

# Referendum as a Party Tool: The Case of Slovakia

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Referendums are widely regarded as a way of enhancing democracy as they provide a further arena for citizens to affect public policy outcomes. In this regard, Slovakia represents a deviant case that contradicts such an expectation. Since its emergence in 1993, the country implemented mechanisms of direct democracy into its political system. This article analyses referendums in Slovakia and it shows how political parties use the employment of this tool solely for their own purposes. Our study provides evidence that Slovak political parties use referendums either as a way to mobilize their own supporters for upcoming national elections or to harm their opponents. Hence, a referendum in Slovakia serves as a tool for expanding the power of political parties rather than as a way of increasing the public engagement of citizens in the democratic system.

**Keywords:** *referendum; political parties; voter mobilization; visibility; Slovakia*

## Introduction

The use of referendums and related institutions has been continuously growing throughout the last couple of decades.<sup>1</sup> This trend is partly supported by the implementation of direct democracy mechanisms within newly established democracies.<sup>2</sup> From the group of Visegrad countries that are usually used as a referential case for each other, Slovakia is the system with the richest tradition of referendum use. The eight referendum events conducted thus far surpass Hungary by one, while being significantly above the five Polish cases and the one carried out in the Czech Republic.<sup>3</sup> While the consequences of referendums are studied with respect to the functioning of the whole political system, despite the frequent usage, the effects of referendums in Slovakia are studied very rarely.<sup>4</sup> From a theoretical perspective, the way a referendum is approached by political parties makes it a deviant case worth studying. It shows how this institution of direct democracy can be used without any particular interest in bringing citizens closer to the democratic system or to improving the quality of democracy, but exclusively as a tool of political parties in the fulfilment of their own interests.<sup>5</sup>

The central argument of this article is that two different approaches may be distinguished in the Slovak case. First, parties use referendums as a mean to mobilize their own supporters for upcoming national elections while the topic of referendum has only secondary, if any, importance. Second, parties initiate referendums in order to harm their opponents in government or in opposition. For the Slovak case, what matters is the campaign, through which the initiating actors can spread their message and gain popularity; however, the actual act of popular vote is basically irrelevant and has rather limited ability to shape the policy development of the country.

Consistent with a significant amount of literature, we set aside the argument that referendums are designed to permit citizens to affect public policy outcomes.<sup>6</sup> Our focus will be placed on the referendums' sponsors, who are, in initiating a referendum, attempting to fulfil their own objectives and interests. Political subjects may employ a referendum as a means to resolve internal tensions, further the legislative agenda, gain legitimacy for fundamental changes, or simply extend their public electoral support.<sup>7</sup> We analyse all referendums initiated in Slovakia by political parties (seven out of the total number of eight) to determine the motivations of the initiating actors. All the Slovak referendums initiated by political parties solely served the objective of reinforcing the electoral camps. This trend will be explained within the broader picture of the local politics and institutional setup in Slovakia and will discuss the broader implications for local policy development.

In the following section, we introduce the theoretical frameworks that will be employed to capture the way the initiating actors have approached the institution of the referendum. Subsequently, the chronological description is presented with a special attention to the position of the initiating actors. Later, we deduce the two main incentives behind the actors' initiations and draw a broader picture for the initiation strategies employed in Slovakia. In the last part, we discuss how the institutional order and political context in Slovakia predetermined the political elites' approach towards the referendum.

## **Types of Referendums**

The literature applies several basic distinctions when dealing with referendums. Despite the lack of consistency in different research projects, four fundamental dimensions may be derived that help to systematically capture this institution: (a) origin of initiating actors, (b) obligation to hold a referendum, (c) costs of initiation, and (d) impact of the result. Basically, all the categorizations across the literature take at least one of these into account.

Mendelsohn and Parkin claim that the very first thing taken into consideration when studying referendum effects must be whether the society provides a space only for government-sponsored referendums or whether it also offers initiation

opportunities for citizen-sponsored acts.<sup>8</sup> Since the latter category expects that an actor is unrelated to the government, this distinction will be referred to as the *government* versus *opposition*. The affiliation of referendum-initiating actor(s) to the government, or the opposition, represents the factor that most affects the referendum itself simply because it determines the extent to which a government will have control over the procedure.<sup>9</sup> That is exactly the reason why Smith calls referendums initiated by parties in government *controlled*, while those initiated by any other actor(s) *uncontrolled*.<sup>10</sup> However, as Morel adds, even though the position of initiating actor constitutes a relevant factor, as a single variable it is not sufficient for predicting how well good democratic practices will be implemented.<sup>11</sup>

This dimension is perceived by Suksi and Hug in a similar fashion.<sup>12</sup> However, their distinctions focus on the people's role in initiating the referendum, which divides referendums into *passive* and *active* categories. The former sees no other actors, only the government, initiating a referendum. The rest of the initiatives, which are initiated with the participation of the people, fall under *active referendums*. Even though both of these typologies—that is, government versus opposition as well as active versus passive—could be put on the same level as they deal with initiating actors, they are quite distinctive. Thus, this article utilizes analytical capabilities of both.

The second dimension distinguishing referendums from one another stems from Suksi, Setälä, and Schiller's works.<sup>13</sup> Based on the constitutional obligation to initiate a referendum with respect to the proposed policy, Suksi distinguishes between *mandatory* and *facultative referendums*, while both Setälä and Schiller recognize a substantive category of *mandatory referendums* standing alongside the basic government–opposition distinction. In this line of thought, Hug's framework identifies two groups—*required* and *non-required referendums*.<sup>14</sup> In all cases, the former covers referendums that deal with a topic that requires a public consultation, following the constitutional order. The latter category represents referendums that are optional and the topic does not require a public consultation before being implemented as policy. Since Hug uses the most intuitive terminology, it is adopted in this work.

One could expect that all required referendums should be automatically considered as a subgroup of government initiated acts. But that is not sufficient. From a theoretical perspective, we can expect also a situation when governing elites oppose the initiation of a required referendum, because the expected outcome is not suitable for their needs, and it is conducted only because of pressure from the opposition or civic society. Therefore, even when a referendum is required by law, this aspect extends both categories included in government–opposition distinction.

On the third dimension, Suksi introduces categories based on the initiation costs.<sup>15</sup> The effort required to initiate a referendum is lower if the legal order contains constitutional provisions that frame the institution in a certain manner, that is, the referendum is *pre-regulated*. On the contrary, a *non-pre-regulated referendum* places higher demands on the initiator because of the absence of a legal form that must be implemented as a part of the whole initiation.

The last dimension focuses on outcomes. Suksi differentiates between *decisive referendums* “where the expressed opinion of the people settles the matter definitely” and *consultative ones* “where the issue is subjected to another body, such as parliament, for a final decision.”<sup>16</sup> The relevance of this dimension is based on the fact that a potentially binding result could change the motivation of actors to initiate a referendum. Smith perceives this dimension a bit differently. He argues that “certain élite groups may be adversely affected [by a referendum]” and therefore distinguishes between *pro-hegemonic* and *anti-hegemonic* types.<sup>17</sup> Despite dealing with outcomes, these attributes can influence the motivation of initiators from the very beginning of a referendum.

### The Motivation behind the Initiation of a Referendum

The literature dealing with referendum-initiating actors strongly emphasizes the role of elites. The reason is quite simple. Elites not only possess enough political capital to shape the public perception of a referendum topic and the subsequent decision-making process but, more importantly, because their desire to hold a referendum needs to be considered as a strategy seeking to fulfil their own interests.<sup>18</sup> The ability of political actors to set the agenda and to define the choices facing citizens constitutes a device, among many others, that is simply used to achieve their own goals.<sup>19</sup> At the same time, they can pretend that they are providing citizens with an opportunity to directly participate in both democratic governing and in shaping the most important aspects of a common polity.<sup>20</sup>

Most authors similarly claim that referendum initiation serves governing parties' purposes in one or more of the following ways: (1) to resolve tensions within their own parties or coalitions, (2) to increase their public and/or electoral support, (3) to further the legislative agenda by getting rid of responsibility for decisions that could otherwise hurt their reputation, and (4) to gain legitimacy for fundamental changes in the functioning of the political system or amending policies that were formerly subject to a popular vote.<sup>21</sup> Basically all of these have been identified within regimes in democratic transition or with an authoritarian leader.<sup>22</sup> According to this definition, Slovakia, during particular stages of its democratic development, may fall into this category. For small (or) opposition parties, holding a referendum opens up an opportunity to (1) attract more public interest and gain credibility, and (2) if all of the major parties are located close to each other on one side of the topic, the minor parties can differentiate themselves on the political landscape.<sup>23</sup>

Undoubtedly, the initiating actors are the main driving force behind a referendum and their real motivation determines how strongly it will influence the political system. From this perspective, we will later classify the referendums based on the categorization developed by Sergiu Gherghina.<sup>24</sup> On one dimension, it distinguishes self-supportive *centripetal action* of parties from *centrifugal action* that is aimed at hurting political opponents. The second dimension divides referendums with respect

to their intended objective and recognizes *policy referendums* and *institutional referendums*.

## Regulations and Use of Referendums in Slovakia

Since 1993, Slovakia has directly recognized the referendum as a decision-making tool in its Constitution. Hence, through the lens of Suksi's typology, all the referendums held in Slovakia without a single exception fall under the category of pre-regulated referendums.<sup>25</sup> Slovak Constitution acknowledges both required and non-required referendums. The former has to be used in the case when Slovakia enters an alliance with other state(s) or withdraws from such an alliance.<sup>26</sup> Although this formulation appears to fit the EU accession procedures, it is meant exclusively for entering (or withdrawing from) federations with other state(s). Since the EU itself is not a state entity and accession to the EU results in membership in a transnational organization rather than becoming part of a federation, this act does not require confirmation by public vote, according to the Slovak constitutional order. Optional referendums can be held on various issues of public life, excluding taxes, state budget, and basic rights and freedoms.

A referendum can be initiated either by a petition signed by at least 350,000 citizens, that is, around 8 per cent of all eligible citizens, or by a resolution adopted by the national parliament. This allows both political parties and civic initiatives to pursue a referendum. After enough signatures are collected on a petition, a resolution is adopted in parliament, and it is the serving president who calls the referendum. Since 2001, the president has been given the option to consult with the Constitutional Court prior to calling the referendum in order to ensure the referendum questions are in accordance with the Constitution.

Following the constitutional order, a referendum is valid when two conditions are met. First, a majority of all eligible citizens must go to the polls, that is, at least 50 per cent plus one voter must participate in the plebiscite. This condition makes a referendum different from all other electoral acts, including the general or presidential elections which require no obligatory turnout. Second, in the event that the turnout condition is achieved, the majority of the participating electorate has to opt for one of the answers, that is, "yes" or "no." This may not be seamlessly secured, since some voters may come to the polling station, but abstain from voting by submitting an empty ballot. If camps of supporters and opponents are of similar size, these votes may push the vote shares of both recognized answers below the limit.

The result of a valid referendum is promulgated by the national parliament much like a law. The Slovak Constitution is rather vague on this point, which has led to some speculation about the true legal impact of a referendum; however, its results are widely considered by political actors to be decisive and binding.<sup>27</sup> Within the subsequent three years, the parliament cannot change the expressed will of the people, nor

may another referendum be held on the same topic. This rule gives some protection to the results, as it allows for modification only after a certain period, which, however, is shorter than the regular four-year term of the national parliament.

### **Brief Insight into the Development of the Party System in Slovakia**

The use of referendums in Slovakia was closely linked to the development of the country's party system. Although until 1992 Slovakia was a part of the Czechoslovak Federation, its party system developed almost independently from its Czech counterpart.<sup>28</sup>

The main scene was set shortly after 1989 and, in addition to the Communist party of Slovakia (KSS), new parties emerged. The main opposition forces from the pre-1989 era merged into the prevailingly liberal Public against Violence (VPN) and the more conservative Christian Democratic Movement (KDH). Some parties, such as the nationalist Slovak National Party (SNS), re-emerged and stressed their historical roots going back to the early twentieth century or even before. Finally, because of the fact that the Hungarian minority composed around one tenth of the population of Slovakia, a few ethnic parties were established to protect their interests.

After the first free general election in 1990, the party system went through a complicated process of restructuring that affected nearly all relevant parties. The KSS party adopted a social democratic profile and changed its name to the Party of the Democratic Left (SDL). In 1991, the VPN, the winner of the 1990 election, collapsed. From its remains, the Movement for a Democratic Slovakia (HZDS) was established, while the remaining leaders created their own, insignificant, liberal party. Among the other party shifts, one is worth mentioning. After dropping its previous communist profile, the SDL party pursued a moderate leftist vision. This created some internal opposition that eventually led to the secession of the party's more radical wing a few months before the 1994 election; it then established the far left and populist Association of Slovak Workers (ZRS).

The semi-democratic performance of the government of HZDS, SNS, and ZRS formed after the 1994 election increased the polarization of the party system.<sup>29</sup> As a result, after the next election in 1998, the previous opposition parties created an ideologically heterogeneous government. In response to cooperation with centre-right parties and especially with Hungarian parties, prominent SDL representative Robert Fico left his party to establish the populist SMER (*Direction in Slovak*).<sup>30</sup> After an unsuccessful result in the 2002 election, the party officially adopted a social democratic profile (renamed SMER-Social Democracy, SMER-SD) and became the main leftist force that consumed all other centre-left parties including the SDL. Since 2006, SMER-SD has gained the highest vote share in all general elections among the competing parties.<sup>31</sup>

While SMER-SD was successful in uniting the leftist forces, the situation on the right was different. After two consecutive terms in government (1998–2006), the

centre-right parties were weakened and fragmented. Some shifts also occurred here in recent years. Before the 2010 election, the liberal Freedom and Solidarity (SaS) was established, led by businessman Richard Sulik. The joint result of rightist parties together with the Hungarian Most-Híd (Bridge in Slovak and Hungarian languages) allowed them to enter government. This lasted only for two years, however, and ended prematurely in 2012. Since then, the situation on the right has remained fragmented.

Among the most recent trends, which however transcend the time period analysed in this article, is the increase of protest and radical movements in Slovakia. These parties increased their power in terms of public support and parliamentary seats in the 2016 election and represent a challenge to the established parties both on the left and on the right.<sup>32</sup>

## **The Slovak Referendums**

Since 1993, eight referendums have been held in Slovakia. The most recent was held in February 2015 and it falls outside of our scope of analysis, as it was initiated by the civic association Alliance for Family. The Alliance itself was composed of numerous Christian and conservative groups that together organized a successful petition leading to a referendum on family issues and the rights of homosexuals. Although some political parties actively declared their stance towards the referendum topic, their roles were very marginal and therefore none of them can be labelled as an initiating actor.<sup>33</sup> The remaining seven referendums are briefly presented chronologically to provide an outline of how the referendums were employed in Slovakia.

The very first referendum was initiated in 1994 by the newly created far left party, the Association of Slovak Workers (ZRS). The party strongly opposed the liberalization and market reforms conducted after the fall of the Communist regime in 1989 and mostly attracted protest voters and low-income groups. At the end of 1993, ZRS started collecting referendum petition signatures calling for a law that would clarify the financial details of the privatization of state-owned companies. The idea, originally brought to public discourse by the ZRS, quickly became popular and the party, as the petition-initiating actor, enjoyed a fast growth in popularity. However, before the ZRS was successful in collecting enough signatures, several other parties exploited this popular idea and passed a parliamentary resolution for such a referendum, which was held a few weeks after the general election in 1994.<sup>34</sup> Despite the fact that at the end of the day ZRS was not the actual referendum-initiating actor, the petition campaign held during the pre-electoral months boosted its electoral share in the 1994 general elections to 7.35 per cent. With this support, the party managed to enter the parliament as well as the governing coalition. Even though the 1994 referendum was invalid due to low turnout (below 20 per cent; see Table 1), thanks to the expanding support of ZRS, it had an impact on the future development of Slovak politics.

**Table 1.**  
**Comparison of Referendums Held in Slovakia**

Topic	May 1997					September 1998	November 2000
	October 1994	Question 1	Question 2	Question 3	Question 4		
Retrospective disclosure of the financial details of large-scale privatization		NATO accession	Placing nuclear weapons in Slovakia	Locating foreign military bases in Slovakia	Direct presidential elections	Ban of privatization of strategically important state-owned companies	Holding early parliamentary elections
Constitutional obligation	Non- required	Non- required	Non- required	Non- required	Non- required	Non- required	Non- required
Regulation	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated
Form of initiation	Parliament*	Parliament	Parliament	Parliament	Petition	Petition	Petition
Turnout	19.96	9.53	9.53	9.53	44.25	44.25	20.03
Votes for yes	93.6	39.02	8.87	12.71	84.3	84.3	92.74
Votes for no	3.9	46.28	69.80	65.79	15.7	15.7	4.8
Result	Not valid	Not valid	Not valid	Not valid	Not valid	Not valid	Not valid

\*The referendum in 1994 was originally the idea of the opposition party ZRS but became a joint governmental-oppositional project after more parties agreed to pass a resolution to hold such a referendum.

Source: Authors.

(continued)



**Table 1. (continued)**

		September 2010						
	May 2003	April 2004	Question 1	Question 2	Question 3	Question 4	Question 5	Question 6
Topic	European Union accession	Holding early parliamentary elections	Abolishing the broadcast receiving licence	Limiting legislative immunity	Lowering the number of MPs from 150 to 100	Maximum price for governmental limousines at €40,000	Introduction of electronic voting via the Internet	Removing politicians' right of reply in the Press Code
Constitutional obligation	Non-regulated	Non-regulated	Non-regulated	Non-regulated	Non-regulated	Non-regulated	Non-regulated	Non-regulated
Regulation	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated	Pre-regulated
Form of initiation	Parliament	Petition	Petition	Petition	Petition	Petition	Petition	Petition
Turnout	52.15	35.86	22.84	22.84	22.84	22.84	22.84	22.84
Votes for yes	92.46	86.78	87.24	95.40	92.76	88.84	70.46	74.93
Votes for no	6.20	11.93	9.02	1.73	3.85	6.16	22.22	13.44
Result	Valid	Not valid	Not valid	Not valid	Not valid	Not valid	Not valid	Not valid

Source: Authors.

In the second half of the 1990s, the country witnessed a decline in the quality of democracy due to the semi-authoritarian practices of the government at the time, which consisted of the Movement for Democratic Slovakia (HZDS), the nationalist Slovak National Party (SNS), and ZRS.<sup>35</sup> This escalated the conflict between the government led by Prime Minister Mečiar and the opposition parties. It rose to such an extent that shortly before the completion of the mandate of the serving president in 1998, there occurred a legitimate risk that the parliament would not manage to secure a sufficient majority of MPs to elect a new president. Leaving the office vacant would, according to constitutional order, give more powers to the cabinet, especially the Prime Minister. Under these circumstances, the opposition parties mobilized themselves and organized a petition in 1997 on holding a referendum for adopting a direct presidential election. On the very same day that the signatures were delivered to the president by members of the opposition, the ruling parties passed a parliamentary resolution to hold a referendum on accession to NATO and other related content. The president merged both initiatives into a joint referendum. The government refused this idea because of an alleged breach of Slovak legal rules<sup>36</sup> and, using its powers, it removed the question of direct presidential election (see Table 1), thus marring the whole referendum.<sup>37</sup> Even the Constitutional Court concluded that the governmental action was unconstitutional and further escalated the clash between governing parties on one side and opposition parties with the president on the other.<sup>38</sup> The Mečiar government wanted to use the popular vote with suggestively worded questions to support its stance in international politics; however, the opposition parties and president barred the way. In reality, the action backfired and the government was legitimately blamed for marring the referendum. The whole situation extended the list of problematic features of Mečiar's governance and roughly 15 months before the general elections further deepened the distrust of society toward the Mečiar government and further divided the already highly polarized party system in Slovakia.<sup>39</sup>

In light of this, the ruling HZDS led by Mečiar started a petition to call for a referendum on banning further privatization of selected state companies only a few months before the 1998 general election. The controversial and unconstitutional activities related to Mečiar's governance resulted in a decrease in his public support and the continuous rise of a unified opposition thanks to the growing anti-Mečiar sentiment. By initiating a referendum on an appealing topic—protection of “strategic” state-owned companies—Mečiar was trying to improve his position before the approaching elections. The gathering of signatures was very effective, and this allowed Prime Minister Mečiar—who held several powers of the vacant presidency—to join the referendum with the upcoming general election. Although the merging of the two voting acts mobilized the citizens, the referendum was ultimately invalid, with only 44 per cent turnout. It is still a question whether the referendum initiation really helped Mečiar to slow down the decline in his popularity. However, despite gaining the highest vote share, HZDS stayed out of the governing coalition.

After the 1998 election, a new government under Prime Minister Dzurinda was created; it was composed of the previous opposition parties. Both HZDS and SNS adopted a strictly negative stance towards the new government. In 2000, these two opposition parties started a petition to hold a referendum calling for an early election; an initiative later joined by the newly created SMER (Direction). The initiating actors did not link the referendum to any practical policy issue and they openly declared the institutional aim—shortening the mandate of Parliament.<sup>40</sup> The referendum was held in the same year but was invalid, as the turnout reached only 20 per cent of all eligible citizens. Practically speaking, the referendum itself represented just another means for opposition groups to try to attack the governing parties. However, the referendum initiation itself did not affect the rhythm of struggles between the opposition and coalition groups. It only added another battleground for the clashes between government and opposition.

In 2003, Slovakia, along with other CEE countries, held a referendum on the EU accession issue. Officially, the referendum was called by parliamentary resolution. The issue of EU accession united most relevant parties, leaving previous political and personal conflicts aside for a period of time. This has been the only occasion, so far, when a referendum's topic brought together all the pro-European political leaders from across the political spectrum, and unity was prioritized over the attempts by any particular party to gain advantage.<sup>41</sup> The best proof is the fact that the campaign was led by the Slovak government, not specific political parties or civic bodies, as in the case of the rest of the referendums.<sup>42</sup> As a result, the joint support of all pro-European groups combined with an official mobilization campaign stimulated a turnout that in the end passed the necessary threshold of 50 per cent, but only by a little more than two percentage points. Hence, the EU accession referendum has been the only valid referendum in Slovakia thus far.

The story of the 2004 referendum starts after the 2002 general election, when Mikuláš Dzurinda continued as a prime minister. In comparison with his first government (1998–2002), his second cabinet became ideologically more homogeneous, leaning more toward the right. This allowed the government to adopt a set of unpopular economic measures regarding the pension and healthcare systems. In 2003, the trade unions, opposed to such measures, started a petition for an early election referendum, and their initiative was adopted by the opposition parties; however, SMER quickly took a lead and became the main initiating actor.<sup>43</sup> As in the 2000 referendum, the apparent goal of the popular vote was to overturn the institutionally set parliamentary term and call for early elections. It is not surprising that SMER “hijacked” the action originally initiated by the trade unions. After a disappointing result in the 2002 elections, this was an opportunity to attack the governing parties even as they were facing a wave of unpopularity. Moreover, the early election would possibly boost the shares of votes and seats of SMER and finally help the party to take over the position of a leader on the left side of the political spectrum from Mečiar's HZDS. However, even though it was a joint action and held together with

the presidential election, the referendum ended up invalid, with turnout reaching only 36 per cent.

The most recent analysed referendum took place in 2010. In 2008, less than a year before the liberal party Freedom and Solidarity (SaS) was established, the party's future chair started a petition for abolishing the broadcast-receiving licence. Several months later, after transforming from a civic initiative to a political party, SaS added five more topics and extended the campaign under the newly established brand "Referendum 2009." The additional topics included reduction of the number of national parliament members, introduction of electronic voting, and limits on prices of governmental vehicles. The referendum campaign was basically executed by the members of the newly established party, while most active signature collectors were candidates from the party's list for the 2010 general election. As ZRS did in 1994, SaS took popular topics and used them for a referendum campaign that quickly erupted after the establishment of a new party. It was precisely the referendum campaign that cast a spotlight on the party during the pre-electoral months and helped it to achieve very decent results—a vote share of more than 12 per cent, making SaS the third biggest party in parliament. Its electoral success definitely sidelined the referendum initiation, and meanwhile it ran into obstacles created by the country's president, who approached the Constitutional Court with referendum questions. Because of constitutional time limits, the referendum could not be held together with the general election. Since the petition was already delivered to the president, the referendum had to be held; however, SaS basically lost most of its interest in campaigning. The referendum took place three months after the election and it failed to pass the necessary threshold, as less than 23 per cent of eligible voters participated.<sup>44</sup>

## **Motivations of Actors Initiating a Referendum in Slovakia**

Slovakia recognizes a referendum as a political decision-making tool that can be fairly broadly applied. The low number of excluded topics, such as taxes or basic freedoms, is compensated for by rather high conditions for validity, given that turnout in general elections in Slovakia has stabilized at around 60 per cent since the 2006 election.<sup>45</sup> Although the referendum topics in Slovakia vary, we are able to identify two main categories of motivation that encourage political parties to initiate a public vote. One is the increase in parties' electoral share by mobilizing their supporters via the referendum idea, the second is an effort to harm their political opponents.

### **The Increase in Public Support**

This motivation—to increase a party's public support—can be seen in three cases, namely, in 1994, 1998, and 2010.

In 1994 and 2010, the referendums started as initiatives from opposition positions outside of the Parliament. The newly established parties ZRS and SaS used the

organization of a petition for initiating a referendum during the pre-electoral months as an opportunity to attract voters. In the cases of both parties, the referendum and electoral campaign were basically the same activities.

The targeted agenda was in both cases chosen to attract societal groups who might later become party voters. In 1994 as well as 2010, both parties used topics that fitted their ideological standpoints. In its aim to attract protest voters and people with lower income, ZRS in 1994 pursued transparency around property used in privatization. This topic clearly attacked the wealthy segments of Slovak society and economic elites. In case of the liberal SaS in 2010, the variety of topics in its petition that stressed greater state effectiveness served a similarly relevant purpose. Thanks to campaigning on well-chosen topics, both parties attracted the spotlight and achieved electoral results that made them relevant for at least the next parliamentary term—in the case of ZRS, 1994–1998, in the case of SaS ever since 2010.

Before the 1998 referendum, HZDS was, as the major governmental party, in a different position. The party's public support was decreasing, because of the controversial activities of Prime Minister Mečiar and the HZDS faced the risk of a defeat in the upcoming election. To reverse this trend, the party initiated a petition only three months before the general election. The topic—a ban on privatization of “strategic” state-owned companies—was intended to attract nationalist sentiments within society, since it would forbid the sale of strategic “Slovak” companies to foreign owners. The fact that HZDS used the privatization ban only as an electoral strategy, without truly caring about the topic itself, might be most obviously seen in the previous governmental policies. During the 1990s, HZDS as a governmental party carried out massive privatization of state property, often selling state companies to private owners with tight links to the party and for a considerably lower amount when compared to the estimated market price.<sup>46</sup>

There is another interesting pattern that applies to the most Slovak referendums, not only the three mentioned above. Political parties use the best possible strategy to garner the most electoral support. Choosing to address voters directly by gathering petition signatures in the streets, although more demanding than a simple parliamentary resolution, strengthens ties and mobilizes support. Slovak referendums outwardly pretend to be citizens' initiatives; this is because they are made possible by the collection of a sufficient number of citizens' signatures on a petition. In reality, most of the signature collection events are coordinated from party headquarters (see Tables 1 and 2), and this makes it an obvious partisan activity. The strategy may be understandable in the case of opposition parties, which lack the necessary number of legislative votes to pass a parliamentary resolution, and a petition could possibly constitute the only way to initiate a referendum. However, the same does not apply to governmental parties. Their willingness to collect a sufficient amount of signatures in the streets must be perceived as a means to get in direct touch with supporters and mobilize them. Hence, the preference for a petition over a parliamentary resolution cannot be seen as a desire on

**Table 2.**  
**Comparison of Actors Initiating Referendums and Their Motivation in Slovakia**

	May 1997				September 1998	November 2000
	October 1994	Question 1	Question 2	Question 3	Question 4	
Initiating actor(s)	ZRS, later HZDS, SNS, SDL	HZDS, SNS, ZRS	HZDS, SNS, ZRS	HZDS, SNS, ZRS	HZDS	HZDS, SNS
Constitutional position of initiating actor(s)	Government and Opposition	Government	Government	Opposition parties	Government	Opposition
Government's degree of control	Uncontrolled, later controlled	Controlled	Controlled	Controlled	Controlled	Uncontrolled
Intended outcome for elite groups (i.e., government)	Anti-hegemonic, later pro-hegemonic	Pro-hegemonic	Pro-hegemonic	Anti-hegemonic	Pro-hegemonic	Anti-hegemonic
People's position in initiation	Active	Passive	Passive	Active	Passive	Active
Motivation of the initiating actor	Increase of electoral support	Harming opposition	Harming opposition	Protect checks and balances	Increase of electoral support	Harming government, increase of electoral support
Type of action	Centripetal	Centrifugal	Centrifugal	Centrifugal	Centripetal	Centrifugal
Intended goal	Policy	Policy	Policy	Institutional	Policy	Institutional

Source: Authors.

(continued)

**Table 2. (continued)**

	May 2003	April 2004	Question 1	Question 2	Question 3	Question 4	Question 5	Question 6
Initiating actor(s)	Parliament	SMER, minor opposition parties, Trade unions	SaS	SaS	SaS	SaS	SaS	SaS
Constitutional position of initiating actor(s)	Government and Opposition	Opposition	Opposition	Opposition	Opposition	Opposition	Opposition	Opposition
Government's degree of control	Controlled	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled
Intended outcome for elite groups (i.e., government)	Pro-hegemonic	Anti-hegemonic	Anti-hegemonic	Anti-hegemonic	Anti-hegemonic	Anti-hegemonic	Anti-hegemonic	Anti-hegemonic
People's position in initiation	Passive	Active	Active	Active	Active	Active	Active	Active
Motivation of the initiating actor	EU accession	Harming government, increase of electoral support	Increase of electoral support	Increase of electoral support	Increase of electoral support	Increase of electoral support	Increase of electoral support	Increase of electoral support
Type of action	Centripetal Policy	Centrifugal Institutional	Centripetal Policy	Centripetal Policy	Centripetal Policy	Centripetal Policy	Centripetal Policy	Centripetal Policy
Intended goal								

Source: Authors.

the part of elites to include civic society into the collective decision-making process, but as a pragmatic choice in pursuing partisan interests.

Additionally, when it comes to the official results of particular public votes, the data show that the referendums are largely attended by people who approve the position of the initiating actors, that is, people supporting the “yes” option (see Table 1). The only exception is the referendum held in 1997, which is not surprising, as the then-ruling parties had formulated the questions in a rather offensive manner and their voters were largely averse to NATO.<sup>47</sup> In the remaining referendums, the prevalence of “yes” votes consistently reached up to 90 per cent and even higher. This trend is not surprising. As long as the referendum proponents’ share is much less than half of the population, the “no” camp has basically zero motivation to vote. The reason is simple. From their perspective, an invalid referendum is basically equal to a “no” result, because Parliament is not required to deal with the proposed policy. By voting, members of the “no” camp increase both the turnout and the threat that a referendum would become valid. Based on this logical reasoning and previous referendum results (see Table 1), parties must anticipate that a referendum will be invalid. This, however, attracts those in favour of the referendum question. Therefore, their initiation of a public vote represents a way to mobilize a party’s own supporters and attract citizens with similar views towards particular questions who may later become their voters.

### **Attempt to Harm Opponents**

The desire to cause harm to political opponents is the second main motivation for initiating actors. This is visible in both early election referendums in 2000 and 2004 and in the actions of governmental parties in 1997.

The story behind the referendums in 2000 and 2004 begins with the 1998 general elections, after which the HDZS and SNS went to opposition. This was a change that the former government parties were reluctant to accept. The HDZS refused to nominate any candidates to parliamentary committees, used all legal opportunities to block the parliament from working, and even called for civic disorder. After the election in 2002 and the instalment of the second government led by Mikuláš Dzurinda, the leftist opposition party SMER strictly refused the governmental economic reforms, saying that they were far-right and an attack on basic human rights.<sup>48</sup> Hence, the referendum issues aligned with the motivations of the opposition parties who initiated the agendas in both early election referendums, as they wanted to call for early elections to end the term prematurely. Except for a direct attack aimed at political opponents forming a coalition, opposition parties also mobilized their supporters, which guaranteed them a benefit even if the respective referendums ended up as invalid.

The strategies employed by the Slovak government parties in 1997 are another example of actions taken in order to harm political opponents. At least three reasons support this argument. First, the chosen questions about accession to NATO were



irrelevant because, unlike the rest of the Visegrad countries, Slovakia was not among the invited candidates in 1997. Second, the governmental parties passed the parliamentary resolution on holding a referendum on the same day that the opposition parties delivered signatures on the issue of direct presidential elections. This timing points to a tactical step and leaves other interpretations unlikely. Third and finally, the deletion of the referendum question about presidential elections carried out by the Ministry of Interior, which was controlled by an HZDS nominee, confirms that the government's intention to hold a referendum was only meant to spoil the activities of the opposition, and the topic of accession to NATO was chosen only to provide some explanatory cover for the voters.<sup>49</sup>

The referendum about accession to EU and the deleted part of referendum in 1997 about direct presidential elections stand apart from these two main motives. In case of the former, the motivations of the parties were case-specific; however, all relevant parties declared some stance toward the EU, with prevailing positive attitudes. Therefore, the successful referendum definitely awarded a credit to them.

The decision of the opposition parties to hold a referendum on direct presidential elections in 1997 was prompted by the anticipated inability of a polarized parliament to elect a new president, which would thus leave most of the presidential powers to a government that had already had problems exercising its competencies.<sup>50</sup> Hence, the topic of the referendum and the motivations of opposition parties were well matched, although mobilization of opposition voters one year before the general election was also a consideration.

Slovak referendums thus show that the formally expressed topics are not always in accordance with the true motivations of initiating actors. For referendums that include policy issues, the primary aim of the initiating political parties was not found in pursuing the respective topics but in increasing their support before upcoming general elections (1994, 1998, and 2010) or in hurting their political opponents (government agenda in 1997). On the other hand, when referendums were aimed at overcoming the institutional setup, the topic and the motivation of the initiating actor were found to be very similar (2000, 2004, and opposition agenda in 1997). The only referendum that managed to slightly sidestep this division is the EU accession referendum, and this was due to its specific character. However, even in this case the referendum served a centripetal end, in that the pro-European political parties in government could take credit for their ability to govern the country successfully.

## **Overall Patterns in Party Strategies**

The absolute predominance of referendums, regardless of the initiating actor, which fall into the categories of the parties' desire to increase their electoral reach and/or hurt opponents (see Table 2) shows another typical aspect of referendum practice in Slovakia. Parties do not consider the institution as a tool for actually proposing laws and affecting the policy outcomes of the system by overcoming a

**Figure 1.**  
**Distribution of Slovak referendums based on the type of action and intended goals.**

		Intended goals	
		<i>Policy</i>	<i>Institutional</i>
<b>Type of action</b>	<i>Centripetal (party-oriented)</i>	Popularity (October 1994 and September 1998)  Agenda setting and popularity (September 2010 Q1, Q2, Q3, Q4, Q5, Q6)  Legitimacy (May 2003)	
	<i>Centrifugal (against opponents)</i>	Popular mobilization (May 1997 Q1, Q2, Q3)	Early elections (April 2004 and November 2000)  By-pass institutions (May 1997 Q4)

Source: Adapted from Sergiu Gherghina, “How Political Parties Use Referendums in Eastern Europe: Exploring Analytical Dimensions,” *East European Politics and Societies* (this issue).

disagreement with their partner(s) or gaining sufficient legitimacy for their objectives. Their main desire lies either in ensuring that initiating a referendum campaign will provide adequate support for their attempts to enter the political landscape, or to hurt their political opponents.

The institution of the referendum in Slovakia serves its initiator as a means to achieve selfish interests. When intended goals are taken into account, the predominant strategy is to hide the actual interest behind a smoke screen which is the referendum topic. In only three occasions (2000, 2004, and opposition agenda in 1997; see Figure 1) were initiating actors openly trying to change the institutional setup in order to improve their position in the political struggles. For the other cases, it is typical that the initiating actor(s) chose a policy and the pressure to implement it was the means for parties to grab attention and expand their support.

When type of action is the focus, the desire of initiating actors to promote themselves and to attack political opponents is roughly equally distributed. Figure 1 might be misleading due to the unusually high number of questions included in the September 2010 referendum. However, when we change the unit of analysis from referendum questions to the number of events, the number of items falling under the centripetal as well as centrifugal category is the same.

## Discussion and Conclusion

The constitutional framework that sets the institutional rules for holding a referendum in Slovakia has two crucial parts. First, the necessity to gain 350,000 citizens' signatures on a petition does not represent a huge burden in initiating a referendum. That is proven by the fact that with only one exception, all the referendums held in Slovakia were initiated, or at least an attempt was made to initiate them, through a petition. These were coordinated by parties (see Table 1 and Table 2). Initiating parties prefer to walk into streets and proceed with a campaign because this helps them to attract public attention and expand their popularity. Second, to be valid, a referendum requires a majority of eligible citizens to vote. Contrary to the initiation requirements, passing this bar is quite challenging. Thus far, there has been only one valid referendum, deciding on the EU accession (see Table 1). The relatively high threshold for the validity of a referendum, leading to practically zero motivation for the "no" camp to vote, in combination with a multiparty system whose actors are unwilling to split along two distinctive answers, mean that the referendum has not become an institution with the power to change policy development in Slovakia.

The institutional framework for referendum initiation determines which actors will benefit from invoking one.<sup>51</sup> The party system constellation in Slovakia has never created a situation (with the exception of the EU accession referendum) in which it was advantageous for parties who, together, held more than half of the public support, to unite and hold a referendum that would be valid. Practically speaking, when taking into consideration the fact that regular electoral turnout in legislative elections has stabilized at between 55 and 60 per cent since 2006, which had the highest electoral turnout of all the elections held in Slovakia, passing a threshold for referendum validity requires the cooperation of almost all of the current political parties.<sup>52</sup> Therefore, the direct impact of referendums on policy development is limited and the institution remains merely a tool employed in interparty struggles.

However, it was the referendum campaign that helped new political subjects (ZRS in 1994 and SaS in 2010) to penetrate the party system in Slovakia successfully and, after the election, they became important forces shaping governance. Nevertheless, it was the campaign, not the actual public vote, that ensured sufficient electoral support for these subjects. Beyond that, the referendums have not brought any unexpected turns into the development of Slovak politics. The reason is that in most of the cases (with the exception of the EU accession referendum in 2003 and the governmental agenda in 1997) it was the campaign before the referendum that mattered, and the actual policy proposed was only secondary for the initiating actors.


This conclusion is additionally supported when the broader context is taken into account.<sup>53</sup> The high level of electoral volatility in Slovakia and the focus on people's participation in regime development (as a legacy of the 1989 democratic revolution) additionally support the notion that referendums in Slovakia mostly represent a party tool employed to support their own popularity.<sup>54</sup> Because of low electoral turnout and high electoral volatility, parties must anticipate that hardly

any referendum they initiate will pass the validity threshold, in spite of the fact that they emphasize the importance of people taking part in the democratic decision-making process, if for no other reason than that it was impossible to do so during communist regime before 1989. This immediately extends party popularity and expands party reach. This is a temptation that is hard to resist and therefore the theoretically expected role that a referendum should play in bringing citizens closer to the decision-making process and providing input on particularly important issues for a common polity does not apply in the Slovak case.<sup>55</sup> They serve as a method for expanding a party's position on the political landscape and not as a means for further engaging citizens in the democratic system. Therefore, Hug's conclusion based on data partly collected in Slovakia "suggest[ing] a considerable effect of referendum institutions on average levels of satisfaction with the development of democracy"<sup>56</sup> seems to be misleading, at least for the case of the Slovak Republic.

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## Notes

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2. Simon Hug, "The Political Effects of Referendums: An Analysis of Institutional Innovations in Eastern and Central Europe," *Communist and Post-Communist Studies* 38, no. 4 (2005): 475–99, <https://doi.org/10.1016/j.postcomstud.2005.09.006>; Ronald J. Hill and Stephen White, "Referendums in Russia, the Former Soviet Union and Eastern Europe," in Qvortrup, *Referendums around the World*, 17–42.

3. Peter Spáč, *Priama a Zastupiteľská Demokracia Na Slovensku: Volebné Reformy a Referendá Po Roku 1989 [Direct and Representative Democracy in Slovakia: Electoral Reforms and Referendums Held after 1989]* (Brno: Centrum pro studium demokracie a kultury, 2010); Elzbieta Kuzelewska, "How Far Can Citizens Influence the Decision-Making Process? Analysis of the Effectiveness of Referenda in the Czech Republic, Slovakia and Hungary in 1989-2015," *Baltic Journal of European Studies* 5, no. 2 (2015): 171–96, <https://doi.org/10.1515/bjes-2015-0019>; Maciej Hartliński, "The 2015 Referendum in Poland," *East European Quarterly* 43, no. 2–3 (2015): 235–42.

4. For the importance of studying referendums with respect to the functioning of the whole political system, see Matthew Mendelsohn and Andrew Parkin, "Introduction: Referendum Democracy," in *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns*, ed. Matthew Mendelsohn and Andrew Parkin (Basingstoke: Palgrave Macmillan UK, 2001), 277; Ian Budge,

“Political Parties in Direct Democracy,” in Mendelsohn and Parkin, *Referendum Democracy*, 277; Jeffrey D. Grynawski, “Reflections of a Party Scholar on Direct Democracy and the Direct Democracy Literature,” *Electoral Studies* 38 (2015): 238–40, <https://doi.org/10.1016/j.electstud.2015.02.010>.

5. That a referendum will bring citizens closer to the democratic system is expected by, e.g., David Altman, *Direct Democracy Worldwide* (Cambridge: Cambridge University Press, 2011); Laurent Bernhard, *Campaign Strategy in Direct Democracy* (London: Palgrave Macmillan UK, 2012), <https://doi.org/10.1057/9781137011343>; Grynawski, “Reflections of a Party Scholar”; Mendelsohn and Parkin, “Introduction: Referendum Democracy”; Hug, “The Political Effects of Referendums.” However, in case of the Central European countries, a referendum seems instead to be a tool of political parties, as discussed by Kuzelewska, “How Far Can Citizens Influence the Decision-Making Process?”

6. See e.g. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 2; Laurence Morel, “The Rise of Government-Initiated Referendums in Consolidated Democracies,” in Mendelsohn and Parkin, *Referendum Democracy*, 277; Theo Schiller, “Conclusions,” in *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation*, ed. Maija Setälä and Theo Schiller (Oxon: Routledge, 2009); Gideon Rahat, “Elite Motives for Initiating Referendums: Avoidance, Addition and Contradiction,” in Setälä and Schiller, *Referendums and Representative Democracy*; Qvortrup, “Conclusion”; Grynawski, “Reflections of a Party Scholar.”

7. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 7; Morel, “The Rise of Government-Initiated Referendums,” 48; Rahat, “Elite Motives for Initiating Referendums”; Budge, “Political Parties in Direct Democracy,” 78; Mark Clarence Walker, *The Strategic Use of Referendums* (New York: Palgrave Macmillan US, 2003), 119–20, <https://doi.org/10.1057/9781403973771>.

8. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 4–5.

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11. Morel, “The Rise of Government-Initiated Referendums,” 64.

12. Hug, “The Political Effects of Referendums,” 477; Markku Suksi, *Bringing in the People: A Comparison of Constitutional Forms and Practices of the Referendum* (Dordrecht: Kluwer, 1993), 29–30.

13. Maija Setälä, “Introduction,” in Setälä and Schiller, *Referendums and Representative Democracy*; Schiller, “Conclusions”; Suksi, *Bringing in the People*, 28–29.

14. Hug, “The Political Effects of Referendums,” 477.

15. Suksi, *Bringing in the People*, 29.

16. *Ibid.*, 29.

17. Smith, “The Functional Properties of the Referendum,” 6–7.

18. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 3.

19. Maija Setälä, *Referendums and Democratic Government* (London: Palgrave Macmillan UK, 1999), <https://doi.org/10.1057/9780333982822>; Liubomir Topaloff, “Elite Strategy or Populist Weapon?,” *Journal of Democracy* 28, no. 3 (2017): 132–33, <https://doi.org/10.1353/jod.2017.0051>.

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21. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 7, 19; Morel, “The Rise of Government-Initiated Referendums,” 48; Budge, “Political Parties in Direct Democracy,” 78; Rahat, “Elite Motives for Initiating Referendums”; Grynawski, “Reflections of a Party Scholar”; Topaloff, “Elite Strategy or Populist Weapon?,” 132.

22. There is just one additional incentive—to give the impression of democracy at work—that is present in countries in democratic transition or with an authoritarian leader. Walker, *The Strategic Use of Referendums*, 119–20.

23. Mendelsohn and Parkin, “Introduction: Referendum Democracy,” 8; Budge, “Political Parties in Direct Democracy,” 77.

24. Sergiu Gherghina, “How Political Parties Use Referendums in Eastern Europe: Exploring Analytical Dimensions,” *East European Politics and Societies* (this issue).

25. Suksi, *Bringing in the People*, 29.

26. Cf. “Constitution of the Slovak Republic,” n.d. Art. 93.

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55. Grynawski, "Reflections of a Party Scholar"; e.g., Budge, "Political Parties in Direct Democracy"; Setälä, "Introduction"; Mendelsohn and Parkin, "Introduction: Referendum Democracy."

56. Hug, "The Political Effects of Referendums," 478.

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