary candidates, for a measure of direct democracy in the country's governance. Yet on the evidence so far, the CIR process has failed to meet that demand. Rather, while offering much, it delivers too little. To resolve this by abandoning the process is politically untenable. So too at present is the alternative of making CIRs binding, an extension of direct democracy that is not yet widely supported by either electors or politicians. The Palmers' assessment therefore still stands. Citizens initiated referendums are still on trial.