



Zoltán Tibor Pállinger

Direct Democracy – The Swiss Experience

(Revised Version of a Paper presented at the
International Conference on the Comparative Studies of Referendum, or-
ganized by Taiwan Thinktank,
Taipei Taiwan, November 3rd, 2007)

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Contact: Dr. Zoltán Tibor Pállinger (zp@liechtenstein-institut.li)

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Liechtenstein-Institut, Auf dem Kirchhügel, St. Luziweg 2, FL-9487 Bendern
Phone (00423) 373 30 22 - Fax (00423) 373 54 22
<http://www.liechtenstein-institut.li> - admin@liechtenstein-institut.li

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1 Introduction

Switzerland is widely seen as the home of direct democracy, and rightly so: of the 888 popular referendums that were held worldwide between 1971 and 2003, 60% took place in Europe and more than half of the latter were held in Switzerland.¹ Switzerland is the only country in the world in which popular rights are routinely used, are constitutionally prescribed, with fully developed procedural mechanisms, and form an integral component of the political system. Clearly, it is the country in which direct democracy has the profoundest effect on the political system.

But Switzerland has not always been a champion of direct democracy. Switzerland's first constitution of 1848 followed the principle of representation. It contained only two direct-democratic rights: the mandatory constitutional referendum and the popular initiative for a complete revision of the federal constitution. The other popular rights were introduced gradually in a process, which took many years. We have to consider them as concessions, which the political elite had to make to opposition forces.

Starting with an historical overview, this paper introduces the Swiss conception of direct democracy. Subsequently, the individual instruments and their systemic effects will be presented in some detail. The paper concludes with an appraisal of the Swiss experiences with direct democracy.

2 The Swiss Conception of Democracy

2.1 Historical background

Swiss people like to look upon their country as the original source and treasury of direct democracy. This self-image is undermined to some extent by the fact that the first constitution of the Swiss Confederation was predominantly representative in character and that the country's direct-democratic rights were wrung from that representative system only during the second half of the 19th century.²

The modern federal state emerged between 1798 and 1848 amidst frequent conflicts between liberal-progressive and conservative forces. After the short-lived "Helvetic Republic", which was meant to transform the loose confederation of states of the "Old

¹ IRI (2005).

² For what follows cf. Kölz (1992), Kölz (2004), Linder (2005) and Vatter (2002).

Confederation” into a modern, centralised state on the French model, the old order was partially restored with the new Federal Treaty of 1815. The so called Democratic Movement grew in strength during the 1830s, resulting in the old order being replaced at the cantonal level by modern representative-democratic systems, in which the only direct-democratic right provided for was the obligatory constitutional referendum. The worsening dispute between the liberal-progressive and the Catholic-conservative forces resulted in armed conflict (the ‘Sonderbund War’ of 1847), leading in turn to the replacement of the Federal Treaty by a modern Federal Constitution in 1848. This constitution followed the cantonal models and was likewise based on the principle of representation. However, one further direct-democratic instrument was added: the popular initiative for a complete revision of the federal constitution.

Once again it was the cantons, which played the pioneering role in the subsequent evolution of the constitution. In its clash with the established forces of Liberalism, the “Democratic Movement” succeeded, in several of the cantons, in adding direct-democratic institutions to the representative system. From about 1865 onwards, the cantonal movements were also joined at the federal level by revisionist forces seeking the same goals. The clash with the so-called “federal barons” ended successfully with the total revision of the constitution in 1874. The new constitution introduced the facultative (optional) legislative referendum. The popular initiative for the partial revision of the federal constitution was then added in 1891. During the course of the 20th century the direct-democratic armoury was continually expanded, the referendum on international treaties being introduced in 1921 and the ‘resolutive referendum’ in 1948. This expansion reached its provisional conclusion in 2003, when the ‘general initiative’ was approved in a national referendum.

2.2 Basic principles of direct democracy

Switzerland has an extensive range of direct-democratic rights. These supplement and complement the original representative system; they do not replace the representative organs. Swiss political science thus speaks of a system of “direct democracy”³ The term refers to a system of political decision-making in which quite specific decision-making rights and competences are constitutionally prescribed for the various organs of the state: the people, the parliament and the executive.⁴

³ I am grateful to Andreas Gross and Bruno Kaufmann for pointing out that in Switzerland the term “direct democracy” has now replaced the previously used term “semi-direct democracy”. The expression “semi-direct democracy” was used to indicate that the direct-democratic instruments were used within a representative context. Since all countries have representative organs and since the direct-democratic instruments are not designed as an alternative to these, but rather as being complementary, the term “semi-direct democracy” is superfluous. The contemporary view is that direct and representative democracy are no longer in opposition, but exist as a complementary pair.

⁴ For what follows cf. Linder (2005), p. 242f.

The Swiss version of direct democracy is based on the principle that the level of popular involvement in decision-making is graded according to the material significance of the political decisions to be made. Consequently, that entity which has the greatest democratic legitimacy i.e. the people, must be able to participate in, and also have the last word on, the most important matters of the state, where the decisions to be taken are governed by the constitution. This requirement is fulfilled by means of the popular initiative and the obligatory referendum. The entity, which can claim the second highest level of democratic legitimacy – the Parliament, which is directly elected by the people – decides on the next most important matters through legislation. In most cases these decisions are final, but they are in principle always open to subsequent challenge by the people if it is successful in launching a facultative referendum. The government, finally, which has the least democratic legitimacy (because it is elected by the parliament, and not by the people), is responsible for issuing ordinances and for less important individual decisions; in this it acts within its own powers, independently of the people and the parliament.

Thus in the Swiss system, it is the constitution which determines which entity has the final say on specific political issues. This clear determination of the rules of play creates a stable framework for the political process and gives a high security of expectation. The demarcation of decision-making is fundamental to the orderly use of the direct-democratic instruments. The direct-democratic system strengthens the position of the people in the political process and ensures a wide-ranging implementation of the principle of popular sovereignty.

3 The Instruments of direct-democracy in Switzerland

The system of democratic rights at the Swiss federal level is relatively complex.⁵ In Swiss political practice, a basic distinction is made between *popular initiatives* and *referendums*.

The purpose of the popular initiative is to introduce something new into the system. Using this instrument, Swiss eligible voters can demand a complete revision of the constitution⁶ (Art. 138 Federal Constitution) or the revision of part(s) of the same (Art. 139 (old) Federal Constitution). Popular initiatives can be submitted either as fully worked

⁵ Linder (2005), p. 247.

⁶ Has not happened to date.

out proposals, or in a more loosely formulated form. If 100,000 eligible voters⁷ express their support for the initiative by giving their signatures, it is held to have been formally validated (*zustandegekommen*). The Federal Council (the executive) then prepares a statement setting out its understanding of the effects of the initiative and forwards this to the two houses of parliament (the National Council and the Council of States) for deliberation. They can recommend that the initiative be either accepted or rejected – or they can put forward a counter-proposal.⁸ The final decision is reached in a referendum ballot on the initiative (and on the counter-proposal, if one has been presented).⁹ The initiative is approved if it secures a majority both of the overall votes cast (the popular vote) and of the ‘states’ i.e. the cantons – the so-called ‘double majority’. The course the popular initiative has to take makes it clear that even this most markedly direct-democratic instrument is not an expression of arbitrary popular power, but is at all times subject to the rule of law and matched to the representative organs. The right of both government and parliament to present their own responses to the initiative and, if desired, for the latter to put forward its own counter-proposal, ensures that ‘citizen law-making’ does not undermine Swiss constitutionality and the rule of law: initiatives which do not satisfy the requirement of “unity of subject matter” or which contravene binding international law will be declared invalid by the Federal Assembly.

The referendum, on the other hand, allows parliamentary decisions which have already been taken to be struck down or modified.¹⁰ Referendums can be subdivided into those which are obligatory (Art. 140 Federal Constitution) and those which are facultative i.e. optional (Art. 141 Federal Constitution). Obligatory referendums relate to issues, which must be submitted to a popular vote i.e. where no popular request is required. A facultative referendum only comes to a vote if a proportion of the voters (50,000)¹¹ has demanded it. The referendum is a means whereby important state decisions are made subject to popular approval. In the case of obligatory referendums, the double majority rule applies – approval must be by a majority of both ‘the people’ and the cantons – whereas a simple majority of the votes cast decides facultative referendums.

⁷ This corresponds to approximately 2 % of the electorate.

⁸ In practice, there is also the so-called ‘indirect counter-proposal’. Here the government and parliament declare that they will incorporate the initiative proposal into future legislation.

⁹ If both the original initiative and the counter-proposal are approved, there is a deciding question to determine which of the two will be adopted (Art. 139b Federal Constitution).

¹⁰ Marxer (2005), p. 15

¹¹ This corresponds to approximately 1 % of the electorate.

Table 1: Direct-democratic instruments in Switzerland - Overview

<p>Initiative (and Counter-proposal)</p> <p>Target:</p> <ul style="list-style-type: none"> – Drafting of an entirely new constitution – Changing parts of the constitution – Changing or abolishing parts of the constitution or laws (new – not yet in force) <p>Signature requirement: 100,000 ~ 2 % of the adult citizenry within 18 months</p> <p>Approval: Majority of popular vote and majority of cantons</p>	<p>Compulsory Referendum</p> <p>Target:</p> <ul style="list-style-type: none"> – Complete or partial revision of the constitution – Joining supranational organizations or organizations of collective security <p>Signature requirement: Automatic – no signatures required</p> <p>Approval: Majority of popular vote and majority of cantons</p>
<p>Impact: Innovation (accelerator)</p>	<p>Facultative Referendum</p> <p>Target:</p> <ul style="list-style-type: none"> – Federal laws – Urgent federal laws, lasting more than 1 year, without constitutional basis – Others, including international treaties <p>Signature requirement: 50,000 ~ 1 % of the adult citizenry within 100 days</p> <p>Approval: Majority of the popular vote</p> <p>Impact: Brake</p>

It finally remains to mention that all the direct-democratic instruments in Switzerland are binding and relate solely to substantive issues. This is why there are no consultative

opinion polls or decisions on “personal matters” (i.e. the selection of public officials) in the Swiss direct-democratic repertoire.¹² In respect of the popular initiative for complete revision of the federal constitution, the popular initiative in the form of a general proposal, and the general initiative i.e. in those cases in which the end result of the ‘citizen lawmaking process’ is not known in advance, the right of final decision rests with the people alone, or with the people and the cantons.

3.1 The use of the direct-democratic instruments

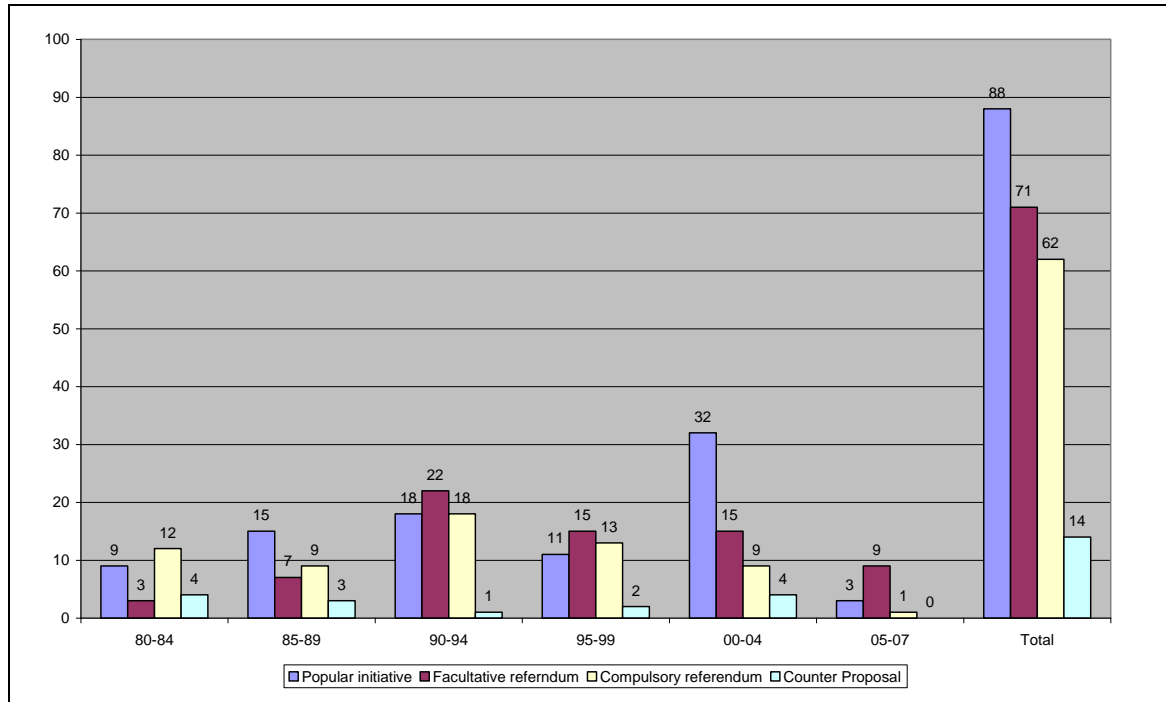
The citizens of Switzerland were called to cast their ballot on 235 subjects since 1980 on the federal level. On the average they have to decide on 9 subjects per year. However, one has to keep in mind that only about 7 % of the Federal Laws and Federal Decrees, which are theoretically open to a facultative referendum, will in reality be subjected to a popular ballot.¹³ These numbers show us that the direct democratic-instrument are solidly embedded in representative setting.

During the last quarter of a century the frequency of popular votes varies considerably. All in all a modest rise of the use of the direct-democratic instruments can be observed (cf. Table 3). With 39 % of all subjects put on popular ballot the popular initiative is the most commonly used instrument. Then follow the facultative (28 %) and the mandatory referendum (27 %), whereas the counter-proposal only occurs relatively seldom (6 %).

¹² The idea of a non-binding public opinion poll runs counter to the Swiss conception of popular sovereignty.

¹³ Bundesamt für Statistik 2004; Linder 2005, S. 249ff.

Table 2: Frequency of use 1980-2007

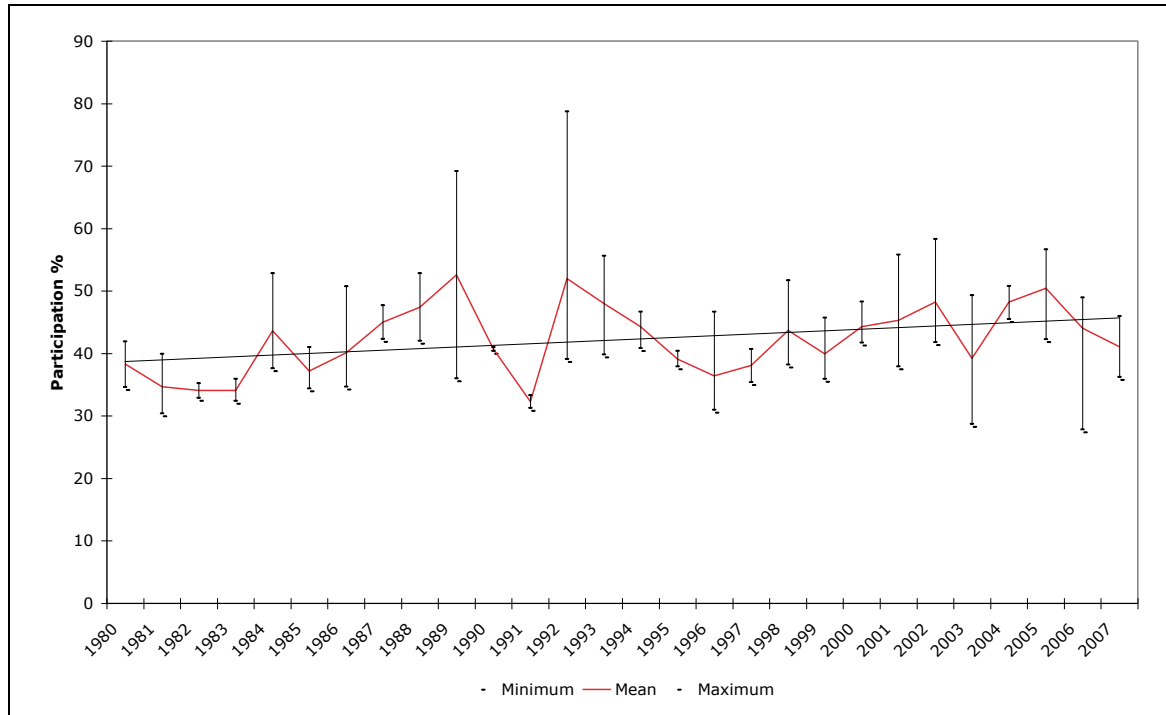


Source: IRI (2005).

The numbers alone won't tell us much about the quality of direct-democracy. The popular rights open up possibilities for the citizens to participate in the political decision-making processes. In this context one has to take into account in which way and to what extent these possibilities are used.¹⁴ Observers of Swiss politics often complain about the low turnout of the ballots. They fear that the absence of a big part of the citizenry from the ballot-box could undermine the legitimacy of democracy itself. Actually, in the last 25 years the average of participation in the national ballots was only about 37 %, which is quite low by international standards. However, one has to consider in this context that there is no other state, which calls its citizens to the ballot-box as often as Switzerland. Furthermore, it can be observed that the turnout varies considerably depending on the topic put to vote (cf. Table 3).

¹⁴ Schmidt 1998, S. 182.

Table 3: Voter turnout 1980-2007



Source: BFS (2004).

The frequent ballots are quite demanding for the voters. Therefore, their participation in national ballots is very selective and contingent on the importance of the topics.¹⁵ Swiss research on direct-democracy has revealed that only 26 % of all voters participate regularly in the ballots, 56 % casually, and 18 % abstain completely. It's striking that the strata with the lowest level of education, the lowest occupational categories, the youngest age-group, single and divorced persons participate below average. This is also true for people, who are not very well integrated, people, who are not attached to political parties, and people, who distrust the political system and the institutions in general.¹⁶ On the one hand the data show us, that people don't turn away from politics on a big scale. On the contrary, they are willing to participate on a selective base. On the other hand, these findings highlight the dilemma that the introduction of popular rights enhances the equality of the citizens.¹⁷ However, the different use of the right to partici-

¹⁵ For example: In 1989 the citizens could vote on an initiative, which wanted to protect peasants and an initiative, which called for the abolition of the Swiss army. The first one attracted only 36 % of the voters, the latter however 69 %. There was a similar situation in 1992. On May 17 there was a ballot on 7 topics and the turnout was 39 %. At the poll of December 6 on the accession to the European Economic Space 79 % of all voters participated (BFS 2004).

¹⁶ Linder 2005, S. 286f.

¹⁷ Schiller 2002, S. 46f.

pate tends to discriminate some strata of the population systematically, what in turn works against the principle of equality.

3.2 The effects of direct democracy

The introduction of direct-democratic instruments has repercussions on all aspects of the political system. Popular rights influence the institutional level (polity), the mode of conflict-resolution and decision-making (politics) as well as the policy-making level. In the following we will have a closer look at the effects of the direct-democratic instruments on the institutions and the decision-making process. However, we'll abstain from examining the influence of direct-democracy on the economical performance.¹⁸

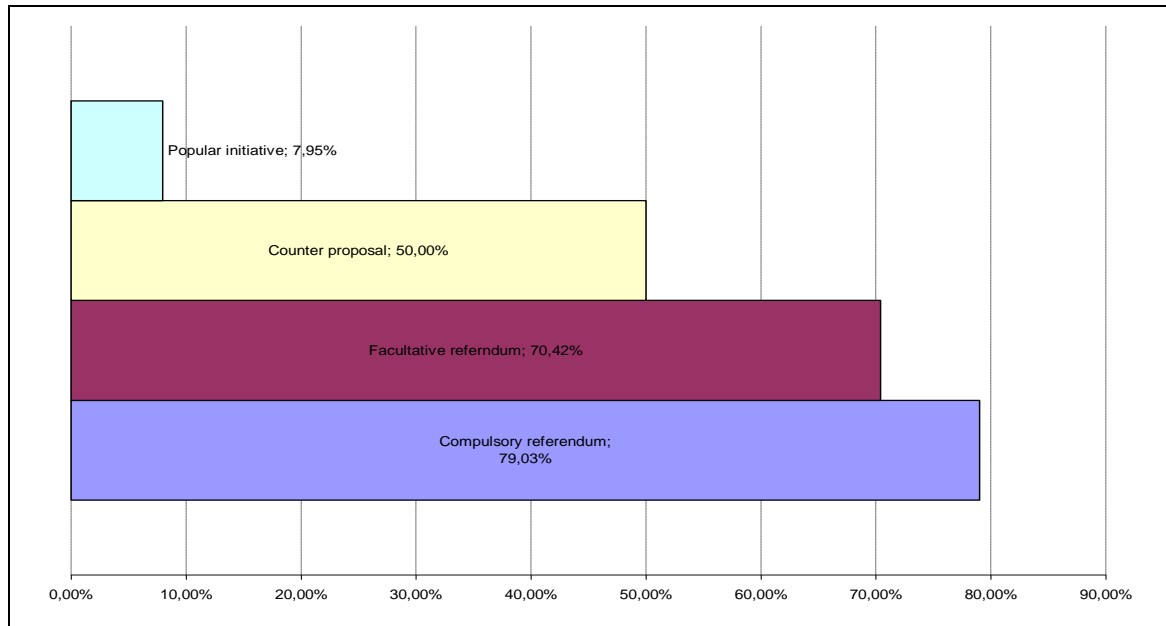
Direct-democracy opens up potentials for participation with a very low threshold. In Switzerland for example, it takes only 1 % of the voters to start a facultative referendum and 2 % can launch a popular initiative. Because of the open structure of participation the political process becomes more diffuse.¹⁹ Direct-democracy subjects the government to a permanent control by the citizenry, therefore the relevance of the representative institutions and of the elections is lowered. Popular rights help to ensure that the politicians keep in mind the interests of the common people (or to be precise: of the interest groups which are able to organise themselves efficiently), thereby they rise the overall level of responsiveness of the political system. Before examining the direct-democratic instruments individually,²⁰ it is important to have look at the levels of success of the different instruments (cf. table 4).

¹⁸ There are lots of studies, which contend that direct-democracy has positive effects on the economic performance. Cf.: Feld/Savioz 1997; Freitag/Vatter 2000; Frey 1994; Kirchgässner/Feld/Savioz 1999; Vatter 2002. Opposing these findings: Wittmann 2001; Borner/Rentsch 1997; Brunetti/Straubhaar 1996.

¹⁹ Neidhart 2002, S. 360.

²⁰ Cf. Linder 2005; Kriesi 2005; Church 2004; Fossedal 2002.

Table 4: Success rate of the direct-democratic instruments in Switzerland (1980-2007)



Source: Schweizerische Bundeskanzlei (2005)/Author's calculations.

The levels of success of the individual instruments vary considerably. In the next sections we will explain these differences and the way of the functioning of the direct democratic instruments in Switzerland.

3.2.1 Obligatory referendum

The scope of the obligatory referendum includes (a) amendments to the constitution; (b) federal laws declared to be urgent, but without a constitutional basis and whose period of validity exceeds one year; (c) accession to organisations of collective security or to supranational communities. Important proposals of this nature are subject to a qualified majority requirement (majorities of both the people and the cantons). This gives minorities and interest groups some veto possibilities. As the *status quo* actually reflects the prevailing balance of power between conflicting social groups, the chances of success of particular proposals are reduced, the more they depart from the current balance of power; they could potentially increase the benefits for a narrowly circumscribed group, but in doing so would affect the interests of more numerous minorities.

The fact that – despite the high hurdles – four-fifths of obligatory referendums are approved i.e. are decided in favour of the government/parliament line, means that the proposals enjoy broad support. In order for this to happen, all the socially relevant groups must be brought into the drafting of the proposals and sufficient account must be taken of their various interests. Since the lines of conflict in Swiss society criss-cross and

overlap, changing majority and minority constellations emerge. In these circumstances the obligatory referendum has an integrative effect, since it ensures that in the long term no larger social group is excluded from influencing decisions and that even the most powerful interest groups cannot always get their own way at the cost of others. By favouring policy options which are closer to the status quo, the obligatory referendum tends to block far-reaching reforms and changes. In Switzerland, this damping effect on innovation is revealed in particular through (a) the historically late and modest appearance of major federal involvement in the fields of economic and social policy; (b) the low proportion of public expenditure in relation to overall GDP by international comparisons; (c) the low level of centralisation; (d) the modest size of the federal administration by international standards; and (e) the relative reticence in terms of international political collaboration.²¹

3.2.2 The facultative referendum

Subject to the facultative referendum are (a) federal laws; (b) federal laws declared to be urgent, whose period of applicability exceeds one year; (c) the majority of federal decrees; and (d) international treaties which are of no fixed duration and which cannot be revoked, or which provide for accession to an international organisation, or contain important legislative provisions, or whose implementation would require the passing of a federal law. A referendum on these matters is launched if requested by 50,000 eligible voters (by giving their signatures), or eight cantons²², within 90 days of the official publication of the law or provision. If the formal requirements are met, the issue must be put to the people in a national ballot. The law, decree or provision can only enter into force (or remain in force) if a simple majority of those who voted approves it (simple majority rule).

The aim of a facultative referendum is to prevent the implementation of a parliamentary decree which is viewed as detrimental by some group. As with the obligatory referendum, the tendency of this instrument is also to favour the status quo. Proposals which diverge significantly from it carry a higher risk of being subjected to a referendum. Facultative referendums occur when the majority coalition in parliament underestimates the threat of a referendum – or the strength of the opposition – or when the (parliamentary) minority overestimates its own strength, is forced for reasons of principle to use the threat of a referendum (which it is unlikely to win) so as not to lose credibility, or wishes to send out signals for the future handling of certain issues. But the facultative referendum can also be used by ‘outsiders’ who were not involved in the negotiation process, or who did not use the threat of a referendum during that process.

²¹ Gabriel/Rybach 2002, p. 38.

²² The so-called cantonal referendum has been used only once in its 130-year existence (in 2003; BBL 2003 7269) and can thus be ignored for the purposes of this essay.

Table 5: Approval rate for facultative referendums in Switzerland (1874-2007)

	1874-2007			1980-2007		
	Number of ballots	Approved	Approval rate	Number of ballots	Approved	Approval rate
Proposals	161	88	55 %	71	50	70 %

Source: Swiss Federal Chancellery (2005)/Author's calculations.

The facultative referendum is an instrument, which is relatively easy to use. The progressive forces originally saw it as performing a plebiscitary function, uniting the people and the authorities and thus giving greater legitimacy to majoritarian politics. In fact, it has developed entirely contrary effects: after its introduction in 1874 it was used first by Catholic-Conservative circles to break up the Liberal power cartel. To date, the systematic use of the facultative referendum has not always been able to block the legislative proposals of the majority parliamentary coalition, but it has succeeded in imposing considerable delays on them.

The facultative referendum is an efficient instrument of the opposition. Between 1874 and 2007, just under half of the legislative proposals which went to referendum were rejected by the people i.e. the decision went against the majority parliamentary coalition. However, if one looks at the last 25 years, it is interesting to note that the proportion of approved proposals actually rose, to 70 % his appears to have been the result of learning processes on the part of the political elite.²³ The facultative referendum has made a major contribution to the emergence of the Swiss consensus model of politics. In order to prevent the systematic obstruction of political decision-making by groups capable of launching a facultative referendum, the latter were brought into the process, where necessary co-opted into government or at least taken into account in the parliamentary process. This is clear from the fact that 93% of parliamentary rulings are implemented without being challenged by a facultative referendum. As the facultative referendum is often used by political outsiders, the pre-parliamentary process was also expanded. When important measures are being worked on, the cantons, the political parties and all interested circles are brought into the discussions at an early stage. This consultative procedure (known as the “Vernehmlassungsverfahren”), which initially came into being informally, is now enshrined in the Swiss federal constitution (Art. 147 Federal Constitution). Its effect is reinforced by the fact that much of Swiss politics still operates on what is called the ‘Miliz’ system (a system in which most public positions – in military service, government, etc. – are part-time and held in addition to a private job): the committees of experts which are responsible for drafting legislation routinely

²³ Cf. Trechsel 1999, p. 77.

include numerous representatives of various organizations who function as external experts.

The facultative referendum, like its obligatory counterpart, has effects which strongly promote integration and also put a brake on innovation. At the same time, it also contributes to a reduction in transparency and to a certain ‘informalisation’ of politics, as the handling of social conflict and clashes of interest is removed from the public arena of parliament and relocated in the semi-public arena of a pre-parliamentary process. This favours the creation of cartels of elites who can potentially steer politics in certain directions – a process over which the public has virtually no control. The facultative referendum can thus be used to protect special interests, favouring a case-by-case, ‘floating’ opposition in contrast to the systematic opposition of the minority parties in parliament.

3.2.3 Popular initiative and Counter-proposal

A popular initiative acquires preliminary formal recognition (validation) if 100,000 eligible voters have given their signatures in support of it within 18 months of its launch. Parliament then rules on its conformity with certain prescribed requirements and produces its own recommendation in response. It may also put forward a counter-proposal. Finally there is a popular ballot. A double majority (people and cantons) is required for adoption of the proposal.

Although the signature threshold for launching a popular initiative is twice as high as that for the facultative referendum, it is the former instrument which more often succeeds in reaching its qualifying hurdle. However, of all the direct-democratic instruments, it is the one with the lowest chances of success. The outcome of the ballot favours the initiators in only around 8% of cases. The hope of the progressive democrats that a significant proportion of all legislation would be “lawmaking by the people” has thus not come to pass.

The aim of the popular initiative is to bring about change; it serves in the first place as a means of directly forcing through a demand made to the government and parliament. There are almost no restrictions on subject matter. It thus functions somewhat as a safety valve within the strongly consensus-oriented decision-making system. But the same law applies here too: the more the subject of a popular initiative diverges from the status quo, the lower are its chances of success. The electorate tends to vote conservatively, in line with the views of the bourgeois elites. In general, the popular initiative is an instrument of the opposition. It thus tends to be used mainly by ‘the Left’ in an attempt to offset its weaker political position by resorting to a popular vote.

The indirect effect of the popular initiative must not be forgotten. It is sometimes used as a kind of bargaining tool in negotiations with the government and parliament, in order to force them to submit a counter-proposal by means of which at least some of the demands of the initiative committee can be realised. It is frequently the case that the debate and activation of public opinion around the initiative issue can result in some of its elements being converted into legislation even when the initiative proposal has been rejected in the public vote. Research estimates are that around one-third of all popular initiatives leave either a direct or indirect mark on legislation.²⁴

It is also possible that the initiators actually have other aims in mind than a direct success at the ballot box. The expenditure of time, energy and money involved in launching an initiative can help to increase the mobilisation and motivation of ones own supporters. Taking up popular issues can potentially win a political party new members or supporters for its agenda. A popular initiative may thus be used to improve a party's electoral chances, enhance its public profile or bring about an increase in its social or political influence.

In the long view, the popular initiative has two main effects: it compensates for the innovative weakness of an over-restrained consensus system²⁵ and by acting as a safety valve it helps to integrate those who are dissatisfied with the political status quo.²⁶

4 Summary

The Swiss Federation was able to profit and to learn from the cantonal experiences. All of the direct-democratic instruments were invented and tested on the cantonal level, before they were introduced on the federal level. In the Swiss context, the instruments of direct democracy produce consensus-oriented effects and thus contribute to the integration of the major groupings in society. Both the obligatory referendum and the popular initiative incorporate strong elements of minority protection through the double majority requirement. Although – or perhaps even because – the facultative referendum is easy to use as a blocking tool, it has also come to generate a marked pressure for consensus. In order to prevent the actions of the state from being blocked, important opposition groups are brought into the legislative process at an early stage. These effects are reinforced by the underlying conflict structure: the crossing and overlapping of lines of

²⁴ Joye/Papadopoulos 1994, p. 260.

²⁵ Hertig 1984, p. 254.

²⁶ Linder 2005, p. 269.

conflict works against the permanent subjection of certain social groups to the ‘tyranny of the majority’.

Direct democracy gives people wide-ranging possibilities of participation. The popular political rights represent real tools by means of which opposition forces can exercise some control over the decision-making elites and secure a public voice for their concerns and differing points of view. Since the pressure for consensus leads to oversized coalitions with a correspondingly weak political opposition, the people take on the role of the (extra-parliamentary) institutional opposition.²⁷ The increased control of the elites and the extended possibilities for having an influence on decision-making result in the political system becoming more responsive overall. In addition, the use of direct-democratic instruments favours the decentralisation of the structure of public spending. This ensures that public sector activity is linked far more closely to citizens’ wishes and genuine local needs.²⁸

The consensus-oriented design of direct democracy, added to the rather bourgeois-conservative views of the majority of the population, result in politics being strongly oriented towards preservation of the status quo. In general, few decisions are really innovative and progressive. In crisis situations, or when new kinds of challenge emerge, the decision-making system can rapidly hit the buffers. An eloquent example of this danger is the far-reaching withdrawal of direct-democratic procedures during both World Wars. To a large extent, the government and parliament were forced to resort to emergency law in order to retain their capacity to act. Retaining the direct-democratic procedures would have prevented them taking rapid or timely action.

As the major decisions must in any case be put to the people, neither elections, nor parliament and government are as important as in purely representative systems. The result is a certain undermining of political responsibility. Members of government losing important initiative or referendum ballots are not required to resign. The political parties are also relatively weak, since organisations and other groups are not reliant on them as intermediaries to defend and promote their interests, since they can intervene directly themselves thanks to the popular rights. The fact that the relevant interest groups are brought into the decision-making process as early as possible makes politics more informal. Important preliminary decisions are no longer made in parliament, but in pre-parliamentary processes from which the general public is excluded. Last but not least, interests and groups which cannot easily organise themselves, and thus may be incapable of launching a referendum, run the risk of becoming permanent minorities without political influence.

²⁷ Ibid., p. 246.

²⁸ Cf. Freitag/Vatter 2000; Matsusaka 1995, 2000.

5 References

Sources

Bundesverfassung der Schweizerischen Eidgenossenschaft vom 18. April 1999 (Stand am 8. August 2006), cited as CF. [Constitution of the Swiss Confederation, dated 18th April, 1999 (correct as of 08.08.2006)]

Literature

Borner, Silvio/Rentsch, Hans (Hrsg.) (1997): Wieviel direkte Demokratie verträgt die Schweiz? Beiträge zur aktuellen Reformdebatte. Referate und Diskussionsbeiträge der Tagung „Direkte Demokratie in der Schweiz“ vom 11./12. Juli 1996 in Zug. Chur/Zürich. Rüegger.

Brunetti, Aymo/Straubhaar, Thomas (1996): Direkte Demokratie – „bessere“ Demokratie? Was lehrt uns das Schweizer Beispiel?, in: *Zeitschrift für Politik*, Nr. 6. S. 7-26.

Bundesamt für Justiz (2002): Leitfaden für die Ausarbeitung von Erlassen des Bundes. Bern [2., überarbeitete Auflage].

Bundesamt für Statistik (2004): Politischer Atlas der Schweiz. Daten und Karten zu den Nationalratswahlen und den eidgenössischen Volksabstimmungen 1866-2004. Neuchâtel, BFS (CD-ROM). [Cited as BFS (2004)].

Church, Clive C. (2004): The Politics and Government of Switzerland. Houndmills, Palgrave.

Feld, Lars P./Savioz, Marcel R. (1997): Direct Democracy Matters for Economic Performance: An Empirical Investigation, in: *Kyklos*, vol. 50, no. 4, S. 507-538.

Fossedal, Gregory A. (2002): Direct Democracy in Switzerland. New Brunswick/London, Transaction Publishers.

Freitag, Markus/Vatter, Adrian (2000): Direkte Demokratie, Konkordanz und Wirtschaftsleistung: Ein empirischer Vergleich der Schweizer Kantone, in: *Schweizerische Zeitschrift für Volkswirtschaft und Statistik*, Jg. 136, Nr. 4, S. 579-606.

Frey, Bruno S. (1994): Direct Democracy: Politico-Economic Lessons from the Swiss Experience, in: *American Economic Review*, vol 84, no. 2, S. 338-342.

Gabriel, Jürg Martin/Rybach, Manuel (2002): Die Schweiz in der Welt, in: Klöti, Ulrich et al. (Hrsg.): *Handbuch der Schweizer Politik*. Zürich, Verlag Neue Zürcher Zeitung, S. 35-51. [3., überarbeitete Auflage]

Gebhardt, Jürgen (2000): Das Plebiszit in der repräsentativen Demokratie, in: *Arnim, Hans Herbert von (Hrsg.):* Direkte Demokratie. Beiträge auf dem 3. Speyerer Demokratieforum vom 27. bis 29. Oktober 1999 an der Deutschen Hochschule Speyer. Berlin, Duncker & Humblot, S. 13-26.

Hertig, Hans Peter (1984): Volksabstimmungen, in: *Klöti, Ulrich (Hrsg.):* Handbuch Politisches System der Schweiz. Band II (Strukturen und Prozesse). Bern, Haupt, S. 247-277.

Initiative and Referendum Institute Europe (2005): Guidebook to Direct Democracy. In Switzerland and Beyond. Amsterdam, Initiative and Referendum Institute. [Cit. as IRI (2005)].

- Joye, Dominique/Papadopoulos, Yannis* (1994) : Votations moteurs: les logiques du vote blanc et de la participation, in: *Papadopoulos, Yannis (Hrsg.): Elites politiques et peuple en Suisse*. Lausanne, Réalités sociales, S. 245-276.
- Kölz, Alfred* (1992): Neuere Schweizerische Verfassungsgeschichte: ihre Grundlinien vom Ende der Alten Eidgenossenschaft bis 1848. Bern, Stämpfli.
- Kölz, Alfred* (2004): Neuere schweizerische Verfassungsgeschichte. Ihre Grundlinien in Bund und Kantonen. Bern, Stämpfli Verlag.
- Kirchgässner, Gebhard/Feld, Lars P./Savioz, Marcel R.* (1999): Direkte Demokratie. Modern, erfolgreich, entwicklungs- und exportfähig. Basel/Genf/München, Helbing & Lichtenhahn.
- Kriesi, Hans-Peter* (2005): Direct Democratic Choice. The Swiss Experience. Oxford, Lexington Books.
- Linder, Wolf* (2005): Schweizerische Demokratie. Institutionen, Prozesse, Perspektiven. Bern, Haupt.
- Marxer, Wilfried* (2004): „Wir sind das Volk“ – Direkte Demokratie: Verfahren, Verbreitung, Wirkung. Beiträge Liechtenstein-Institut Nr. 24. Barendorn.
- Matsusaka, John G.* (1995): Fiscal Effects of the Voter Initiative: Evidence from the Last 30 Years, in: *Journal of Political Economy*, vol. 103, no. 3, S. 587-623.
- Matsusaka, John G.* (2000): Fiscal Effects of the Voter Initiative in the First Half of the Twentieth Century, in: *Journal of Law and Economics*, vol. XLIII, October, S. 619-650.
- Neidhart, Leonhard* (2002): Die politische Schweiz. Fundamente und Institutionen. Zürich, Verlag Neue Zürcher Zeitung.
- Trechsel, Alexander/Serdült, Uwe* (1999): Kaleidoskop Volksrechte. Die Institutionen der direkten Demokratie in den schweizerischen Kantonen 1970-1996. Basel, Genf & München: Helbing & Lichtenhahn.
- Vatter, Adrian* (2002): Kantonale Demokratien im Vergleich. Entstehungsgründe, Interaktionen und Wirkungen politischer Institutionen in den Schweizer Kantonen. Opladen, Leske + Budrich.
- Wittmann, Walter* (2001): Direkte Demokratie. Bremsklotz der Revitalisierung. Frauenfeld/Stuttgart/Wien. Huber.