



UNIVERSITY OF BERGEN

BY WHAT AUTHORITY?

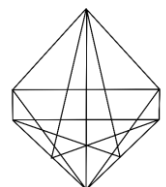
Unveiling The Conditional Mandate from EU
Membership Referendums

SVEINUNG ARNESEN
TROY SAGHAUG BRODERSTAD
MIKAEL POUL JOHANNESSON
JONAS LINDE

WORKING PAPER SERIES 2018:3

DIGSSCORE DIGITAL SOCIAL SCIENCE CORE FACILITY
UNIVERSITY OF BERGEN
BOX 7802, 5020 BERGEN
DECEMBER 2018
ISSN 2535-3233

© 2018 BY SVEINUNG ARNESEN, TROY SAGHAUG BRODERSTAD, MIKAEL POUL
JOHANNESSON AND JONAS LINDE. ALL RIGHTS RESERVED.



Digital Social Science
Core Facility

By What Authority? Unveiling The Conditional Mandate from EU Membership Referendums.

Sveinung Arnesen^{*a}, Troy Saghaug Broderstad^b, Mikael Poul Johannesson^b, Jonas Linde^b

^aUNI Research, Stein Rokkan Centre for Social Studies

^bDepartment of Comparative Politics, University of Bergen

Working paper prepared for DIGSSCORE seminar, Vatnahalsen, June 2018. Panel:
Democratic legitimacy. Connecting the pieces of the puzzle.

*Corresponding author (sveinung.arnesen@uni.no). This research is partially funded by the Research Council of Norway, under the project "Can Fair Decision-Making Procedures Increase the Legitimacy of Democracies?" (project no. 262986).

Abstract

A virtue of democratic decision-making procedures is that the foundations in which decisions are made are thought to enhance the legitimacy of the decision. We study the nuances of this assumption and ask under what conditions democratic decisions are seen as more or less legitimate in the eyes of the people. Specifically, we experimentally investigate what mandate citizens award an EU membership referendum in two European non-member and four member countries based on the level of turnout, size of majority, and favorability of the outcome. As part of the 2017 European Internet Panel Study (EIPS), the study is fielded in Norway, The Netherlands, Iceland, Sweden, Germany, and France with a total number of respondents of approximately 17 500 citizens, all recruited through probability-based sampling methods. Utilizing a conjoint experimental design, we propose to the respondents an imagined scenario where European Union membership is put out for a referendum. They are given different scenarios, where turnout level, size of majority, and outcome are varied; three critical dimensions that always will be present in any referendum. Do people think that the government should follow any result once the issue is decided on in a referendum, or do they change opinion when learning about the attributes of the specific referendum? The point of departure is the assumption that people think the results of a referendum on EU membership should be followed, regardless of the turnout level, size of majority, and the outcome of the referendum itself. The alternative hypotheses stipulate that there is a causal relationship between the legitimacy of a referendum and its level of turnout, size of majority, and favorability of the outcome. The experimental design allows for comparisons of *ex ante* and *ex post* assessments of the legitimacy of a referendum, as some respondents are not exposed to the treatments before they are asked to assess whether the outcome should be followed by the government. The findings so far reveal similar patterns across all countries and important insights into the dynamics of politics: Most citizens in general believe the results of a referendum on EU membership should be followed by the government even if the parliamentary majority disagrees with the people. However, their beliefs heavily depend upon 1) the level of turnout, 2) the size of majority, and 3) the outcome favorability of the specific referendum in question. By varying these three attributes of a referendum, the share of citizens that think the result should be followed by the government spans from virtually everyone to only a quarter of the population. Furthermore, the outcome favorability effect is moderated by membership status quo of their home country: Anti-EU respondents in Non-EU member countries are significantly more negative to a "Yes"-outcome than pro-EU respondents are to a "No"-outcome. Reversely in member countries, pro-EU respondents are significantly more negative to "No"-outcome than anti-EU respondents are to a "Yes"-outcome. Hence, those who prefer the status quo of membership status are the ones who dismiss the referendum result as a mandate for government decision if the referendum outcome is unfavorable to their preferences. Most referendums tend to be advisory in principle, but binding in practice. One implication of our study is that this view is often, but not always, shared by the citizens. Hence, holding an advisory referendum on EU membership does not necessarily give legitimacy to the ultimate decision, even if the legality of the referendum as such is not questioned. Another implication is that the reluctance to change away from status quo drives people to dismiss outcomes of democratic decision procedures.

1 Introduction

I will totally accept the election
results if I win

*2016 US Presidential Candidate
Donald Trump (Diamond, 2016)*

Legitimate political decisions facilitate implementation of the decision outcome. When a decision is perceived as legitimate, citizens willingly comply even when the likelihood of punishment is low (Tyler, 2006). A virtue of democratic decision-making procedures is that the foundations on which a decision is made are thought to enhance the legitimacy of that decision (Dahl, 1989). Decisions made by, and for, the people are thought to make the citizens likely to willingly comply with the outcome.

Arguably, the use of referendums may enhance public support for democracy in a time when “critical citizens” demand new, alternative forms of political participation (Norris, 1999; Gherghina, 2017). The direct link between the citizens’ preferences and the decision outcome is an important property of referendums, and different forms of direct democratic initiatives have grown in popularity in contemporary Europe (Ferrin and Kriesi, 2016; Scarrow, 2001; Donovan and Karp, 2006; Morel, 2017). Although direct democracy did not play a role in the early stages of European integration, referendums have become increasingly important in the political decision-making process on European issues (Hobolt, 2009). Indeed, European integration issues, such as membership, key policies, ratification of treaties and constitutional documents, are the most voted-on issue in the world (De Vreese and Boomgaarden, 2005).

The growing use of referendums and legislative initiatives has led not only to an increased demand for systematic comparative studies of the characteristics, causes and outcomes of referendums but also to an increased interest in questions related to different perspectives on democracy and democratic legitimacy (Qvortrup, 2018; Morel, 2017; Hobolt, 2006). Despite the growth of empirical studies on referendums and the fact that we have gained important knowledge about the determinants of referendum outcomes and what political issues are and are not likely to be decided on directly by the people, there is still much work to be done when it comes to the question of the legitimacy of referendums as a political decision-making procedure. One of the most pertinent research questions yet to be answered is how variations in turnout and majority size affect the implications and legitimacy of referendum outcomes (Hobolt, 2006, p. 156). To this should be added the question about the extent to which the outcome affects legitimacy beliefs among those participating in the referendum.

In actual referendums, these critical dimensions – the turnout, the size of the winning majority, and the outcome – are subject to variation. In this study we therefore set out to empirically investigate

how such variation affects legitimacy beliefs. Do people think that the government should follow any result once the issue is decided on in a referendum, or do they change their opinion when learning about the attributes of the specific referendum?

Utilizing a conjoint experimental design, we propose an imagined scenario where membership in the European Union is put out for a referendum. The experiment is first carried out within the Norwegian Citizen Panel – an online, probability-based survey panel of the Norwegian population. The question regards whether or not Norway should join the EU, an issue that previously has been subject to referendums in 1972 and 1994.

The respondents are given different scenarios, where level of turnout, size of majority, and outcome are varied. Some respondents are not exposed to this information before they are asked to assess whether the outcome should be followed by the government, allowing for comparisons of *ex ante* and *ex post* assessments of the legitimacy of a referendum as a political decision making procedure. The results reveal an important insight into the dynamics of politics. By varying these three attributes of a referendum – turnout, majority size and outcome favorability – the share of citizens that think the government should follow the result spans from virtually everyone to only a quarter of the population. Hence, holding an advisory referendum on EU membership does not necessarily provide stronger legitimacy to the ultimate decision. The level of legitimacy is rather conditional upon these three properties of the referendum in question.

The conjoint experiment is subsequently fielded once more, this time in six European countries – The Netherlands, France, Germany, Iceland, Sweden, and Norway. The results from the comparative study shows that the results hold across the countries, establishing the generalizability of the original findings from Norway. The comparative results also uncover what we label a status quo bias in conceding to losing a democratic decision.

2 Democratic decision-making and legitimacy

The transformation of individual preferences of citizens in society into the formation of a collective decision outcome constitutes a core research field in the social sciences. Some of the fundamental questions of social choice theory concern how conflicting interests are reconciled so as to facilitate cooperation among the group members (Arrow, 2012; Sen, 2017). Group decisions among humans range from small-scale decisions, for instance among relatives, friends, or colleagues, to large-scale decisions made in nation-wide democratic elections or referendums. The central concept for the analysis of collective decisions is that of an aggregation rule, where individual inputs – such as votes – are transformed into a collective output. The classic example is majority voting between two options,

under which the group selects the option that receives more votes than the other. Majority voting is based on the simple principle of political equality, i.e., equal chances of participation and equal power. It encourages the expression of sincere personal beliefs, rather than conformity, and it is a decision rule that is easily executed. Majority rule is popular across the full spectrum of human groups, from hunter-gatherer tribal societies to modern industrial democracies, and indeed, among several non-human social animals as well (Conradt and List, 2009; Couzin et al., 2005; Hastie and Kameda, 2005; Conradt and Roper, 2003).

Much work has investigated whether and how decision-making rules could be arranged to aggregate individual preferences to achieve the most beneficial outcomes for the collective (Sen, 2017). Our perspective is related but different, focusing on the *legitimacy* of collective decisions; that is, we investigate the degree to which citizens are willing to *comply* with the outcome of the majority decision. Hence, we do not focus on the quality of the outcome of the decision but rather on the extent to which the affected individuals view the decision as a mandate for action. The crucial question is what makes a citizen comply with the interests of the community when this interest collides with his or her personal interests. In our case, under what conditions will a Norwegian citizen who is opposed to membership in the European Union accept that the Norwegian government should apply for membership as a result of a referendum?

2.1 The legitimacy of collective decisions

Max Weber established legitimacy as one of the central concepts in understanding the survival of political regimes (Weber, 2009). Weber defines legitimacy as a conviction on the part of persons subject to authority that it is right and proper and that they have some obligation to obey, regardless of the basis on which this belief rests. Legitimacy is regarded as a reservoir of loyalty on which leaders can draw, giving them discretionary authority they require to govern effectively. In a political system in which the governing group bases its activity on a principle which the members of the system consider to be adequate grounds for obeying their rulers, power is said to be legitimate (Easton 1958, 180), and citizens willingly comply with the authority's decision (Tyler, 2006). This focus on compliance emphasizes the voluntary aspects of political power, placing a considerable influence over the effectiveness of authorities in the hands of those they lead, i.e. the citizens.

A distinction can be made between normative and empirical perspectives on the concept of legitimacy (Habermas, 2015). Normative legitimacy refers to what third-party analysts think ought to be legitimate at the system level, emphasizing formal system properties, institutional procedures, and policy output criteria for democratic legitimacy that include accountability, efficiency, and procedural

fairness. On the system level, political legitimacy refers to the acceptability of legislation according to abstract normative criteria. On the individual level, the evaluation by citizens — those who live under the institutional structures and on whom policies have an impact — is a more subjective way of assessing legitimacy. This micro perspective focuses on citizens’ attitudes and actions (Weatherford, 1992). In contrast to the normative criteria devised by scholars and/or practitioners, this individual-level version of legitimacy, highlighting popular orientations and expectations, maps onto the general category of “perceived legitimacy” or “empirical legitimacy” (see e.g. Mansbridge (2015), Thompson (2008), and Tyler (2006)). Thus, the aim of this particular study is to evaluate democratic decision processes based on empirical legitimacy, from the perspective of the citizens that are affected by the outcome.

The virtue of democratic decision-making procedures are considered to be a legitimizing attribute of democratic regimes (Dahl, 1989; Habermas, 2015). Such procedures include the implementation of the preference aggregation rules used to determine collective outcomes, and the discursive structure of opinion- and will-formation through deliberation among citizens. Decisions made of, by, and for the people are thought to bring legitimacy to the system, sometimes referred to as “input-oriented” legitimacy (Scharpf, 1999). In recent years, a growing body of largely experimental research has been devoted to disentangle the micro-level mechanisms concerning if, how, and why such democratic procedures legitimize decision outcomes (Esaiasson et al., 2016; Esaiasson, 2011; Persson et al., 2013; Arnesen, 2017; Marien and Kern, 2017; Arnesen and Peters, 2017). These studies provide a complementary approach in examining central questions in studies of democracy that traditionally have focused on the system level. Inspired by classical work in democratic theory, these studies empirically test procedures such as the importance of deliberation on decision-acceptance, and the impact of decision-making influence and outcome favorability on decision-acceptance. The research field has practical relevance, as democracy is arguably under pressure from within; from dissatisfied democrats who defend the principles of democracy but at the same time feel discontent with the current application of these principles (Norris, 1999; Dalton, 2004). Scholars continuously search for innovations that enhance involvement, participation, and decision-making influence among citizens, whereby the use of referendums and other forms of direct democracy are sometimes viewed as procedures that could have a positive effect on the legitimacy of representative democracy.

2.2 Referendum, conceptual treatment

We focus on referendums since this is the most representative manifestation of majority rule that also is used regularly in most – if not all – contemporary democratic societies at the local and national levels

(Morel and Qvortrup, 2017; Qvortrup, 2018). Moreover, different forms of direct democratic initiatives have become increasingly common in contemporary Europe (Ferrin and Kriesi, 2016; Scarrow, 2001; Donovan and Karp, 2006; Gómez and Palacios, 2016). There is also evidence of a growing demand for direct democracy among the European publics (Bowler et al., 2007; Donovan and Karp, 2006; ESS, 2012). Referendums have been the most frequently used form of direct participation, and many European countries have used this instrument to decide on participation in the European integration process (Hobolt, 2006; Hug and Sciarini, 2000), most recently manifested in the British “Brexit” vote in 2016.

Attempts to increase citizen influence through direct democratic instruments have sometimes been viewed as a response by the elites to growing demand for alternative forms of participation, i.e., from within the political system. Thus, the expansion of direct democratic forms of participation could be viewed as an attempt to “save” representative democracy on behalf of the representatives (Donovan and Karp, 2006).

Moreover, major changes in partisan dealignment and a shift towards “post-materialist” voting has brought on major changes in the landscape of representative democracy, which have been advanced as explanations to the increasing use of referendums (Setälä, 1999; Butler and Ranney, 1994). Since the early 1970s, voters have become more volatile and more likely to shift parties between elections (Dassonneville, 2012). The growing risk of defections by disaffected voters in elections has made governments more willing to bring issues directly before the electorate through referendums. Consequently, political parties have become more willing to let citizens decide contested issues in referendums. This logic has brought on referendums on a wide range of issues, such as nuclear power (in Austria, Bulgaria, Italy, and Sweden), gay marriage (Croatia, Ireland, and Slovenia), and not least different aspects of European integration, which were subject to more than fifty referendums between 1972 and 2016) (Tilindyte, 2016).

Simultaneously, there has been an increase in demand from the “outside” of the political system. Demands for direct democracy are increasingly common among citizens that are discontented with the performance of democracy and feel alienated from the political system. The strongest support for more direct democracy is to be found among people who are less interested and informed, are suspicious of government, and are more politically extreme (Bowler and Donovan, 2016; Dalton et al., 2001). Populist parties and voters often regard the conflict of interest between the “pure” people and the “corrupt” elite as the main problem of representative democracy. Thus, direct democratic innovations, such as referendums, are sometimes perceived as important means for “ordinary people” to take power back from “the elites” (Bowler and Donovan, 2016; Donovan and Karp, 2006).

2.3 Three determinants of referendum mandate

Procedural fairness theory argues that authorities are being evaluated by citizens with respect to their ability to make subjects see that the decisions they make are based on fair decision-making procedures (procedural fairness), and their ability to deliver favorable outcomes for all (distributive justice) (Lind and Tyler, 1988; Thibaut and Walker, 1975). The message from this literature to political science is that people indeed share common perceptions of what is a fair decision-making procedure, and that if such procedures are applied, people will be more likely to accept the decision outcome (Levi et al., 2009; Daly and Tripp, 1996). From a procedural perspective, referendums could very well have the potential to increase the fairness perceptions of political decisions in comparison with indirect, representational procedures (??). All voters have equal chance to participate, voice their opinion, and have an influence (albeit minuscule) on the decision outcome. Hence, the theoretical point of departure is the expectation that any free and fair referendum is viewed by the citizens as an equally strong mandate for implementing the outcome of the referendum.

We argue that there are good grounds to challenge this null hypothesis. People may very well have more nuanced perceptions of the legitimacy of referendums, distinguishing between referendums based on the specific properties of each of them. Our aim here is not to compare referendums to other forms of decision making procedures in order to investigate which is perceived as more legitimate. Rather, we compare different (hypothetical) referendums with each other by varying three general characteristics that are present in all referendums. We investigate whether citizens believe that an advisory referendum always provides a mandate to make a political decision, or whether this mandate is conditional upon the properties of the referendums. We direct our attention towards the size of majority, the level of turnout, and the favorability of the outcome. ¹

2.3.1 Size of majority

Psychology scholars and political scientists have since Sherif (1936) and Lazarsfeld et al. (1944) respectively observed that people tend to conform to opinions of others. In a review of the literature on social influence and conformity, Cialdini and Goldstein (2004) identify the two main mechanisms for conformity to be 1) informational and 2) normative. Individuals tend to treat the knowledge of others' opinions either as pure information relevant for their own opinions, or they perceive this knowledge as a social pressure about what opinions they should hold themselves. While some people are unaffected by it others will want to align with the majority opinion out of a social desire to conform or a rational evaluation that the majority is more likely than not to be right. The theoretical underpinnings of these

¹Of course, other factors can also matter in addition to these three, but investigating these is beyond the scope of this study.

worries come both from rational choice theory and from established social psychological mechanisms at the individual level. Firstly, from a rational choice perspective, citizens are in general cognitive misers. That is, they rely on social cues as informational heuristics, i.e. what others think about this matter. Faced with uncertainty and limited information about the issue, people use the majority opinion as a cognitive shortcut when making up their own mind. In certain circumstances it can be rational for an individual to adhere to the majority position, acknowledging that others in general are more knowledgeable than they are themselves. Condorcet's jury theorem (2014) implies that if members of a group are individually able to predict an uncertain outcome at a level better than chance, then a group of sincere voters, relying on a majority decision rule, will approach perfect accuracy, as the number of members increases. People might thus comply with the majority if they believe in the collective's ability to make better choices than the individual; also known as the wisdom of crowds, collective intelligence, and the consensus heuristic mechanism (Hayek, 1945; Landemore and Elster, 2012; Surowiecki, 2004; Mutz, 1998). Secondly, the mechanism of normative social influence assert that holding and expressing divergent attitudes is a social cost that people, all else equal, desire to avoid if they can (Noelle-Neumann, 1974; Kuran, 1997). Information about where the majority stands on an issue may thus impose social pressure on individuals to conform to the majority opinion.

The logic both of the informational and the normative social influence on conformity imply that size matters: If an individual uses majority opinion as a heuristic for what is the "correct" view, this signal becomes stronger the larger the size of the majority. Equally, the normative social pressure is stronger when the minority is vastly outnumbered than when the minority and majority are close to equal in size. We thus formulate our first hypothesis:

Hypothesis 1: *The smaller the size of the majority, the less legitimate the referendum as perceived by the citizens.*

2.3.2 Level of turnout

The argument for why turnout should matter for the legitimacy of a referendum is to a larger extent empirically driven by real-world observations. A decision made in a referendum with low turnout and only a small majority (of those participating) could arguably be seen less as a result of the general will than a referendum with high turnout and a strong majority. However, it is rare that the majority of the votes cast in a referendum corresponds to the majority of the people. Several countries have quorum rules for turnout levels, implying a threshold of participation that must be met for the outcome of the referendum to be valid. There is a great deal of variation among countries with regard to quorum

rules (for an overview, see (2017)). In the European integration context, the Netherlands constitutes an interesting example. Since 1 July 2015, a referendum on any piece of primary legislation may be requested by the public before it enters into force. For a referendum to be held, the request need to be signed by 300,000 citizens. To reject the law, turnout has to reach 30 percent. In the first vote, the Dutch voters rejected an EU-Ukraine association accord, with a turnout of 32 (and a majority of 62) percent. However, most countries do not apply turnout or approval quorums in referendums on EU-related issues. Indeed, in most referendums concerning EU/EEC membership and various aspects of European integration, sizable majorities of the electorate have turned out to vote. Nevertheless, a substantial number of referendums have seen low levels of turnout. In nine out of the 54 referendums in the period from 1972 to 2016, turnout fell below 50 percent. Three referendums recorded turnout levels of 35 percent or lower. Furthermore, in an additional 18 referendums, the turnout rates were between 50 and 60 percent, i.e., relatively low levels (?)

As with majority size, we hypothesize that the legitimacy of a referendum is to some extent also conditional on the level of turnout. The lower the turnout is, the greater the deviation from the “will of the people” (Qvortrup, 2002, p. 172). A low level of turnout contributes to a smaller majority – and not seldom a minority – and thus arguably to a lower level of perceived legitimacy:

Hypothesis 2: *The lower the level of turnout, the less legitimate the citizens perceive the referendum to be.*

2.3.3 Outcome favorability

Since they will have to be governed by those they disagree with, electoral losers are the crucial players in the democratic game. Consequently, many studies have shown that individuals having voted for losing parties express lower levels of political support and trust than those voting for parties ending up in government (Anderson et al., 2005; Anderson and Guillory, 1997; Esaiasson, 2011; Anderson and LoTempio, 2002). It is therefore imperative to generate new and better knowledge about what – if any – political decision-making procedures can soothe the negative effect of experiencing unfavorable outcomes and gain consent among the losers. The experimental evidence to date suggests that fair procedures, such as citizen involvement, in decision-making is less important than a favorable outcome (Skitka et al., 2003; Esaiasson et al., 2016; Arnesen, 2017; Marien and Kern, 2017). This is in line with theoretical works and results from observational studies showing that a political authority will enjoy support when it delivers favorable policy outcomes, or at least is perceived by the citizens as unbiased (Estlund, 2009; Hibbing and Theiss-Morse, 2002; Rothstein, 2009). The importance of outcome favorability becomes clear when considering data from the 1994 Norwegian EU referendum

survey. The study surveyed Norwegian citizens before, during, and after the 1994 referendum (see Saglie, 2000; Moen et al., 2012). Before the referendum, the respondents were asked whether they were for or against a Norwegian application for membership in the EU. After the referendum, they were asked about what decision-making procedure they preferred, i.e., decision by the parliament or referendum. The data presented in Table 1 show that the “no” voters – the referendum winners – overwhelmingly thought that the referendum result should be followed. Conversely, four out of ten “yes” voters preferred a decision made by the government. This indicates that the mandate of a referendum is conditional upon the favorability of the outcome.

Decision-making preference	Referendum outcome	
	<i>Unfavorable</i>	<i>Favorable</i>
Prefer parliament	38%	7%
Prefer referendum	62%	93%
Sum	100%	100%

N Unfavorable = 794, N Favorable = 1,322
Source: (Moen et al., 2012)

Table 1: Norway 1994 referendum

These studies suggest that in politics, what you get matters more than how you get it. Following this, we expect that the losers will be less willing than the winners to accept the result of a referendum.

Hypothesis 3: *Losers perceive the referendum as less legitimate than winners do.*

Further, outcome favorability may also color people’s perceptions of what is a legitimate level of turnout or majority size. Individuals who receive an unfavorable outcome will assess objective procedural arrangements more negatively than those who receive a favorable outcome. Many social psychological experiments show that outcomes should matter more in the absence of fair procedures (Brockner, 2002; Brockner and Wiesenfeld, 1996; Siegel et al., 2005). Daly et al. (1996) argue that in cases in which the procedural characteristics are lacking, procedural fairness is more sensitive to self-interest concerns. In politics, the true fairness or unfairness of a decision-making procedure is often a matter of debate (Doherty and Wolak, 2012), and with this wiggle room, losers have the opportunity to motivate their reasoning in a self-serving direction when assessing the decision-making process (Esaiasson et al., 2016). We therefore also explore potential interaction effects between outcome favorability and the two other dimensions to investigate whether losing induces a perceptual bias when assessing the size of the majority and level of turnout as legitimizing factors of a referendum.

3 Research design

We explore how people evaluate referendums using a conjoint experiment in a population-based probability online survey sample. The experiment portrays a scenario where the issue of Norwegian EU membership once more is subject to a referendum.

3.1 A referendum experiment on EU membership in Norway

In Norway, there has been two referendums on European integration. In 1972, Norwegians went to the polls to decide whether or not Norway should apply for membership in the European Community. A majority of 53.5 per cent decided against applying for membership. 79.2 per cent of the electorate voted. In 1994, another referendum was held, this time on applying for membership in the European Union. 52.2 per cent of the voters once again said "No", with a turnout of 88.6 per cent. We can thus expect that many respondents in our survey experiment are informed about the actual procedures, and potential consequences, of this type of referendum.

In the Norwegian constitution referendums are not mentioned and accordingly referendums are not binding. They are only advisory but it is customary to follow the will of the people, as expressed through the outcome of the referendum. Thus, our hypothetical referendum should be regarded as a case of ad hoc referendum (Qvortrup 2017; Setälä 1999). Hence, the case selection for this study is based on the familiarity which the Norwegian population has to this scenario and the possible generalizability to cases in other European countries, the most recent being the Brexit vote.

The observational data of the 1994 Norwegian EU survey illuminate an important part of our research question, but do not tell the full story. In line with the multi-dimensional approach of conjoint experiments, the motivation behind our design is to present the respondents with different ex post attributes of the referendum and letting them evaluate its legitimacy. The advantage of experiments is that the variables of interest can be manipulated by the researcher while keeping other factors constant (Shadish et al., 2002). This experimental design allows us to randomly vary the favorable/unfavorable outcome as well as turnout and size of majority. A defining feature of conjoint experiments is that they can handle complex choice situations where more than one attribute has an important influence on the choice, while regular experiments typically expose the subjects to one or two treatments. Normative judgments and definitions are typically based on various attributes of multifaceted objects rather than single dimensions, and these attributes are integrated into a single, coherent judgment (Auspurg et al., 2017). Thus, with a conjoint experimental design, we complement the limited observations of the real world with hypothetical scenarios. Previous studies have shown that voters are perfectly able to evaluate such scenarios and give reasonable accounts of how they

would have reacted in that given scenario (Hainmueller et al., 2015).

3.2 Data

The experiment was implemented in the Norwegian Citizen Panel (NCP) during the fall of 2016, with a total of 1043 participating respondents (Ivarsflaten, 2016). The NCP is a probability-based general population online survey panel administered by the Digital Social Science Core Facility (DIGSSCORE) at the University of Bergen.² The panel recruits panelists through random sampling from the official national population registry. The appeal of survey experiments in probability samples comes from the possibility of making causal inferences from a representative sample of the population (Mutz, 2011). For more details about response rates or other methodological questions about the data we refer to the NCP methodology reports (Skjervheim and Høgestøl, 2017).

3.3 Experimental design

Prior to the experiment, respondents are asked whether they support or oppose Norwegian membership in the EU (yes/no). Each respondent is then presented with a hypothetical referendum on EU-membership. We present them with the following (translated) vignette,

We are interested in examining what mandate the government needs to make important decisions on behalf of the people. Imagine that there would be a new debate regarding EU membership for Norway and that an advisory referendum was held regarding the issue.

|referendum_description

In such a case, should the government act according to the result of the referendum, even if the majority in Parliament disagrees?

- *Yes*
- *No*

where |referendum_description is a sentence describing the ex post properties of the referendum. The hypothetical referendum vary in *the size of turnout, the size of majority, and which side won* (outcome), with each of these pieces of information having a .5 probability of being shown. The possible treatment values are shown in Table 2. The referendum had $5 \times 4 \times 3 = 60$ possible descriptions.

²The data applied in the analysis in this publication are based on “Norwegian Citizen Panel Wave 7, 2016”. The survey was financed by the University of Bergen (UiB) and Uni Rokkan Centre. The data are provided by UiB, prepared and made available by Ideas2Evidence, and distributed by Norwegian Social Science Data Services (NSD). Neither UiB, Uni Rokkan Centre nor NSD are responsible for the analyses/interpretation of the data presented here.

All descriptions are shown in the online appendix. Thanks to the large number of respondents in the survey panel, each respondent only had to evaluate one task, ensuring that the units of observation are independent from each other at the respondent level.

Treatment	Value	N obs	% obs
Outcome	Not shown outcome	359	0.34
	Against EU membership won	348	0.33
	For EU membership won	336	0.32
Size of majority	Not shown majority	489	0.47
	51%	180	0.17
	55%	186	0.18
	70%	188	0.18
Size of turnout	Not shown turnout	516	0.49
	35%	125	0.12
	47%	128	0.12
	53%	141	0.14
	85%	133	0.13

Table 2: The different treatments and their possible values.

The treatment levels are chosen so as to cover the whole range of possible referendums. The specific turnout levels are chosen to represent a spectrum going from a referendum with a high turnout (at 85%) to a very low turnout (at 35%). The high-level category is close to the actual turnout in the last Norwegian advisory referendum, which was 88.6%. The lowest level corresponds to the lowest levels of turnout in referendums on European integration. The mid-levels intends to capture any threshold effect where slightly above and below half of the electorate turn out to vote, which has been a fairly frequent turnout rate in referendums on European integration.

The size of the majority range from a narrow majority (at 51%), to a clear majority below typical supermajoritarian thresholds (at 55%), to a clear supermajority (at 70%). A majority of 70% is in-between typical supermajoritarian thresholds, such as two thirds (i.e, 67%) or three quarters (i.e. 75%).

As Gilley writes, "legitimacy can be a tricky concept to measure and apply, but this is true of many important concepts in politics" (Gilley, 2009, p. xiii). Legitimacy is often measured as a property of an action or a decision *ex post facto*. It may be a value-based measure of legitimacy that has a question about how willing the respondents are to comply with the outcome (Arnesen and Peters, 2017), or it may be a behavioral measure where subjects help or hinder the implementation of a decision (Dickson et al., 2015)³. To be able to identify the effect of the referendum's outcome, the control groups will not be shown the outcome. It makes little sense to evaluate an action or decision without knowing

³see discussion of value-based and behavioral conceptualization of legitimacy in (Levi et al., 2009)

what that action or decision is. Instead the respondents are therefore asked to decide whether or not the government *should* act according to the result of the referendum. In addition, we add the qualifier that they should do so regardless of what the majority in Parliament want. Hence, for our purpose, we operationalize the legitimacy of the referendum as whether or not it is evaluated as a necessary and sufficient condition for acting on behalf of the people.

3.4 Identification

As discussed above, the null hypothesis stipulates that support for implementing the result is independent of the type of contextual variations described above. The point of departure is the assumption that people think the results of a referendum on EU membership should be followed, regardless of the properties of the referendum as such. We hypothesize that both the size of turnout, the size of the majority, and the direction of the outcome will affect the evaluation of legitimacy. Following (Hainmueller et al., 2014), we test each of these by estimating the Average Marginal Component Effect (AMCE) for each treatment value with the no-information-showed condition as control. In order to correctly identify the AMCEs we make certain assumptions (see (Hainmueller et al., 2014; Bansak et al., 2017)), including the orthogonality of the different treatments. For example, we assume that the order we present the treatments (which we do not randomize since they are presented in a sentence format) do not affect the estimates.

For both the size of turnout and the size of the majority we expect that a lower value has a lower AMCE. For example, formally, that $\beta_{at\ 35\%}^{turnout} < \beta_{at\ 85\%}^{turnout}$ and $\beta_{of\ 51\%}^{majority} < \beta_{of\ 70\%}^{majority}$. We also hypothesize that a favorable outcome will create a more positive evaluation of legitimacy than an unfavorable outcome. Formally we expect that $\beta_{unfavorable}^{outcome} < \beta_{favorable}^{outcome}$. To measure "outcome favorability" we match the respondents' (pre-treatment) stated preference with the outcome of the referendum, so that a favorable outcome means they are the same and an unfavorable outcome means they are not.

4 Results

The expected probability of thinking the government should follow the referendum when we do not show any information about how it fared is 83 percent, with a 95 percent confidence interval of 77.5 to 88.7. Without being given explicit information about turnout, size of majority, or the winning side, a large majority would consider the referendum legitimate.

We hypothesized that low turnout, small majority, or an unfavorable outcome, should substantially reduce this probability. Supporting our expectations, Figure 1 shows that all treatments affect people's propensity to evaluate the referendum as legitimate. The figure shows the difference in probability

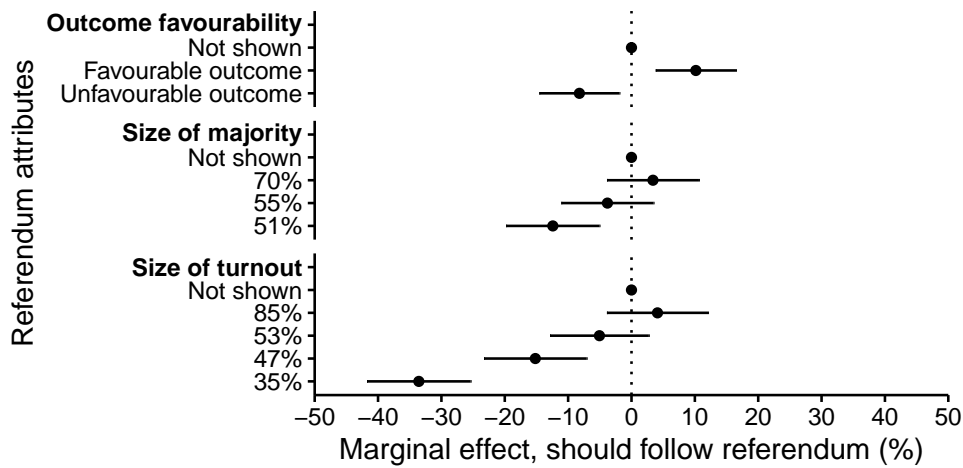


Figure 1: The effect of different referendum properties on the probability of thinking that the government should follow the referendum (AMCEs). The dots are the point estimates of the AMCEs and the bars show their 95 percent confidence intervals. The reference category is shown by a point on the dotted line.

of thinking that the government should follow the referendum for each treatment value with no-information-shown as control condition (AMCEs). The results clearly show that knowing the level of turnout affects the legitimacy of the referendum, providing strong support for our first hypothesis. When the referendum has a turnout of 85 percent, the probability is about the same, or maybe a little higher (by less than one percentage point), as when we show no information about turnout. When the turnout drops to 35 percent, however, the probability drops by 33.5 percentage points [-41.7, -25.4]. Notably, the difference in effect of 85 percent and 53 percent is not that large (-4.1 [-3.9, 12] and -5.1 [-12.9, 2.8], respectively) compared to the difference between 47 percent and 35 percent (-15.2 [-23.3, -7.1] and -33.5 [-41.7, -25.4], respectively), although the difference turnout is the same.

The data also provide support for the second hypothesis about a positive relationship between majority size and perceived legitimacy. Going from the control condition to a majority of 51 percent decreases the probability by 12.4 percentage points [-19.7, -5].

The third hypothesis, stipulating that losers will perceive the referendum as less legitimate than winners, also receives strong support. Those on the losing side are significantly less likely to perceive the procedure as fair compared to those on the winning side. Compared to the control condition, an unfavorable outcome lowers the probability by 8.2 percentage points [-14.5, -1.9] while a favorable outcome increases the probability by 10.1 percentage points [3.8, 16.5].

4.0.1 The bounds of referendum legitimacy

Figure 2 shows the the expected probability of thinking that the government should follow the referendum for different combinations of referendum properties. The probabilities are estimated from a

logistic regression model.

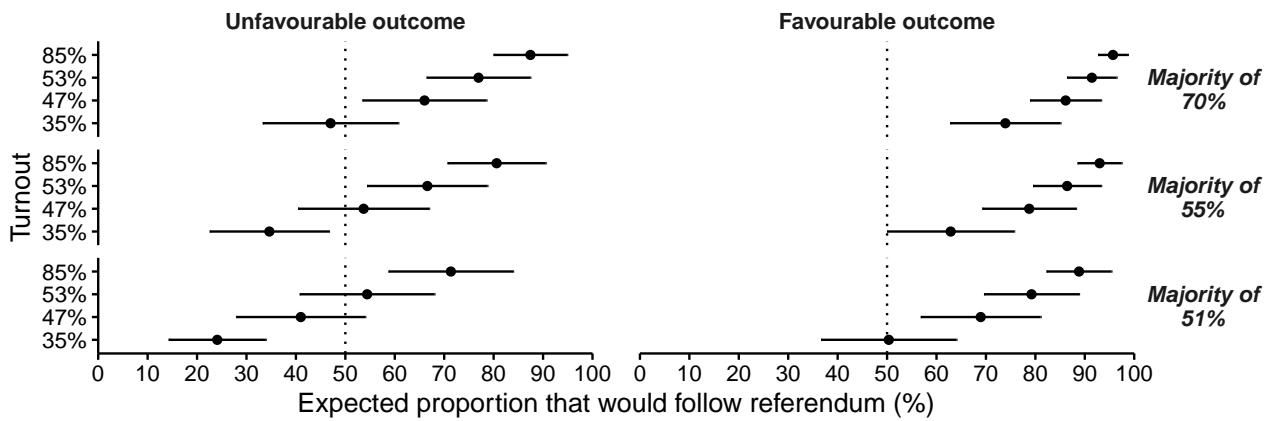


Figure 2: The expected probability of thinking that the government should follow the referendum for different combinations of turnout, majority size, and outcome favorability. The dots are point estimates and the bars show their 95 percent confidence intervals. These estimates are from a logistic regression model. The plot is split by outcome favorability (columns) and majority size (rows). Within each cell, i.e., for referendums with a particular outcome favorability and majority size, the x-axis shows estimates at different levels of turnout.

This provides some sense of the bounds of legitimacy in our referendum case. With a high turnout and a favorable outcome the proportion evaluating the referendum as legitimate essentially approaches everyone. However, with low turnout and small majority, only about half of those who got a favorable outcome, and about one third of those who got an unfavorable outcome, would evaluate it as legitimate. The results show that, even in a case such as Norway, where there would be no expectation of electoral misconduct, a referendum can go from clearly being considered legitimate to clearly considered not legitimate by just varying the level of turnout, majority size, and outcome favorability.

4.1 The role of outcome favorability

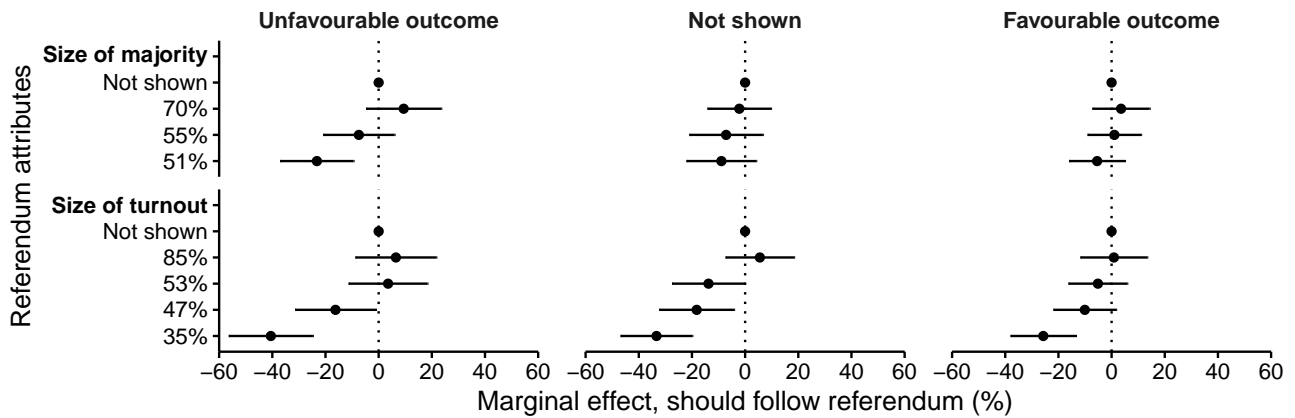


Figure 3: The three columns shows the conditional AMCEs for when the outcome is either favorable, not shown, or unfavorable, respectively. The dots are the point estimates of the conditional AMCEs, i.e., the conditional effect of that particular referendum attribute on the probability of thinking that the government should follow the referendum. The bars represents 95 percent confidence intervals of the point estimates.

Figure 3 demonstrates how the size of the majority affects legitimacy when the outcome is perceived as unfavorable rather than favorable, while the effect of turnout remains similar. When either perceived as favorable, or not shown, the size of the majority have little or no effect on the legitimacy of the referendum. When perceived as unfavorable, however, going from the control condition to a majority of 51% decrease the probability of thinking that the government should follow the referendum by 24 percentage points [-36, -9]. Similar tendencies are observed in the interaction between turnout and outcome favorability, though not as pronounced.

The outcome favorability bias works in two ways. Firstly, it has a main effect on the perceived legitimacy of a referendum. That is, citizens are substantially less willing to accept a referendum that goes against their individual preferences than one that accords with their preferences. This is in itself unsurprising, and in line with previous research. One might find it more stirring that so many are willing to accept an unfavorable outcome on such an important issue as EU membership. Clearly, in an established democracy such as Norway, the majority of citizens are willing to adhere to democratic norms and accept that in a democratic society, unfavorable outcomes is a part of the game.

Secondly, outcome favorability interacts with the perceptions of what is a legitimate majority size, whereby the losers are more reluctant to accept a small majority. This latter result supports the notion that unfavorable outcomes induce a perceptual bias about the fairness of the decision-procedure. This large discrepancy between winners and losers in how they evaluate the result of a referendum shows that having people to agree on what is a fair democratic decision-making procedure will be difficult, if not impossible. Thus, in politics, there may not be such a thing as an acceptable

decision to all. If this is true, a democratic decision-making process can only be sustainable if it over time (i.e. by expectation) produces alternate winners and losers. Not all citizens necessarily view a win as a win, and in certain cases members of parliament on the losing side may have significant public support when refusing to follow the outcome of the referendum. If divisions among the electorate on issue preferences spill over and create confounding procedural preferences and fairness perceptions of democratic decisions, there is a risk of inducing a reinforcing *procedural cleavage* which will in turn lead to increased polarization among the electorate.

Meta-analytic reviews in social-psychology demonstrate that outcome fairness and outcome favorability are empirically distinct concepts (Skitka et al., 2003; Colquitt et al., 2013). Yet, in politics, the outcome also influences the perceptions of the decision-making procedure itself: *What* you get also influences your perceptions about *how* you got it. When the outcome is favorable, the decision procedure is perceived as legitimate; when the outcome is unfavorable, the very same decision procedure is perceived less so. The outcome itself constitutes an important part of the assessment of referendums as a legitimate political decision-making procedure. Winners and losers have different perceptions about the legitimacy of a referendum.

Interestingly, the outcome favorability effect is moderated by the respondents preferences regarding EU membership: Anti-EU respondents are significantly more negative to a "Yes"-outcome than pro-EU respondents are to a "No"-outcome.

Figure 4 shows the treatment effect for those against and for EU membership separately. There seems to be difference between them. The favorability of the outcome affects those against but not of those for. Figure 7 shows treatment effects for different subgroups separately. The effects are very similar across respondents with different Socio-economic status and political sophistication.

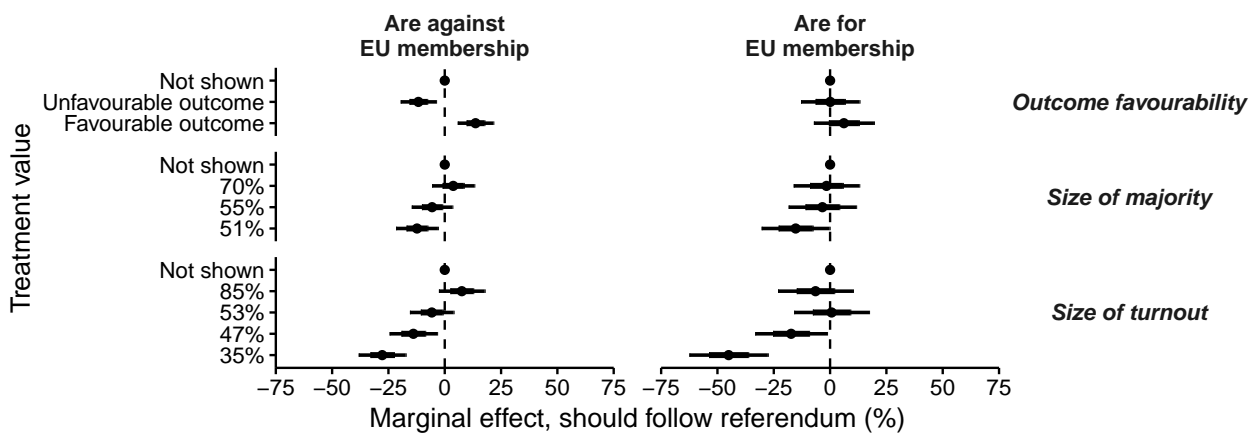


Figure 4: Treatment effect for those against and for EU membership separately. Point estimates of AMCEs with approx 69 and 95 percent confidence intervals.

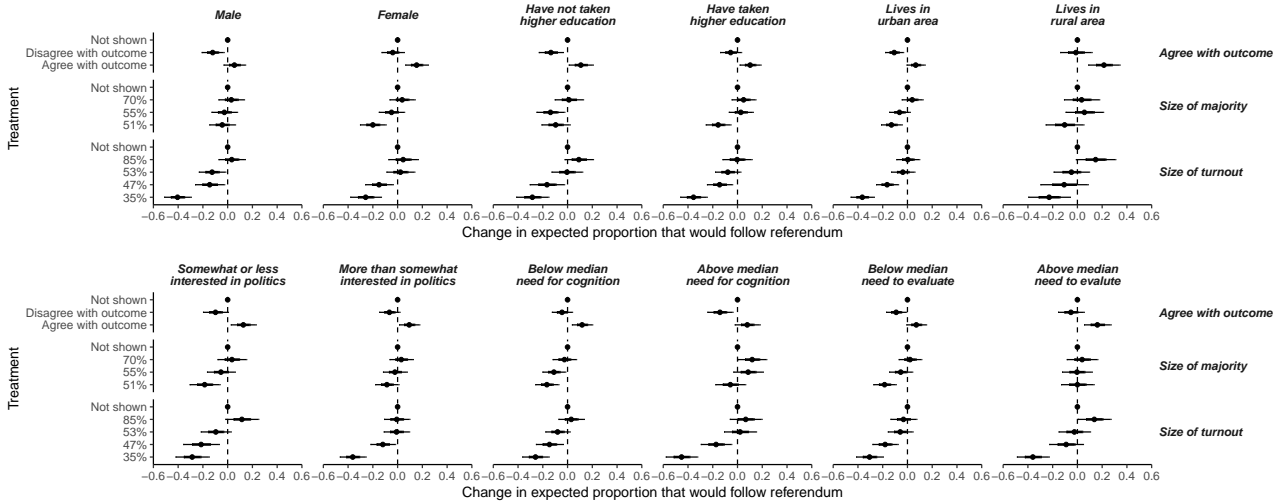


Figure 5: Treatment effects for different subgroups separately. Point estimates of AMCEs with approx 69 and 95 percent confidence intervals.

The outcome favorability effects are not moderated by other individual-level characteristics such as socio-economic status and political sophistication, suggesting that individual-level differences are not driving these results.

A potential explanation for the moderating effects of membership preferences on outcome favorability may be that respondents who prefer the status quo have more to lose than respondents who prefer change, and therefore also react more negatively to an unfavorable outcome. As Thaler and Sunstein write, people have a tendency to stick with their current situation (1999). Coined the "status quo bias" by William Samuelson and Richard Zeckhauser (1988), this behavior is recognized in a wide aspect of situations in human decision making; from choosing which TV channel to watch to choosing retirement savings plans. EU membership is one of the most important issues that can be put out on a referendum in a European country, and clearly there is much at stake in the choice the citizens must make. While the costs and benefits of maintaining status quo are perceived as known to people, making a change may cause uncertainty that a risk averse person will want to avoid. Losers that wanted to maintain status quo are in this regard potentially bigger losers than losers who wanted change. As we have seen in the vortex of the Brexit vote in United Kingdom in 2016, making the transition from being an EU member to becoming a non-member involves much work, attention, and uncertainty for the government and the citizens. Hence, status quo may itself influence the citizens' willingness to accept a loss in a referendum. The outcome favorability results from the first fielding of the experiment in Norway thus generates another hypothesis about how outcome favorability works in relation to the legitimacy of democratic decisions:

Hypothesis 4: *The status quo context moderates the outcome favorability effect.*

Given that each country has only one status quo situation with regards to EU membership, it is not possible from looking at Norway alone to separate the effect of status quo from the effect of being against the EU. We know from the case of Norway that the anti-EU citizens are much less likely to concede to a loss than the pro-EU citizens are, but we do not know how the pro-EU citizens would have reacted if Norway was a EU-member and the referendum outcome was to leave the union. Comparative studies of European countries inside and outside the EU would shed light on such an explanation, and this is what we will turn to now.

5 Experimental replication in The Netherlands, Germany, France, Iceland, Sweden, and Norway

The experiment, with the exact similar design, was replicated in six European countries. Adding this comparative conjoint experimental data to the study allows us to test the generalizability of the Norwegian findings in other country contexts. The experiment was fielded in the 2017 joint wave of the European Internet Panel Study (EIPS).⁴ The EIPS is a network of academically run, probability-based online panels in Europe. Probability-based online panels participating in the EIPS are

- Longitudinal Internet Studies for the Social Sciences (LISS) Panel, The Netherlands
- German Internet Panel (GIP), Germany
- Longitudinal Longitudinal Study by Internet for the Social Sciences (ELIPSS) Panel, France
- Norwegian Citizen Panel (NCP), Norway
- Swedish Citizen Panel (SCP), Sweden
- SSRI Online Panel, Iceland

The special feature of the EIPS panels is the recruitment of the panelists via probability sampling, thus guaranteeing for high data accuracy (for a discussion on probability-based online survey panels, see Blom et al. (2016), and Bosnjak, Das Lynn (2016)). Representativeness is key to a sound empirical data collection aiming at serving the public interest. The low costs of nonprobability online surveys have initiated a surge in this mode for election polls and social research in general. However, such nonprobability online surveys battle with selectivity. An asset of this study is that all primary data collections conducted draw their sample with strict probability sampling methods.

⁴The 2017 joint wave was coordinated by the corresponding author of this paper. Survey questionnaire and other details of the fielding are available upon request.

The selection of countries is also well-suited to study the status quo bias in outcome favorability. Four countries are EU members, of which three (France, Germany, The Netherlands) have played a central, long term role in the project of political integration of Europe. The fourth EU member – Sweden – is a Nordic country who has had EU membership since 1995. Iceland and Norway are two countries that are eligible for applying for EU membership, but have refrained from doing so and are currently non-EU members. In the setting of our conjoint experiment, status quo will for some respondents be remaining inside the EU, while for others, it will be to remain outside the EU.

6 Results comparative experiment

Note: Incomplete section

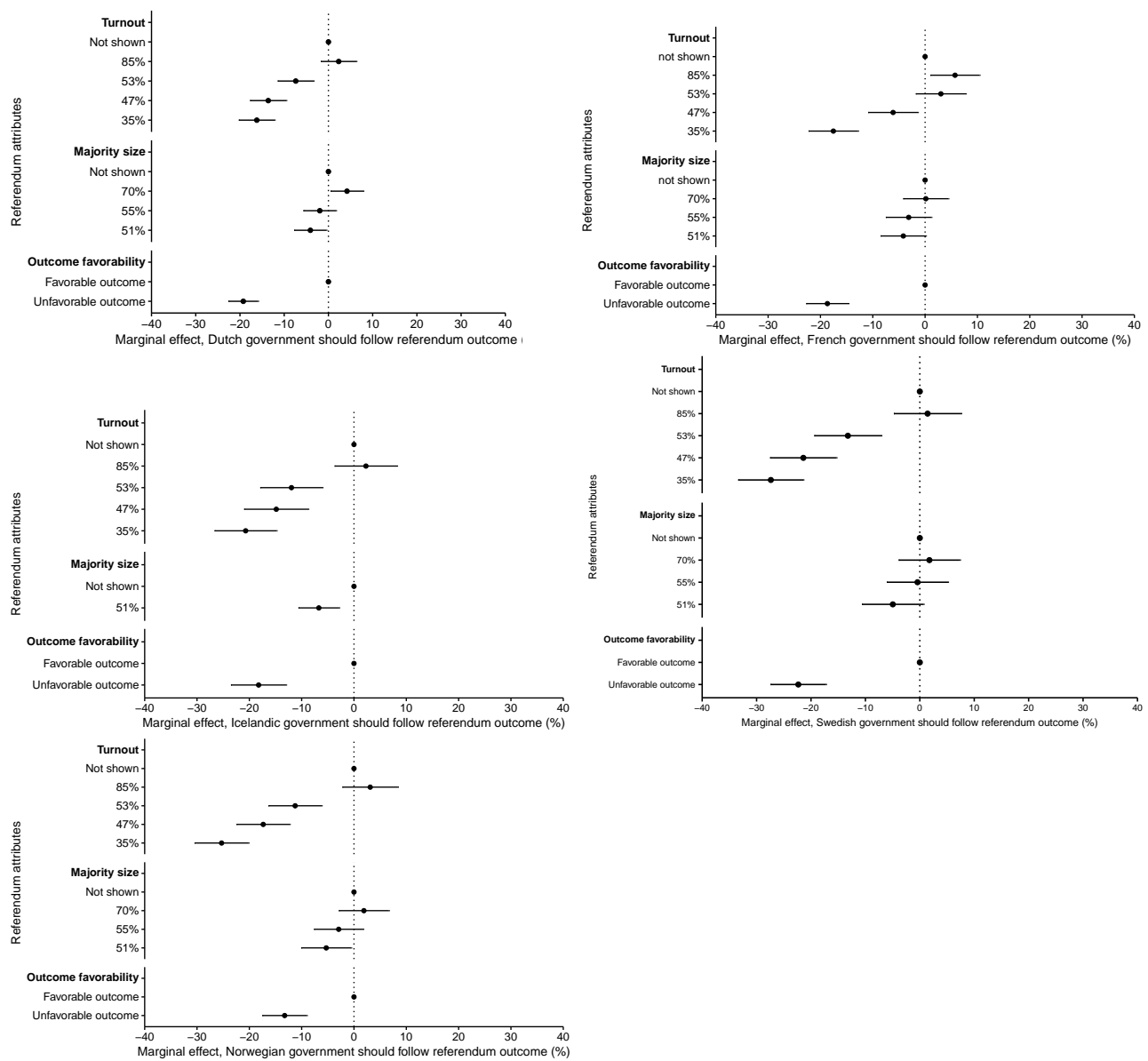


Figure 6: Main AMCE's for The Netherlands, France, Iceland, Sweden, and Norway (Germany currently missing).

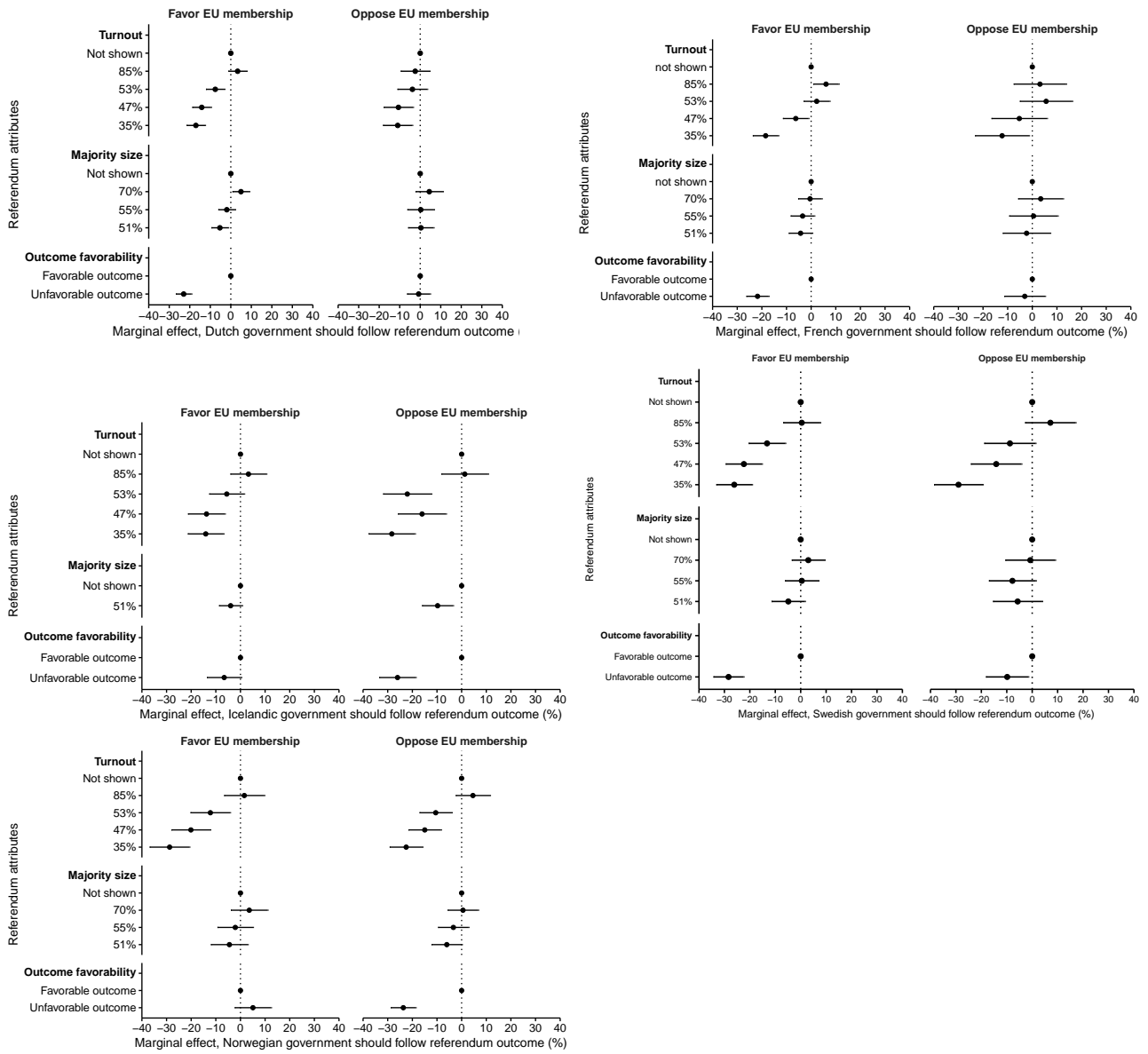


Figure 7: Status quo bias in The Netherlands, France, Iceland, Sweden, and Norway (Germany currently missing).

7 Conclusion

In any free and fair referendum, three critical dimensions will always vary: The turnout, the size of the majority, and the outcome. Some referendums are close races, with a large minority on the losing side. Some have low turnout. For many of the affected individuals, the outcome is unfavorable. This study discloses that these factors matter for the perceived legitimacy of the specific referendum across borders. All the scenarios proposed to the respondents in the experiment are realistic situations that frequently occur in referendums, and none of them question the legality of the referendum as such. The sizes of the treatment effects may be particular to the issue and the context; referendums about less polarized issues and in other contexts may be regarded differently by the citizens. Yet have

seen that the EU referendum results are similar across several European countries, supporting the generalizability of the findings for the EU referendum issue.

A common-good basis of evaluation requires that citizens make a distinction between their own self-interest and the shared interests of the political community (Gilley, 2009). When outcomes offend our sensibilities or harm our interests, our response will be conditioned by the concern of whether they are consistent with the shared interests of our political community. Democratic political decision-making will necessarily produce winners and losers, and the crucial issue is to establish democratic procedures that the losers perceive as fair. A decision made in a referendum with low turnout and only a small majority (of those participating) could arguably be seen less as a result of the general will than a referendum with high turnout and a strong majority. When the turnout is low, and the size of the majority is small, the power of the parliament to carry out a decision is weaker. Our results indicate that there is a proportional relationship between willingness to comply and the size of majority and level of turnout. This tells us that there is not a mere threshold for when the mandate from the referendum is given to the parliament, but that the strength of the mandate increases with a strong, representative majority.

Some countries use a “quorum of participation” to avoid very small majorities. For example, a turnout quorum of 50 percent guarantees a victory with at least 25 percent of the electorate (Morel, 2017, p. 152). Our results could, in isolation, serve as an argument in support of such rules. However, although it is designed to be an “anti-minority weapon,” the quorum can become counterproductive. In a situation with a 50 percent turnout quorum where a proposal is approved by 80 percent of the votes but turnout only reaches 48 percent, the proposal will fail. Thus, the minority view – favoring the status quo – will prevail, if not all of the abstainers are for the status quo, which is “indeed the presupposed, very questionable assertion on which the process rests” (Morel, 2017, p. 153). As the results of the comparative study shows, citizens already carry a status quo bias that make them less willing to concede to democratic decision losses than go against the status quo.

Further research on the legitimacy of political decision making procedures should investigate how, if at all, citizens can agree upon how to make acceptable collective decisions. With regards to referendums, research is warranted amongst other on I) the mechanisms that may account for the positive relationship between turnout, majority, and the legitimacy of a referendum; II) to what extent the importance of the referendum issue moderate the influence of the three attributes turnout, majority size, and outcome favorability; III) how *ex ante* agreements about turnout and majority quorum rules in referendums influence acceptance of the result; and IV) what other attributes can influence the legitimacy of a referendum.

This study sheds new light on what mandate is given to a government by advisory referendums on EU membership. To the extent that advisory referendums popularly are viewed as binding with an implicit decision-rule that the majority of votes always wins, our results show that the interpretation of referendum results should be more nuanced. In general, citizens think a referendum gives mandate to a political decision, but less so when the turnout is low, the majority size is small, and the outcome represents a shift from status quo.

References

- Anderson, C. J., A. Blais, T. D. Shaun Bowler, and O. Listhaug (2005). *Losers' consent: Elections and democratic legitimacy*. Oxford University Press on Demand.
- Anderson, C. J. and C. A. Guillory (1997). Political institutions and satisfaction with democracy: A cross-national analysis of consensus and majoritarian systems. *American Political Science Review* 91(01), 66–81.
- Anderson, C. J. and A. J. LoTempio (2002). Winning, losing and political trust in america. *British Journal of Political Science* 32(02), 335–351.
- Arnesen, S. (2017). Legitimacy from decision-making influence and outcome favourability: Results from general population survey experiments. *Political Studies* 65(1_suppl), 146–161.
- Arnesen, S. and Y. Peters (2017). The legitimacy of representation. how descriptive, formal, and responsiveness representation affect the acceptability of political decisions. *Comparative Political Studies*. Prepublished August 8, 2017.
- Arrow, K. J. (2012). *Social choice and individual values*, Volume 12. Yale university press.
- Auspurg, K., T. Hinz, and C. Sauer (2017). Why should women get less? evidence on the gender pay gap from multifactorial survey experiments. *American Sociological Review* 82(1), 179–210.
- Bansak, K., J. Hainmueller, D. J. Hopkins, and T. Yamamoto (2017). The number of choice tasks and survey satisficing in conjoint experiments. *MIT Political Science Department Research Paper No. 2017-6; Stanford University Graduate School of Business Research Paper No. 17-15*.
- Blom, A. G., M. Bosnjak, A. Cornilleau, A.-S. Cousteaux, M. Das, S. Douhou, and U. Krieger (2016). A comparison of four probability-based online and mixed-mode panels in europe. *Social Science Computer Review* 34(1), 8–25.
- Bosnjak, M., M. Das, and P. Lynn (2016). Methods for probability-based online and mixed-mode panels: Selected recent trends and future perspectives. *Social Science Computer Review* 34(1), 3–7.
- Bowler, S. and T. Donovan (2016). A partisan model of electoral reform: Voter identification laws and confidence in state elections. *State Politics & Policy Quarterly* 16(3), 340–361.
- Bowler, S., T. Donovan, and J. A. Karp (2007). Enraged or engaged? preferences for direct citizen participation in affluent democracies. *Political Research Quarterly* 60(3), 351–362.
- Brockner, J. (2002). Making sense of procedural fairness: How high procedural fairness can reduce or heighten the influence of outcome favorability. *Academy of management review* 27(1), 58–76.
- Brockner, J. and B. M. Wiesenfeld (1996). An integrative framework for explaining reactions to decisions: interactive effects of outcomes and procedures. *Psychological bulletin* 120(2), 189.
- Butler, D. and A. Ranney (1994). *Referendums around the world: The growing use of direct democracy*. American Enterprise Institute.
- Colquitt, J. A., B. A. Scott, J. B. Rodell, D. M. Long, C. P. Zapata, D. E. Conlon, and M. J. Wesson (2013). Justice at the millennium, a decade later: A meta-analytic test of social exchange and affect-based perspectives. *Journal of Applied Psychology* 98(2), 199–236.
- Conradt, L. and C. List (2009). Group decisions in humans and animals: a survey. *Philosophical Transactions of the Royal Society of London B: Biological Sciences* 364(1518), 719–742.
- Conradt, L. and T. J. Roper (2003). Group decision-making in animals. *Nature* 421(6919), 155.
- Couzin, I. D., J. Krause, N. R. Franks, and S. A. Levin (2005). Effective leadership and decision-making in animal groups on the move. *Nature* 433(7025), 513.

- Dahl, R. A. (1989). *Democracy and its Critics*. Yale University Press.
- Dalton, R. J. (2004). *Democratic choices, democratic challenges: The erosion of political support in advanced industrial democracies*. Oxford University Press.
- Dalton, R. J., W. P. Burklin, and A. Drummond (2001). Public opinion and direct democracy. *Journal of Democracy* 12(4), 141–153.
- Daly, J. P. and T. M. Tripp (1996). Is outcome fairness used to make procedural fairness judgments when procedural information is inaccessible? *Social Justice Research* 9(4), 327–349.
- Dassonneville, R. (2012). Electoral volatility, political sophistication, trust and efficacy: A study on changes in voter preferences during the belgian regional elections of 2009. *Acta Politica* 47(1), 18–41.
- De Condorcet, N. et al. (2014). *Essai sur l'application de l'analyse à la probabilité des décisions rendues à la pluralité des voix*. Cambridge University Press.
- De Vreese, C. H. and H. G. Boomgaarden (2005). Projecting eu referendums: Fear of immigration and support for european integration. *European Union Politics* 6(1), 59–82.
- Diamond, J. (2016, Oct). Donald trump: 'i will totally accept' election results 'if i win'. url: <http://edition.cnn.com/2016/10/20/politics/donald-trump-i-will-totally-accept-election-results-if-i-win>. *CNN*.
- Dickson, E. S., S. C. Gordon, and G. A. Huber (2015). Institutional sources of legitimate authority: An experimental investigation. *American Journal of Political Science* 59(1), 109–127.
- Doherty, D. and J. Wolak (2012). When do the ends justify the means? evaluating procedural fairness. *Political Behavior* 34(1), 301–323.
- Donovan, T. and J. A. Karp (2006). Popular support for direct democracy. *Party Politics* 12(5), 671–688.
- Esaiasson, P. (2011). Electoral losers revisited—how citizens react to defeat at the ballot box. *Electoral Studies* 30(1), 102–113.
- Esaiasson, P., M. Persson, M. Gilljam, and T. Lindholm (2016). Reconsidering the role of procedures for decision acceptance. *British Journal of Political Science*, 1–24.
- ESS (2012). Ess round 6: European social survey round 6 data (2012) data file edition 2.3. NSD - Norwegian Centre for Research Data, Norway – Data Archive and distributor of ESS data for ESS ERIC.
- Estlund, D. M. (2009). *Democratic authority: A philosophical framework*. Princeton University Press.
- Ferrin, M. and H. Kriesi (Eds.) (2016). *How Europeans View and Evaluate Democracy*. Comparative Politics. Oxford University Press.
- Gherghina, S. (2017). Direct democracy and subjective regime legitimacy in europe. *Democratization* 24(4), 613–631.
- Gilley, B. (2009). *The right to rule: how states win and lose legitimacy*. Columbia University Press.
- Gómez, B. and I. Palacios (2016). Citizens' evaluations of democracy: A microscope with quality seal. In M. Ferrin and H. Kriesi (Eds.), *How Europeans View and Evaluate Democracy*. Oxford: Oxford University Press.
- Habermas, J. (2015). *Between facts and norms: Contributions to a discourse theory of law and democracy*. John Wiley & Sons.

- Hainmueller, J., D. Hangartner, and T. Yamamoto (2015). Validating vignette and conjoint survey experiments against real-world behavior. *Proceedings of the National Academy of Sciences* 112(8), 2395–2400.
- Hainmueller, J., D. J. Hopkins, and T. Yamamoto (2014). Causal inference in conjoint analysis: Understanding multidimensional choices via stated preference experiments. *Political Analysis* 22(1), 1–30.
- Hastie, R. and T. Kameda (2005). The robust beauty of majority rules in group decisions. *Psychological review* 112(2), 494.
- Hayek, F. A. (1945). The use of knowledge in society. *The American economic review*, 519–530.
- Hibbing, J. R. and E. Theiss-Morse (2002). *Stealth democracy: Americans' beliefs about how government should work*. Cambridge University Press.
- Hobolt, S. B. (2006). Direct democracy and european integration. *Journal of European Public Policy* 13(1), 153–166.
- Hobolt, S. B. (2009). *Europe in question: Referendums on European integration*. Oxford University Press Oxford.
- Hug, S. and P. Sciarini (2000). Referendums on european integration: do institutions matter in the voter's decision? *Comparative Political Studies* 33(1), 3–36.
- Ivaresflaten, Elisabeth, S. A. B. F. E. T. M. J. E. K. N. S. N. (2016). Norwegian citizen panel wave 7. Technical report. University of Bergen and UNI Research Rokkan Centre. Data available at The Norwegian Center for Research Data, first NSD edition.
- Kuran, T. (1997). *Private truths, public lies: The social consequences of preference falsification*. Harvard University Press.
- Landemore, H. and J. Elster (2012). *Collective wisdom: Principles and mechanisms*. Cambridge University Press.
- Levi, M., A. Sacks, and T. Tyler (2009). Conceptualizing legitimacy, measuring legitimating beliefs. *American Behavioral Scientist* 53(3), 354–375.
- Lind, E. A. and T. R. Tyler (1988). *The social psychology of procedural justice*. Springer Science & Business Media.
- Mansbridge, J. (2015). A minimalist definition of deliberation. *Deliberation and development: Rethinking the role of voice and collective action in unequal societies*, 27–50.
- Marien, S. and A. Kern (2017). The winner takes it all: Revisiting the effect of direct democracy on citizens' political support. *Political Behavior*, 1–26.
- Moen, K. L., I. Øyangen, and A. T. Jenssen (2012). *The Norwegian 1994 EU Referendum Study, 2nd edition*. Bergen: NSD.
- Morel, L. (2017). Types of referendums, provisions and practice at the national level worldwide. In L. Morel and M. Qvortrup (Eds.), *The Routledge Handbook to Referendums and Direct Democracy*, pp. 27–59. Routledge.
- Morel, L. and M. Qvortrup (2017). *The Routledge Handbook to Referendums and Direct Democracy*. Routledge.
- Mutz, D. C. (1998). *Impersonal influence: How perceptions of mass collectives affect political attitudes*. Cambridge University Press.
- Mutz, D. C. (2011). *Population-based survey experiments*. Princeton University Press.

- Noelle-Neumann, E. (1974). The spiral of silence a theory of public opinion. *Journal of communication* 24(2), 43–51.
- Norris, P. (1999). *Critical citizens: Global support for democratic government*. OUP Oxford.
- Persson, M., P. Esaiasson, and M. Gilljam (2013). The effects of direct voting and deliberation on legitimacy beliefs: an experimental study of small group decision-making. *European Political Science Review* 5(03), 381–399.
- Qvortrup, M. (2002). Government by the people: A comparative study of referendums.
- Qvortrup, M. (2018). Introduction: Theory, practice and history. In *Referendums Around the World*, pp. 1–18. Springer.
- Rothstein, B. (2009). Creating political legitimacy: Electoral democracy versus quality of government. *American Behavioral Scientist* 53(3), 311–330.
- Saglie, J. (2000). Values, perceptions and european integration: The case of the norwegian 1994 referendum. *European Union Politics* 1(2), 227–249.
- Samuelson, W. and R. Zeckhauser (1988). Status quo bias in decision making. *Journal of risk and uncertainty* 1(1), 7–59.
- Scarow, S. E. (2001). Direct democracy and institutional change. *Comparative Political Studies* 34(6), 651–665.
- Scharpf, F. W. (1999). *Governing in Europe: Effective and democratic?* Oxford University Press.
- Sen, A. (2017). *Collective Choice and Social Welfare: Expanded Edition*. Penguin UK.
- Setälä, M. (1999). Referendums in western europe—a wave of direct democracy? *Scandinavian Political Studies* 22(4), 327–340.
- Shadish, W. R., T. D. Cook, and D. T. Campbell (2002). *Experimental and quasi-experimental designs for generalized causal inference*. Wadsworth Cengage learning.
- Siegel, P. A., C. Post, J. Brockner, A. Y. Fishman, and C. Garden (2005). The moderating influence of procedural fairness on the relationship between work-life conflict and organizational commitment. *Journal of Applied Psychology* 90(1), 13.
- Skitka, L. J., J. Winkvist, and S. Hutchinson (2003). Are outcome fairness and outcome favorability distinguishable psychological constructs? a meta-analytic review. *Social Justice Research* 16(4), 309–341.
- Skjervheim and Høgestøl (2017). Norwegian citizen panel, seventh wave methodology report. , Ideas2Evidence.
- Surowiecki, J. (2004). *The wisdom of crowds*. Abacus.
- Thaler, R. H. and C. R. Sunstein (1999). *Nudge: Improving decisions about health, wealth, and happiness*. HeinOnline.
- Thibaut, J. W. and L. Walker (1975). *Procedural justice: A psychological perspective*. Hillsdale, NJ: Erlbaum.
- Thompson, D. F. (2008). Deliberative democratic theory and empirical political science. *Annu. Rev. Polit. Sci.* 11, 497–520.
- Tilindyte, L. (2016). *Referendums on EU issues* (PE ed.). 582.041. European Parliamentary Research Service.

Tyler, T. R. (2006). *Why people obey the law*. Princeton University Press.

Weatherford, M. S. (1992). Measuring political legitimacy. *American Political Science Review* 86(1), 149–166.

Weber, M. (2009). *The theory of social and economic organization*. Simon and Schuster.