

ÉTUDES PARLEMENTAIRES

DÉMOCRATIE(S),  
PARLEMENTARISME(S)  
ET LÉGITIMITÉ(S)

DEMOCRACY(IES),  
PARLIAMENTARISM(S)  
AND LEGITIMACY(IES)

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# Facing Federalism, Multi-Party Governments and Direct Democracy : The Swiss Parliament – strong or weak?

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## 1. INTRODUCTION: THE SWISS PARLIAMENT

The Swiss Parliament is – within some limits which will be discussed later on – the highest authority of the country. Very similar to most other parliaments, its main functions are representation, legislation and supervision. It represents and defends the sometimes diverging interests and opinions of the electorate and the constituent units of the country; it passes laws which govern areas where the federal authorities have power and modifies acts of the constitution, and its supervision duties consist of overseeing the Federal Council and the administration, which are checked as to whether they perform their duties in compliance with the law and in an appropriate and efficient manner. The Swiss Parliament also elects the seven members of the Swiss government and the members of the federal courts.

The Parliament is located in Berne, a medium sized city with about 130'000 inhabitants somewhat west of the center of Switzerland. Berne is currently referred to as the capital city of the country, although more correctly it should read Federal City or seat of the Federal Authorities since the constituent units, the cantons, historically objected the idea of having a strong capital city dominating the country.<sup>169</sup>

The Parliament – or better the Federal Assembly – was installed in 1848 when the first Constitution accepted in a popular vote by a majority of the citizens and a majority of the cantons was implemented and the former confederation of 25 independent cantons became a federal nation state.<sup>170</sup> The form and organization of the Parliament was one of the main points of discussion while drafting the new Constitution. Those in favor of a strong nation state (mainly the winners of the Sonderbund War) wanted a National Assembly with a composition reflecting the prevailing population proportions which would have put the smaller cantons at a considerable disadvantage. The other side wanted a revised form of the Federal Diet (the legislative and executive council of the Swiss confederacy prior to 1848) representing the cantons equally, which would have prevented the Radicals, who were in the majority particularly in the larger cantons of the Central Lowlands, from achieving their aims. After laborious discussions a compromise was reached in the form of a two-chamber system following the model of the United States of Amer-

169. See *Verhandlungen der Bundesversammlung, des National- und Ständerathes.*, in *Schweizerisches Bundesblatt Nr. 5, 14. März 1849*. S. 138 f., consulted on December 6, 2013.

170. By accepting the Constitution Switzerland became a unified economic area eliminating custom duties.

ica: a smaller chamber representing the cantons and a bigger chamber representing the citizens.

In a comparative perspective the bicameralism of the Swiss Parliament can be qualified as strong (see Lijphart 1999: 211 f.) similar to countries like the United States, Canada, Australia and Germany, since the two chambers are of equal importance (symmetric) and are elected differently (incongruent).

The Council of States (The Chamber of the Cantons, the upper house) consists of 46 seats. Regardless of their population, each canton sends two representatives to the Council with the exceptions of the six formerly called half-cantons which only have one representative. The Members of the Council of States are generally elected in a majority system.<sup>171</sup>

The National Council (the People's Chamber, the lower house) has 200 Members. The number of seats of the cantons varies according to the cantons' population: the canton of Zurich, for example, has 34 seats, the canton of Glarus only one. The electoral system for the National Council is a proportional system (PR) with open lists.<sup>172</sup> The voters have the possibility to customize their ballot paper by taking candidates from different parties and putting them on an empty list or by discarding candidates from a party list and replacing them through candidates from other parties ("panaschieren"), and they can also express their preferences for specific candidates by writing down their names twice instead of once ("kumulieren").

The strength of the parties in the two chambers, nowadays, differs quite considerably, which has made policy making rather complicated in recent times. The strongest parties in the Council of States, after the 2011 elections, are the Christian Democrats (CVP)<sup>173</sup> with 13 seats, followed by the Liberal-Radical Party (FDP.Die Liberalen) and the Social Democrats (SP) with 11 seats and the Swiss People's Party (SVP) with 5 seats (see table 1). The strongest party in the National Council

171. Only the two cantons Neuchâtel and Jura use a PR system, and in the half-canton of Appenzell-Innerrhoden they elect their representative at the *Landsgemeinde* (assembly).

172. Seats in cantons with more than one seat are allocated by the Hagenbach-Bischoff method, in which an electoral quota is calculated by dividing the total number of valid votes by the number of seats to be allocated plus one.

173. The abbreviations used for the parties in this article correspond to their names in German. FDP (FDP.Die Liberalen) = Freisinnig-Demokratische Partei (Liberal-Radical Party); CVP = Christlichdemokratische Partei (Christian Democrats); SVP = Schweizerische Volkspartei (Swiss People's Party); SP = Sozialdemokratische Partei der Schweiz (Social Democrats); GPS = Grüne Partei der Schweiz (Greens); BDP = Bürgerlich-Demokratische Partei (Conservative Democratic Party); GLP = Grünliberale Partei (Liberal Greens).

cil is the Swiss People's Party (SVP) with 54 seats (26.6 per cent of the vote), followed by the Social Democrats (SP) with 46 seats (18.7 per cent of the vote), the Liberal-Radical Party (FDP/Die Liberalen) with 30 seats (15.1 per cent of the vote) and the Christian Democrats with 28 seats (12.3 per cent of the votes) (see figure 1).

Such remarkable political differences between the two houses are a rather new phenomenon. The Liberal-Radical Party together with the Christian Democrats have had a clear majority in the Council of States since 1919. It is only in the 2011 elections when this majority has fallen down to one seat. In the National Council the two parties traditionally only needed a few more votes from smaller parties to dominate the decisions. Since the 2003 elections, they do not even hold a third of the seats together. Decisions in Parliament have thus become more open and less predictable.

	1971	1975	1979	1983	1987	1991	1995	1999	2003	2007	2011
Liberal-Radical Party (FDP)	15	15	11	14	14	18	17	17	14	12	11
Christian Democrats (CVP)	17	17	18	18	19	16	16	15	15	15	13
Socialist Party (SP)	4	5	9	6	5	3	5	6	9	9	11
Swiss People's Party (SVP)	5	5	5	5	4	4	5	7	8	7	5
Liberal Party (LPS)	2	1	3	3	3	3	2				
Independents (LdU)	1	1			1	1	1				
Lega						1					
Greens (GPS)										2	2
Conservative Democratic Party (BDP)											1
Liberal Greens (GLP)										1	2
No affiliation, others								1			1
Total	44	44	46	46	46	46	46	46	46	46	46

Table 1: Parties and Seats in the Council of States (1971-2011)

Source: Federal Statistical Office (FSO)<sup>174</sup>

174. <http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/02/blank/key/staenderat.html> (consulted on March 17, 2014)

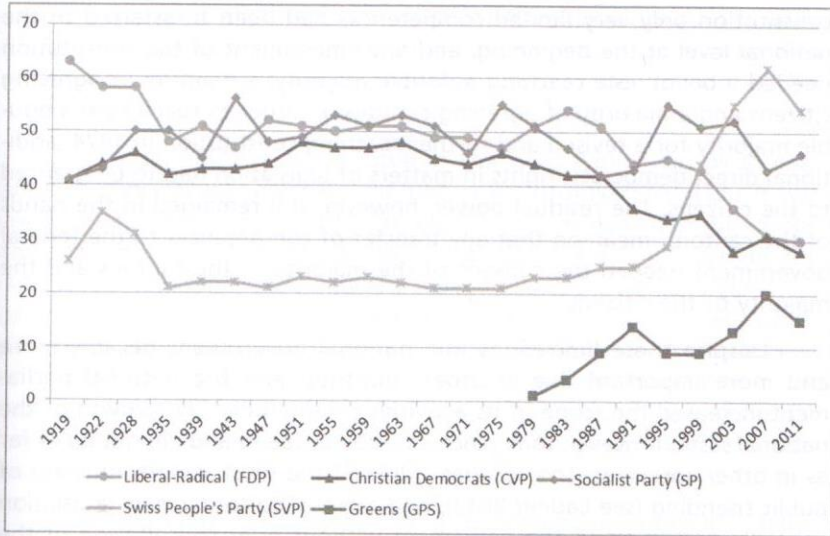


Figure 1: Parties and Seats in the National Council (1919-2011)

Source: Federal Statistical Office (FSO)<sup>175</sup>

A high fragmentation of the party system (see Ladner 2007: 316) with no clear and stable majorities is – as we will see – not a fundamental threat to Swiss politics but rather a consequence of the political system. It is closely linked to federalism and direct democracy, the two other distinct characteristics we shall look at in this article. The main question to address is: What is the influence of federalism, direct democracy and multi-party government on the Swiss Parliament? Do these characteristics – taken all together – rather lead to a strong or a weak Parliament, and what about the role of the individual Members of Parliament?

## 2. FACING FEDERALISM

Adopting federalism has been most probably the only possible way to bring 25 in terms of size, language and denomination heterogeneous cantons<sup>176</sup> under a common roof. To make the cantons agree on the first

175. [http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/02/blank/key/national\\_rat/mandatsverteilung.html](http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/02/blank/key/national_rat/mandatsverteilung.html) (consulted on March 17, 2014)

176. The country is not only characterized by the diversity of its geography, but also by four different languages and two religious denominations. Culturally, the mountainous area is not the same as the lowlands, and there are significant differences between the language areas as well as between the Roman Catholic and the Protestants regions. About 65 percent of the 8.1 million inhabitants (2013) are German speaking, 23 percent French and 8 percent Italian speaking. 17 of the now 26 cantons are monolingual German-speaking, four cantons are French speaking, three cantons are bilingual French and German and one canton is trilingual with German, Italian and Rumantsch. The strongest denomination are the Catholics (38 percent) followed by the Protestants (27 percent).

constitution only very limited competences had been transferred to the national level at the beginning, and any amendment of the constitution needed a ballot vote reaching a double majority; a majority of agreeing citizens and a majority of agreeing cantons. In order to reach such a double majority for a revised and further reaching constitution in 1874, additional direct democratic rights in matters of legislation had to be granted to the citizens. The residual power, however, still remained in the hands of the cantons, meaning that any transfer of competences to the federal government needed the consent of the majority of the cantons and the majority of the citizens.

Despite these limitations, the national government became more and more important like in other countries, and the national parliament increased the scope of its activities considerably. The growth of the national state, however, took place at a slower speed and did not go as far as in other countries. The cantons still hold the most important share of public spending (see Ladner 2013), and more importantly, new legislation is hardly passed on to the parliament without prior consultation of the cantons. And finally, when it comes to executing national policies, some leeway has to be left to the cantons (see Lüthi 2007: 123).

To what extent federalism limits the decisional power of the government and the national parliament can also be seen in the following two examples:

- Neither government nor parliament has the competence to increase the national revenue significantly. The applicable VAT rate – the most important source of revenue of the national government – is mentioned in the constitution and amounts actually to 8 percent (Art. 130 BV). Very similarly, the highest possible rate of the income tax on national level is also mentioned in the constitution (Art. 128 BV). Any increase of these tax rates needs a change of the constitutional articles and has therefore to be accepted by the majority of the citizens and the majority of the cantons.
- The cantons maintain the possibility to dominate nationwide legislation in some important policy domains. For universities, schools, high end medical hospitals and cultural institutions, however, some coordination is needed and the cantons have to cooperate (Art. 48a BV). Instead of transferring the competences to regulate to the national parliament, the cantons maintain these competences in their hand and are given right to conclude nationwide contracts among themselves. Even if some cantons do not agree on the contracts they can be forced to sign them and to participate and contribute financially. In order make such a contract



binding for all cantons a majority of 18 cantons can ask the federal government to declare it compulsory. The cantons can thus pass nationwide legislation without having the national parliament debating on this new piece of legislation.

Federalism limits thus the scope of the Swiss Parliament by a *separation of competences* between the two layers of governments as it was already foreseen by the founding fathers of the Constitution of the United States of America in their famous federalist papers (see The Federalist No. 51 by James Madison). Autonomy and independence is even stronger when the lower levels do not depend on transfers from the central state which quite often come with a number of conditions attached which have been set by the higher level. The Swiss cantons are not only responsible for an important part of public spending but they are also responsible – or better: they have the competences – to generate their financial resources themselves by levying tax on income and property according to their needs.

The importance of the cantons which goes hand in hand with a more limited scope of the national Parliament is confirmed by comparative studies. Hooghe et al. (forthcoming) show that in terms of self-rule Swiss cantons are very autonomous whereas they are a bit less influential in terms of shared rule. This, however, is only if we compare them to their homologues in other federalist countries. Compared to unitary and more centralized countries the influence of the regional units is still considerably higher which leaves less decisional power to the Parliament on national level.

Federalism can also weak the National Parliament in another respect. Since the constituencies for both houses are the cantons, the representatives in the Parliament have theoretically a double role. On the one hand, they are representatives of their parties and on the other hand, they are representatives of their cantons. In the National Council political debates take place along party lines, whereas in the Council of States (the federalist chamber) the Members of Parliament are supposed to defend the interests of the cantons against federal interests. This is at least what the cantonal authorities expect them to do. In recent times, however, party politics have also become more prevalent in the Council of States to the detriment of cantonal interests. Accordingly, the cantons started to organize themselves in cantonal conferences and increased their lobbying activities. They now have their own building in Berne which serves as a seat for their conferences and a power base to influence politics on national level.

As for the parties, it is not always easy to keep all their representatives on track. Since there can be quite important differences between the cantonal sections of one and the same party, and the representatives knowing that they need the support of the voters in their canton to get elected, the parliamentary groups as well as the party leaders find it

not always very easy to consolidate their positions and to bring forward their claims without deviant voices in their ranks. Since there are no parties based on the different languages and not even based clearly on the different denominations<sup>177</sup> the Swiss parties quite successfully manage to integrate the different cleavages and contribute to a peaceful coexistence of different cultures within the country. As for the Parliament, the integration of these differences is at least as important as political leadership.

### 3. FACING DIRECT DEMOCRACY

The most striking characteristic of the Swiss political system limiting the power of the Parliament is direct democracy. In the Constitution it reads "Subject to the rights of the People and the Cantons, the Federal Assembly is the supreme authority of the Confederation" (Art. 148 BV). The Parliament does not have a final say on constitutional amendments, and new laws or changes of laws might also need the acceptance of the citizens. There are three different means of direct democracy to be distinguished:

The *mandatory referendum* applies to all amendments to the Constitution and proposals for accession to organizations for collective security or to supranational communities (Art. 140 BV). In these cases a popular vote must be held. The acceptance of such proposals needs a double majority – the proposal must be accepted by the popular majority, i.e. the majority of the valid votes cast in the whole country, and by the cantonal majority, i.e. voters must accept the proposal in a majority of the cantons.

Federal legislation, some decisions of Parliament and international treaties that are of unlimited duration and may not be terminated; provide for accession to an international organization or contain important legislative provisions or whose implementation requires the enactment of federal legislation are subject to an *optional referendum* (Art. 141 BV). In this case, a popular ballot is held if 50,000 citizens so request. The signatures must be collected within 100 days of publication of the new legislation. A popular majority is sufficient for such a proposal to be accepted.

In terms of effects, the referendums can be seen as veto instruments. They have the effect of delaying or stopping the political process by blocking amendments adopted by Parliament or the government. The referendum is therefore often described as a brake applied by the people. Additionally, as we will see beyond, referendums also contribute to political agreements.

177. Although the Christian Democrats is historically the party of the Catholics and there is still a high percentage of Catholics among their voters, Catholicism is not part of their party program and they deliberately try to attract also Protestants.

Political parties, interest groups or a group of citizens may also request that the people and the cantons decide in a public vote on an amendment they want to make to the Constitution. For such an *initiative* to come about, the signatures of 100 000 voters who support the proposal must be collected within 18 months. The initiative may be formulated as a general proposal or – much more often – be presented as a precisely formulated text whose wording can no longer be altered by Parliament or the government.

Contrary to the referendum the initiative has an input function. Especially for groups which are not represented in Parliament it offers a welcomed possibility to bring political claims on the agenda and into the Constitution independently. In recent times, this instrument has also been used by parties well represented in Parliament and even holding seats in the government, sometimes clearly for electoral reasons. Up to the beginning of 2014, Swiss citizens have decided on nearly 600 issues. At the beginning of the country's existence there was an average between one or two issues a year to be decided upon. The peak of Swiss direct democracy so far has been reached at the end of the 20<sup>th</sup> century with more than 100 issues a year (see figure 2). Since the 1980s Swiss citizens decided on 78 mandatory referendums, 84 optional referendums and 114 initiatives (see table 2). To this has to be added an even much bigger number of similar decisions on cantonal and local level.

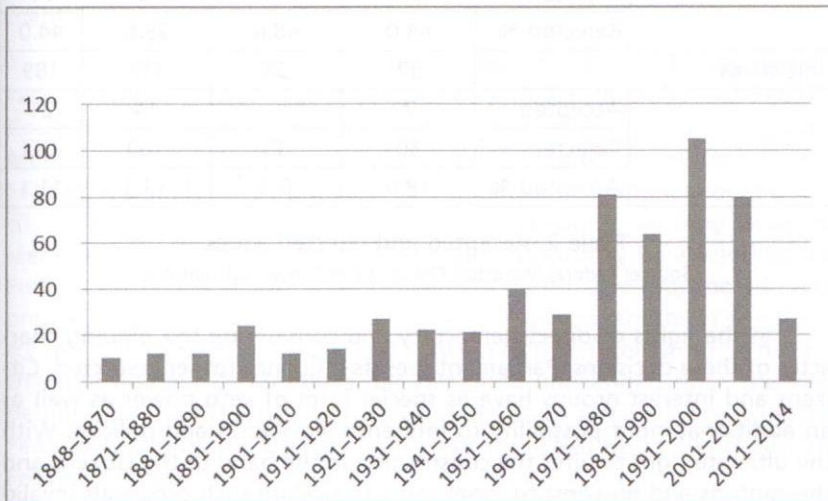


Figure 2: Number of issues voted since 1848

Source: Federal Statistical Office (FSO)<sup>178</sup>

178. [http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/03/blank/key/eidg\\_volksinitiativen.html](http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/03/blank/key/eidg_volksinitiativen.html) (consulted on March 17, 2014)

As it can be seen in table 2, government and Parliament cannot rely on the consent of their citizens. About a quarter of all proposals to amend the constitution were turned down by the citizens and when it comes to optional referendums the rate of rejection rises to more than forty per cent. Projects to change the constitution from outside of the Parliament by the means of an initiative seem to be less successful. Only 21 out of the 189 initiatives voted upon found the support of citizens and cantons. Despite this relatively low success, quite a few initiatives had an indirect effect with the Parliament and government taking up some of the claims partially. Interesting to note that initiatives have been particularly successful since the 1990s.

	1848-1950	1951-1980	1981-2014 (Feb.)	Total
Mandatory referendums	63	75	78	216
Accepted	43	58	60	161
Rejected	20	17	18	55
Rejected %	31.7	22.7	23.1	25.5
Optional referendums	54	37	84	175
Accepted	20	19	59	98
Rejected	34	18	25	77
Rejected %	63.0	48.6	29.8	44.0
Initiatives	37	38	114	189
Accepted	7		14	21
Rejected	30	38	100	167
Accepted %	18.9	0.0	12.3	11.1

Table 2: Accepted and rejected issues

Source: Federal Statistical Office (FSO)<sup>179</sup>, own calculations

In the lights of direct democracy and considering the binding character of these decisions, Parliament sees its influence rather restricted. Citizens and interest groups have as special form of veto power as well as an additional input possibility to influence legislation and policies. With the ultimate right to alter the constitution in the hand of the citizens and the cantons and no constitutional court to declare such proposals invalid conflicts between what comes into the constitution and international law and human rights issues become almost inevitable.

179. [http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/03/blank/key/eidg\\_volksinitiativen.html](http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/03/blank/key/eidg_volksinitiativen.html) (consulted on March 17, 2014)

As for law making or politics in general, administration, government and Parliament cannot function without having direct democracy and the citizens in their minds. Prior to the debate in Parliament, proposals for a new law are not only presented to the cantons but also to the parties and any important interest groups concerned in order to get to know their positions on the proposal. If the project risks strong opposition and is likely to be challenged and turned down by a referendum, the government usually tries to meet these critics by adapting the proposal and making it "referendum proof". This increases the number of actors involved in law making and lowers the influence of the Parliament. On the other hand, parties and parliamentary groups also have the possibility to play the game of direct democracy. They can become active more independently and find additional occasions to present their ideas and projects directly to the citizens.

#### **4. FACING POWER SHARING (MULTI-PARTY GOVERNMENT)**

The third characteristic element of the Swiss political system influencing role and functioning of the Parliament is what is commonly referred to as consensus democracy or power sharing among parties when it comes to the composition of the government and the functioning of the Parliament.

Switzerland is neither a parliamentary nor a presidential democracy. Executive power is in the hands of a directoral body, the Federal Council. In the Constitution it reads: "1) The Federal Council has seven Members. 2) The Members of the Federal Council are elected by the Federal Assembly following each general election to the National Council. 3) They are elected for a term of office of four years. Any Swiss citizen eligible for election to the National Council may be elected to the Federal Council. 4) In electing the Federal Council, care must be taken to ensure that the various geographical and language regions of the country are appropriately represented" (Art. 175 BV). Interesting to note is that the number of Members has remained unchanged since the very beginning. The President of the Confederation is also elected by the Federal Assembly for a term of office of one year. He or she chairs the Federal Council.

Every member of the Federal Council leads a department (Department of Finance, Department of External Affairs, etc.). Here, he or she is responsible for preparing and executing decisions. The decisions, however, are taken by the Federal Council as a collegial body and once a decision is taken the Members are expected to publicly support the decisions of the

Council, even against their own personal opinion or that of their political party ("Kollegialitätsprinzip").

Since the end of the 1950s, the Parliament has become accustomed to elect members of the four biggest parties into government. Hence, between 1959 and 2003, the Liberal-Radical Party (FDP), the Christian Democrats (CVP) and the Social Democrats (SP) were holding two seats, the Swiss People's Party (SVP) one. This composition was referred to as the "magic formulae" because it reflected a remarkable political stability which lasted for more than 40 years (see table 3). The party composition of the government, however, is not based on any formal rules or on a required coalition contract among the different parties. It is rather agreed upon by the different parties and the Members of Parliament on a voluntary basis. There are, nevertheless, also some good arguments favoring the integration of the most important parties into governmental responsibility.

At the beginning, in 1848, only the Liberal-Radical Party (FDP) was represented in the government holding all the seven seats. It was not earlier than 1891 when the liberal majority in the Federal Assembly elected a representative of the Christian Democrats (CVP) into the government. One of the main reasons why the liberal majority surrendered a seat to the Christian Democrats on a "voluntary" basis was an ongoing project to nationalize the railway system. The Christian Democrats who traditionally represented the federalist tendencies in the Catholic cantons which lost the Sonderbund War strongly opposed such a project and turned it down in a ballot vote. The liberal majority decided thus to integrate a member of the Christian Democrats into the government to gain their support. Being made minister of transportation the newly elected representative of the Christian Democrats in the Federal Government successfully managed to increase the support of the Catholic cantons for such a project and since then, Switzerland has a quite well functioning state owned railway system.

	Liberal-Radical Party (FDP)	Christian Democrats (CVP)	Swiss People's Party (SVP)	Social Democrats (SP)	Conservative Democratic Party (BDP)
1848-1890	7				
1891-1918	6	1			
1919-1928	5	2			
1929-1942	4	2	1		
1943-1952	3	2	1	1	
1953-1958	3	3	1		

	Liberal- Radical Party (FDP)	Christian Democrats (CVP)	Swiss People's Party (SVP)	Social Democrats (SP)	Conservative Democratic Party (BDP)
1959-2003	2	2	1	2	
2003-2007	2	1	2	2	
2007 -2011	2	1	1 + (1)*	2	
2011-	2	1	1	2	1

\* Candidate elected was expelled from the party and founded a new party

Table 3: The composition of the Swiss Government (since 1948)

It is thus the potential threat of direct democracy which fosters the integration of strong parties in order to prevent them from fighting against important plans of the majority. There is, however, also a cultural element behind, it. The idea of power sharing and the broad acceptance of having all major parties participating in government is what make Switzerland a model case of consensus democracy (Lijphart 1999).

More recently, in 2003, the Swiss People's Party which has become the strongest party towards the end of the 1990s (see also figure 1) finally managed to get a second seat in the Federal Council. The elected member of the Swiss People's Party, the former MP Christoph Blocher, a fervent opponent of Switzerland joining the European Union, however, was not reelected in 2007. The Parliament elected another, more moderate representative of the Swiss People's Party instead. Since then, this party considers itself not adequately represented in the national government. This even more because the more moderate member elected instead of Mr. Blocher was expelled from the Swiss People's Party and founded a new party, the Conservative Democratic Party (BDP).

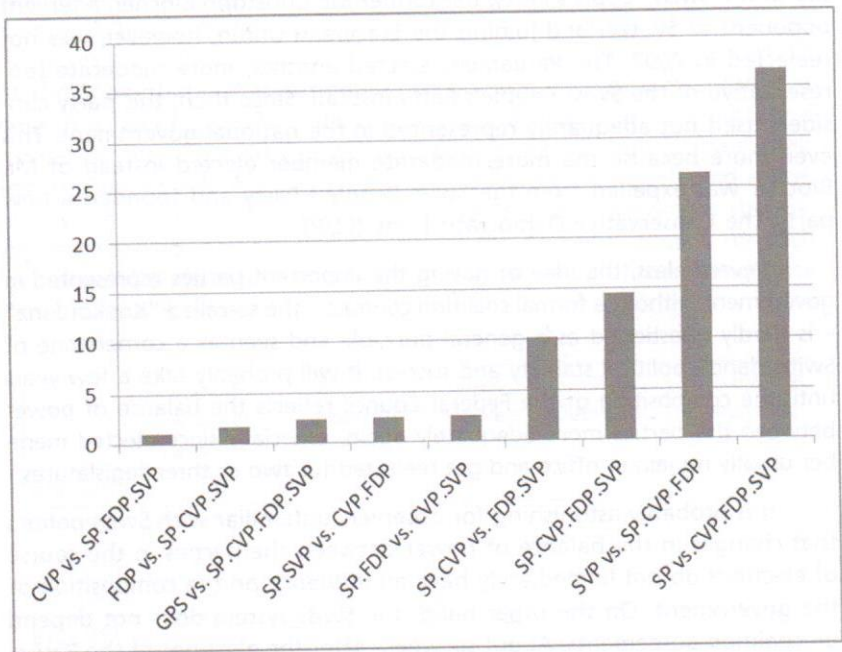
Nevertheless, the idea of having the important parties represented in government without a formal coalition contract – the so-called "Konkordanz" – is hardly questioned as a general principle and seen as a cornerstone of Switzerland's political stability and success. It will probably take a few years until the composition of the Federal Council reflects the balance of power between the parties more adequately again, especially since elected member usually remain in office and get reelected for two or three legislatures.

It is probably astonishing for observers unfamiliar with Swiss politics that changes in the balance of power between the parties in the course of elections do not immediately have an influence on the composition of the government. On the other hand, the Swiss system does not depend on coalition agreements. About six weeks after the elections of the Parliament, which take place in October every four years, the Federal Assembly

elects the seven Members of the Federal Council, and that is it. There are no laborious negotiations to build a lasting coalition necessary.

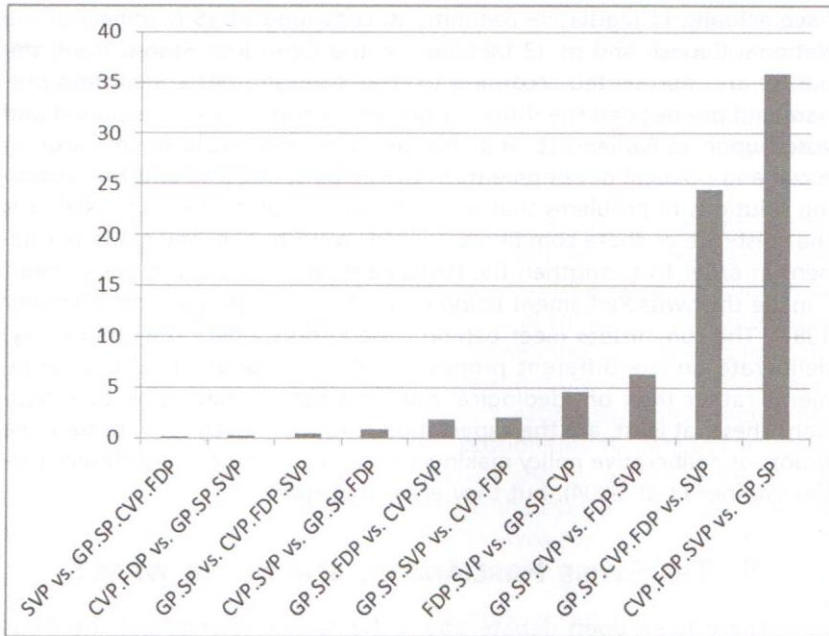
Having no assigned or contractual majority in Parliament and government, coalitions between parties can vary without consequences. The challenge of Swiss politics is building up majorities on specific issues. Most commonly the left, the Social Democrats and the Greens, stand against the three big center and right wing parties (see figure 3, upper graph). Quite often it is also the Swiss People's Party on the right wing which stands against all other parties. These patterns are followed in terms of frequency by all parties standing together, and a confrontation between center-left (Social Democrats and Christian Democrats) and middle-center-right (Liberal-Radical Party and Swiss People's Party).

When it comes to the success of the different coalitions, it is – of course – the parties in the middle of the political spectrum which play a quite important role. If the Christian Democrats, the Liberal-Radical Party and the Swiss People's Party can agree on a political project, it easily gets accepted in the two houses of Parliament (see figure 3, lower graph). And the same is the case if the Christian Democrats join the Social Democrats and the Green Party. This variable-geometry gets even more complex since the parliamentary groups of the different



Frequencies of Coalitions (percentages)





Success of the different coalitions (percentages)

Source: [www.smartmonitor.ch](http://www.smartmonitor.ch)

Figure 3: Changing Coalitions and Success (48. Legislature, 2007-2011)

Parties are sometimes parted in their voting behavior. And, there might even be decisions where the Social Democrats on the left and the Swiss People's Party on the right find a majority in both houses by mobilizing some deviant member from other parties in the Council of States. In general, however, it is the right together with the Christian Democrats which is most successful in Swiss politics. The second most successful coalition is all big parties against the Swiss People's Party. Sometimes it is the left together with the Christian Democrats which win the final vote, and sometimes the winners are the Liberals together with the Swiss People's Party. Only in about two percent of the votes the two extremes, the Social Democrats together with the Greens and the Swiss People's Party win a final vote.

Changing issue specific coalitions in Swiss politics are thus not seen as a problem, on the contrary. They are considered as the proof that policy making based on negotiating and compromising takes place. In order to pass a project through Parliament, it has to be supported by a majority of the members in the two houses. Majority building takes place among the parliamentary groups and in the standing committees. Both houses

have actually 11 legislative committees, consisting of 25 Members in the National Council and of 13 Members in the Council of States. Here, the parties are represented according to their strength. The committees prepare and pre-decided the different projects before these are debated and voted upon in Parliament, and they are also responsible for monitoring social and political developments in the areas allotted to and for proposing solutions to problems that arise (through a committee initiative). It is the existence of these committee – which were by the way made permanent in order to strengthen the Parliament while facing the government – made the Swiss Parliament being called “working parliament” (Ochsner 1987). The committees meet behind closed doors where they (hopefully) deliberate on the different proposals on the grounds of rational arguments rather than on ideological positions before they come to a decision. These, at least, are the expectation, and there even seem to be some proofs of deliberative policy making among the members of different parties (Steiner et al. 2004), but they are rather sparse.

## 5. THE SWISS PARLIAMENT, STRONG OR WEAK?

There is an open debate about the factual strength of the Swiss Parliament. At first sight, it seems rather obvious, that the Parliament is not as powerful as it could be. Although it elects the seven members of the government it lacks the possibility to dismiss it in corpore and cannot impeach or recall individual members. And as far as the systemic elements of the Swiss political system – discussed in this contribution – are concerned, it can certainly be argued that they further reduce its power. Federalism, first of all, sets limits when it comes to the scope of its decisions. Some policies do not fall into the realm of the National Parliament, and in other domains it has to limit itself to more general regulatory aspects leaving execution to the lower levels. Direct democracy limits the power of the Parliament further when it comes to a final say. The Parliament is the highest authority but subject to the people and the cantons. Changes of the constitution always need the consent of the citizens and the cantons, and laws may be contested by them. And, other actors (interest groups, small parties, groups of citizens) are given the possibility to influence legislation directly through changes of the constitution. And finally, the lack of a governing majority combined with the necessity to set up viable issue specific coalition makes it difficult to pass legislation quickly and to pursue more demanding and coherent political programs.

Another sign of weakness may be the low degree of professionalization and the way it is organized. The Swiss Parliament in a comparative perspective is rather inexpensive and not too demanding as far a number of sessions is concerned (Z’graggen 2004). The Members of Par-

liament meet four times a year for an ordinary session of three weeks.<sup>180</sup> They are considered part-time politicians ("Milizsystem") since quite a few of them have additional professional activities.<sup>181</sup> In recent years, however, a trend towards a more professional parliament can be observed. An increasing number of MPs who have an additional occupation work in domains which are related to their work in parliament.

And finally, an alleged weakness of the Parliament might also be depicted when it comes to facing government and administration (see Lüthi 2007: 122). A professional government with a huge administration behind it, the rise of bureaucracy by itself and combined with globalization and the increasing importance of international agreements limit the genuine influence of the Parliament more and more. Recent reforms have tried to attenuate these developments by creating the above mentioned standing committees, increasing their possibilities to demand information from government and administration and by involving the Parliament more directly into foreign politics. In the eyes of Kriesi and Trechsel (2008: 75) the emancipation process of the Swiss Parliament started, however, at a very low level and there is still a long way to go.

Other authors are much less pessimistic about the strength of the Swiss Parliament. Lijphart (1984: 79) for example classifies the Federal Assembly as the "second most powerful legislature" in his study, and Jegher/Linder (1998: 90) show that the Swiss Parliament increasingly modifies drafts of legislation prepared by the government and that the magnitude of this modifications has also increased. Whether a parliament is considered strong or weak depends obviously on the indicators used.

As for the Members of Parliament, however, they enjoy considerable freedom and have the possibility to play important roles in policy making. They are not locked into a coalition contract and are therefore rather independent. They can hold deviant positions within their own parliamentary groups and do not have to support the government in order to prevent dissolution of the government or new elections of the parliament. This independence is also reflected in a high presence of MPs in the media, be it because they have a specific function in one of the committees, in the parliamentary groups or in the party, be it because they hold deviant positions or be it because they are representatives from a specific

180. Occasionally there are additional special sessions and there the meeting of the committees. Taken all together, being a Member of Parliament is a 50 – 70% job.

181. Their salary is comparatively low. It is only together with the expenses covered and additional remunerations for professional support they reach a level which some, at least, find satisfactory. For others, however, it is considerably less than what they would earn on the job they have been trained for. There are no limitations for additional sources of income.

canton. The most influential Members in Parliament are those which are able to work across party lines and to build majorities by gaining support from members of other parties. Such majorities across party lines are badly needed to come to decisions and move Swiss politics forward. Quite often, politicians who are also valued in other parties are likely to be proposed as candidates for the Federal Council in case of a vacancy.

Not being full time professional politicians their whole life is not entirely negative either. It is supposed to bring MPs closer to the citizens. The fact that they have other occupations is seen as an additional asset allowing them to bring specific knowledge into the parliamentary debates. Whether such so-called synergies work in favor of the quality of the decisions or simply in the direction of the interest represented is another frequent topic of debates.

A less controversial element bringing the Members of Parliament closer to the citizens is direct democracy. Members of Parliament know that their decisions might be contested by a referendum and that they have to be able to defend them in front of the citizens. This leads to what some observers have called a latent populism of Swiss politics (Krisi 1995:11).

In a nutshell: The Swiss Parliament might be considered a weak parliament due to specific characteristics of the political system which limit its scope, its decisive competences, and its leadership capacities. And, the degree of professionalization is rather low. It is, however, comparative close to the citizens and its members can be rather powerful. Within committees and within the parliamentary groups the Members of Parliament have a considerable influence on political decisions and public policies. It definitely is a working parliament and not a talking shop, and parliamentarism seems to function quite well, although a little bit differently.

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