CHAPTER 8

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SWITZERLAND: SUBSIDIARITY, POWER-SHARING, AND DIRECT DEMOCRACY

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Switzerland

Inhabitants: 7.7 million
Surface area: 41 285 km^2
Inhabitants/km^2: 184.2

State form: Federal
Official description:
Although called the Swiss
Confederation it is a
federal republic consisting
of 26 cantons and 2 596
(2010) municipalities.
Languages: German
63.7%, French 20.4%,
Italian 6.5% Romansch
0.6%

Subnational government:
2 596 municipalities (2010)
26 cantons

Map 8.1 Switzerland: Cantons

Introduction and History

Switzerland is a small and heterogeneous country with a population of about 7.7 million inhabitants (in 2008). The country is characterized by important geographical and cultural differences between the mountainous area, the lowlands, and the cities, between the four different language areas, and between the Roman Catholic and the Protestant regions. Considering the small size of the country the territorial subdivision with twenty-six cantons and about 2,600 municipalities, which form important pillars of the Swiss political system, is quite remarkable. In addition, cantons and municipalities still play an important role in citizens' identities. The number plates of cars, for example, carry the abbreviations of the cantons and the specific dialects spoken in each canton are distinguishable to the trained ear.

Symmetric federalism, with territorial units of equal competences and autonomous municipalities offering far-reaching political rights to citizens, was present in the country from the very beginning. It had to be struggled for and brought to the country, not without foreign help, and helped to build a united nation-state in a heterogeneous and culturally divided society.

By the end of the eighteenth century, the thirteen 'old' cantons, which emerged from the original pact of three mountain cantons fighting for freedom and independence against Habsburg rule, had formed a feudalist regime, exploiting resources and people of the newly acquired regions (Linder 1994: 5). Hence, when the troops of the French Revolution invaded Switzerland in 1798 with the promise of equality and democracy, they were welcomed by at least some parts of the population.

Although France failed to unite the cantons in a centralized Helvetic Republic with very little autonomy for the cantons and the municipalities, it was eventually successful in breaking the privileges of the old cantons and bringing about a more egalitarian territorial subdivision. In 1815, the Swiss returned to the old system of a confederation. However, by now, all twenty-five cantons were independent, considering themselves as sovereign states held together by a treaty guaranteeing collective security and mutual assistance.[1] The municipalities regained their autonomy and were no longer considered as administrative units only.

In the decades following 1815, however, there were increasing demands for more democracy in some of the cantons. There was also internal polarization between the radicals, from the Protestant and more industrialized areas, in favour of a more centralized nation-state, and the conservatives, mainly from the Catholic and rural

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[1] Common decisions were reached in the conference of canton delegates (*Tagsatzung*), a periodic gathering of representatives of each canton, bound by the instructions of the cantonal governments.

areas, who insisted that decisions in the Conference of Delegates (*Tagsatzung*) should be taken unanimously (Linder 1994: 6).

After a short civil war (*Sonderbundskrieg*) in 1847, lost by the Conservatives, the loose confederation of cantons became a federation of cantons, a federal nation-state.[2] One year later, in 1848, the cantons and their citizens accepted a federal constitution and agreed to a national executive authority and a parliament. However, in order to ensure acceptance from the conservatives as well as acceptance from the cultural minorities in the French- and Italian-speaking areas, federalism was the only possible solution and the competences of central state authorities remained very limited. It was only in 1874, for example, when the newly revised constitution granted the right to vote on local affairs to every Swiss citizen regardless of whether he had always lived in the municipality or moved into the municipality from another part of Switzerland.

Reflecting the federalist structure and the bottom-up process of Swiss nation-building subnational democracy did not develop with the same speed in every subnational unit and yielded different results. Perhaps the most outstanding example is female suffrage: in 1957, a cantonal referendum allowed the introduction of women's right to vote at the local level in Basel. The French-speaking cantons Vaud, Neuchâtel, and Geneva introduced this right in a referendum on the cantonal and local levels at the end of the 1950s. The last canton to grant the right at the cantonal level was Appenzell Innerrhoden in 1990. In the meantime, women's right to vote on national issues was introduced in 1971.

The Institutional Expression of Democracy

As far as political system is concerned, Switzerland is a *hybrid case*. It is not a parliamentary democracy but neither is it a presidential democracy. The Federal Council (or government) consists of seven members, each of whom is responsible for a special ministry. The national parliament elects all members for a period of four years. During this time, they cannot be dismissed nor are there new elections if their proposals do not find a majority in parliament. The President of the Confederation is elected from among the seven federal councillors and he assumes special representative functions for a one-year term.

One of the most outstanding characteristics of the Swiss political institutions is direct democracy. This allows citizens to challenge important parliamentary

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[2] The official name 'Swiss Confederation' is still misleading since Switzerland became in 1848 a federal nation-state and can no longer be considered as a confederation (of cantons).

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decisions both at the level of the constitution as well as at the level of ordinary legislation by a referendum, and bring their own propositions to a popular vote through an initiative. All constitutional amendments as well as treaties involving membership in organizations of collective security or supranational bodies (for example the EU) are compulsory, subject to a referendum, and have to be accepted by a majority of the citizens as well as by a majority of the cantons. Laws, certain ordinances, permanent international treaties on membership in an international organization, on multilateral legal harmonization, or on subjects that imply substantial amendments of domestic laws, are brought to a popular vote when 50,000 citizens or eight cantons ask for it within 100 days. This is called an optional referendum and needs simply a majority of voters. Initiatives for a partial amendment or a total revision of the constitution require 100,000 signatures and need a majority of the cantons as well as of the citizens. Initiatives for a partial amendment of the constitution are especially quite frequent (Linder 2007: 106).

Direct democracy, as seen by most citizens, is more than merely an instrument to participate in policy-making. It is a fundamental concept of the state, based on the sovereignty of its citizens, and a statement against extending further competences to the authorities.

Switzerland clearly is what Lijphart has called a *consensus democracy* and, according to him, it approximates to the pure model almost fully (Lijphart 1999: 33). One of the most outstanding and visible features of Swiss power-sharing is the composition of the government, which includes on a voluntary basis members of the biggest parties. The number of seats held by each of the four biggest parties, for example, remained unchanged between 1959 and 2003.

The only exception according to Lijphart's model is the Supreme Court, the Federal Tribunal, which does not have the right of judicial review. The constitution precludes the court from reviewing acts of the federal parliament. This might be seen as an institutional failure; it reflects, however, another principle of Swiss democracy, the above-mentioned sovereignty of the citizens. Being in favour of far-reaching possibilities to amend the constitution by means of direct democracy, there is a certain reluctance to have these possibilities restricted by a supreme or constitutional court. Such an interpretation of the allocation of competences among the different actors is more prominent in the German-speaking part of the country and has been subject of political debates on various occasions. This is so especially given the growing importance of international agreements, laws, and rights that are likely to restrict the realm of Swiss direct democracy and parliamentary politics (Kälin and Rothmayr 2006).

One important element of Swiss consensus democracy, the idea of power-sharing among the four biggest parties in national government, has been challenged considerably in recent years. In 2003, the party composition of the Federal Council was altered for the first time since 1959. On the grounds of their electoral success in the 1999 and 2003 elections the Swiss People's Party, which

formerly held one seat in the council, claimed successfully a second one, to the detriment of the Christian Democrats. This new composition, however, did not prove to become a stable solution yet. It remains to be seen whether this marks the end of the Swiss formula of power-sharing, giving governmental responsibilities to the most important parties according to their electoral strength, or whether a new long-lasting party composition of the government will be found again. The idea of power-sharing in a consensual government, at least, has not yet been questioned.

As for the other characteristics of the consensus-type democracies, there are no signs of a fundamental change. Although there has been a shift of power to the government and the administration there still is a considerable balance of power (Lüthi 2006). Parliament consists of two chambers that have equal rights but are elected on different bases. The National Council, for which the number of representatives per canton is calculated based on its population,[3] is elected in a PR system, whereas an overwhelming majority of the cantons elected their one or two representatives in the Council of States in a majority system.[4] Moreover, the number of parties, in addition to the four in national government, remains comparatively high (Ladner 2006). Switzerland is still a corporatist country where interest organizations, although losing perhaps some of their influence in recent years, are relatively strong (Armingeon 1997: 176; Häusermann et al. 2004: 51; Mach and Oesch 2003: 5). Giving the principle of subsidiarity a constitutional basis, and reforming the vertical and horizontal relations among the different units of the state, strengthen federalism and decentralization which are not fundamentally questioned.

Taking Lijphart's ten indicators (1999), Switzerland can still be considered a consensus democracy and a model case of power-sharing (Linder 2005). At the very best, Switzerland is, as pointed out by Vatter (2008), slowly moving from an extreme and special case to a more normal form.

Following the reasoning of Lijphart, it might look a little bit more difficult to explain to what extent direct democracy fits into the system of power-sharing. He himself considered it a 'foreign element in both majoritarian and consensus democracy' (Lijphart 1984: 31). However, direct democracy can also be seen as an element to compensate imperfect power-sharing or even to enhance consensus democracy. Analysis of the cantonal level shows, for example, that when

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[3] The National Council (the People's Chamber) consists of 200 members. The number of seats of the cantons varies according to their population: the canton of Zurich, for example, has 34 seats, the canton of Glarus only one. The strongest party in the National Council is the Swiss People's Party (SVP) with 62 seats (28.9 per cent of the vote in 2007), followed by the Social Democrats (SP) with 43 seats (19.5 per cent of the vote in 2007).

[4] The Council of States (Chamber of Cantons) has 46 canton representatives (two from each of the 20 cantons and one from each of the 6 half-cantons). The strongest parties in the Council of States are after the 2007 elections the Christian Democrats (CVP) with 15 seats and the Radical Democrats (FDP) with 12 seats.

governments fail to integrate important parts of the political spectrum or fail to grant sufficient local autonomy there is a higher use of direct democracy (Vatter 2002: 339). Additionally one can argue that, although there is a strong majoritarian element in a direct democratic decision, the whole process of such decision-making in Switzerland does in general not aim at putting the majority at odds with the minority. Deliberation prior to the decision, and the way a decision is applied afterwards, attenuate the majoritarian element of direct democracy. First, it is used to find solutions that receive the strongest possible support; second, it is a common practice to heed the arguments of the losing minority when it comes to the more concrete application of the decisions. Historically, the veto power of the referendum opened the way into the national government for the conservatives, where they were not represented before 1891.

The Institutional Expression of Subnational Democracy

The subnational units in federalist Switzerland are the twenty-six cantons and their 2,636 municipalities (in January 2009).[5] Formally, all cantons and municipalities are regarded as equal. In reality, however, their size, resources, the range of their services and the problems they face vary considerably.[6] Some of the cantons and many municipalities are very small: eight cantons (Appenzell Innerrhoden, Obwalden, Uri, Glarus, Nidwalden, Appenzell Ausserrhoden, Jura, and Schaffhausen) have fewer than 100,000 inhabitants and only four (Zurich, Berne, Waadt, and Aargau) have more than 500,000 inhabitants. More than half of the municipalities have fewer than 1,000. However, only very few people live in such small municipalities. About 90 per cent of the population live in municipalities with more than 1,000 inhabitants.

Traditionally, and confirmed in the revised constitution of 1999, cantons hold all powers not specifically delegated to the federation, and there are similar rules as far as the relations between municipalities and cantons are concerned. The leading principles of constitutional recognition are subsidiarity and municipal autonomy. Both emphasize the importance of subnational governments in Switzerland. Under

[5] We do not treat regions or the different forms of districts since these are predominantly administrative and not political units.

[6] The smallest canton, the canton of Appenzell-Innerrhoden, has only about 15,000 inhabitants, while Zurich, the largest, has 1.3 million. The canton of Basle-Stadt consists of only three municipalities whereas the canton of Berne has 400. Zurich has about 360,000 inhabitants, while there are some very small municipalities with fewer than one hundred.

the notion of subsidiarity (art. 5a of the constitution), all activities not explicitly assigned to the higher political levels remain within the scope of cantonal or municipal authorities. Under the notion of autonomy, within the framework of laws and constitution, lower units organize themselves and decide how to accomplish their tasks. Higher levels should thus only take over powers of the lower levels when the lower levels are not able to assume their responsibilities or when an overarching solution is absolutely needed.

Basic pillars of cantonal and municipal autonomy are their substantial freedom in determining the organization of their political systems, their far-reaching competencies to fulfil their tasks and provide goods and services, and, especially salient, their fiscal autonomy. Cantons and municipalities are largely autonomous in the administration and control of their finances, and they have the competence to fix the tax rate on income and property, which amounts to about 70 per cent of the total tax paid by the citizens. In comparative terms, the expenditures of municipalities and cantons are rather high. The share of central government's expenditures only amounts to a little more than 30 per cent (31.3 per cent in 2005), leaving about 68 per cent to the cantons and the municipalities. The bigger part with a little more than 40 per cent is spent by the cantons and just over 26 per cent by the municipalities.

Institutional framework

The institutional expression of subnational democracy in a federalist country with a large number of rather autonomous municipalities leaves us with a huge variety of different systems. The cantons have their own constitutions where they define, in compliance with the federal constitution, their own political institutions and the activities of these. It is federal rather than cantonal legislation which governs the political organization of a municipality. There are twenty-six different cantonal laws telling the municipalities how to set up and organize their political institutions. Many of them impose very limited institutional requirements on their municipalities (Ladner 2005a).

Each canton and each municipality has its executive, which is in almost all cases directly elected by the citizens. The executives at the cantonal level consist of five or seven members and those on the municipal level have between three and thirty (Ladner 2005a). The average executive size at the local level is about six members (Ladner 2008: 11ff.). Being a member of the cantonal government is, with some exceptions, a full-time job, whereas at the local level only very few mandates, mainly in the big cities, are remunerated on a full-time basis. A large majority of office holders do this on a part-time or voluntary basis.

Very much as at the national level, the governments at subnational level are collegial boards with joint responsibilities. Only at the local level, the mayor has a

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more distinct role and is elected separately. The dominant electoral system for the executives is majority voting, which is used by all but two of the twenty-six cantons (Zug and Ticino have their executive in a PR system (Lutz and Strohmann 1998: 29)) and by just a bit more than 70 per cent of the municipalities (Ladner 2005a). Majority voting, however, does not necessarily lead to single-party governments.

Parliaments exercise legislative power at the cantonal level and each canton has its own unicameral parliament. There are no national regulations on how these parliaments should be organized, but the constitution requires that their members be democratically elected. The cantonal parliaments have both a legislative and a supervisory or control function in cantonal matters. In recent years and in the course of New Public Management reforms a debate started on whether cantonal parliaments should also become more active in mid- and long-term planning of politics (Schmidt 2008). Compared to the national parliament the cantonal parliaments play a less dominant role. Since the cantonal executives are directly elected by the citizens and not by the parliament as at national level, they are more independent of their parliaments, and the far-reaching instruments of direct democracy often prevent them from having a final say on proposed legislation.

The size of the cantonal parliaments varies between forty-nine (Appenzell Innerrhoden) and 180 (Zurich) members. Members are generally elected by PR. The cantonal parliaments also have committees that discuss business behind closed doors and pass this on to the full parliamentary meeting. The importance of the parliamentary committees varies from canton to canton, some of them have standing committees, other have non-standing ones. Two cantons (Appenzell Innerrhoden, Glarus) additionally have a form of assembly system called the *Landsgemeinde*. This is a sovereign assembly of active citizens held by way of a ceremony at least once a year. It is the highest legislative authority with the exception of matters pertaining to the federal government. In the canton of Appenzell Innerrhoden and to a lesser extent in the canton of Glarus, the members of the highest authorities are elected and the *Landsgemeinde* passes new laws.

At the local level, there are two different systems. Some municipalities have a local parliament, usually called the municipal or city council. This is a body of between ten and 120 representatives elected by the citizens entitled to vote in the municipality mostly in a proportional representation (PR) system. Other municipalities have a municipal assembly called the *Gemeindeversammlung*, which is a gathering or meeting of all citizens entitled to vote, representing—like the above-mentioned *Landsgemeinde*—a form of direct democracy in the tradition of Rousseau and the ancient Greeks. The competences of the council and the assembly are very similar. They have both a control and an input function as far as the activities of the executive are concerned, and they decide on all important projects and proposals that are not within the competence of the executive or the citizens at the polls. Typical concerns of local parliaments or assemblies are municipal projects of particular importance and with financial consequences above a certain amount,

changes of municipal decrees and regulations, and the acceptance of the municipal account, the budget, and the tax rate.

Which form—parliament or assembly—a municipality chooses depends on its size and on its cultural background. Bigger municipalities and almost all cities have a local parliament, and local parliaments are more widespread in the French-speaking cantons, where—close to France—the tradition of representative democracy is much stronger. In the German-speaking part of Switzerland some municipalities with well above 10,000 inhabitants still have a local assembly. Given the smallness of the Swiss municipalities and the larger number of municipalities in the German-speaking part, less than 20 per cent of municipalities have a local parliament (Ladner 2008: 5ff.). The division of power prohibits the mayor and the other members of the executive from being at the same time members of the local parliament.

For the executive it makes quite a difference whether it faces a local parliament or a municipal assembly as the local executive enjoys more freedom when it has to deal with an assembly. The members of the executive are usually much better informed about the different issues at stake and they know how to persuade their citizens. Nevertheless, sometimes, the decisions of the citizens may be unpredictable, depending on the kind and number of people turning up at the assembly. In municipalities with a local parliament, the executive has to deal with parties and party politics. This means that there is a more open political debate and the positions of the different actors are known in advance. However, it is erroneous to believe that the parliament is effectively able to control and steer local politics in all matters. The gaps in political knowledge and understanding between the members of parliament and the members of the executive make such a task very difficult.

Direct democracy

Direct democracy at the subnational level is even more developed than at the national level. This is by no means astonishing since it has its origin in the nineteenth century in the Swiss cantons (Vatter 2002: 233ff.). The most outstanding differences at the cantonal level are the possibilities to react against important individual acts and administrative decisions of the parliament with a referendum. Outstanding here is the financial referendum. Large one-time or recurring public investments for example for public buildings or parks which leave considerable room for political choices are submitted to the voters for approval on an obligatory or optional basis (Linder 2007: 107). At the cantonal level there are also possibilities to amend laws through an initiative (at the national level initiatives can only amend the constitution) and in about one-third of the cantons changes in legislation (not only of the constitution) have automatically to be brought to the polls. The hurdles

for an optional referendum or an initiative, however, vary from one canton to another (between about 1 and 5 per cent of the voters) and the frequency of the use of these popular rights also varies.

Taking all cantons together, there are by far more initiatives and referendums at the cantonal level. According to Vatter (2002: 291), citizens had to decide on about 2,000 cantonal issues from 1980 to 1997. About 1,440 were brought to the polls automatically (mandatory referendums) and, for the rest, various groups had to collect signatures first, about 350 times for an initiative and about 260 times against a decision of the government (optional referendums). At the national level, Swiss citizens decided 'only' on a bit more than 500 issues since the very beginning in 1848.

As far as the success of initiatives and referendums at the cantonal level is concerned there are some remarkable differences compared to the national level. According to Linder (2005: 272ff.) about one-third of the initiatives at the cantonal level are successful, compared to fifteen out of about 350 attempts between 1891 and 2008 at the national level. In the case of the mandatory referendums, the position of the government is supported in about 90 per cent of the cases. This is because there are more mandatory referendums at the cantonal level on issues that are not controversial, whereas for the optional referendums the success rate of the contesters is more or less similar at both levels.

At the local level, the municipal assembly is the most genuine form of direct democracy. Such a gathering of all citizens entitled to vote in the municipality takes place two to four times a year. The assembly results in binding decisions on changes of municipal rules, on public policies, and on public spending. Everyone is entitled to have a say, and the decisions are made—unless a secret vote is requested—by a show of hands. The Swiss municipal assembly to some extent resembles the 'New England town meeting', which is a particular variant of (small-scale) voter democracy. At first sight, the municipal assembly type of decision-making does look very much like directly aggregative voter democracy, where you simply count the votes and let the majority decide. Nevertheless, a municipal assembly also bears an important deliberative element. Prior to the decisions, there is room for discussion and the citizens have the possibility to alter projects or to bring forward new suggestions. Moreover, by listening to the arguments of the different protagonists, it might be expected that there is also an increase in mutual understanding.

Regardless of whether they have a parliament or an assembly, Swiss municipalities have other forms of direct democracy like referendums and initiatives. In municipalities with a parliament, direct democracy is directed against decisions of executive and parliament, in municipalities with an assembly, direct democracy addresses the executive as well as decisions of the assembly.

It is impossible to give an overview of the different forms and the use of direct democracy at the local level. There is some literature about the use in cities (Ladner 1999a; Bützer 2007) which shows that in the German-speaking cities referendums

and initiatives are more frequent. In the case of the City of Zurich, there have been more than 850 votes on local issues between 1934 and 2008. In addition, taking all three levels together, a Swiss voter, having spent his whole life in Zurich, will have been asked to decide on about 1,800 issues over the last sixty years.

Other forms of participatory democracy, such as participatory planning, open dialogues with citizens, or citizen polls, do take place, but they are only to a minor extent institutionalized, usually for a rather general legal stipulation that those who are affected by a new act should be heard in advance. The City of Zurich for example documents some fifty cases for which the authorities tried to let citizens participate in their projects within the last fifteen years (Stadt Zürich 2006).

Often these new forms of citizen participation take place for large projects, like the development planning of specific areas, new infrastructure projects of consequence, or new tramways or roads. Quite often, citizens are also informed or integrated in amalgamation projects at a very early stage. This new trend, however, is not seen as a substantial increase of local democracy but rather as a necessity. Since in most cases citizens will have to decide at the polls whether they agree on a new project anyway, the authorities are well advised to inform and take care of potential opponents from the very beginning. In most cases, the existing means of direct democracy provide citizens enough possibilities to participate.

Subnational politics

Subnational politics are about the topics for which the subnational units are responsible. Swiss federalism leaves important and far-reaching competences to the cantons and municipalities. The most important services for the cantons are education, social security, and public health with 25 per cent, 19 per cent, and 18 per cent of the cantonal expenditures (see Table 8.1). The most important expenditures of the municipalities are very similar to those of the cantons: education, public health, and social security with 22 per cent, 21 per cent, and 16 per cent of the municipal expenditures. In these areas, there is very often a clear division of competences, as for example when the cantons are responsible for the universities or additional expenditure on health insurance and the municipalities are responsible for the homes for the elderly. Sometimes there are also overlapping services when hospitals are run by the cantons or by the municipalities. On other occasions, planning or instruction is on the side of the cantons and the municipalities have executive functions, for example, when it comes to the organization of primary school teaching and the setting up of the curricula, which is in the hands of the canton, and the schools are run by the municipalities.

Swiss political parties are in general rather weak, at least in organizational terms. Federalism splits up the party system into twenty-six different cantonal party systems, leaving the parties in some of the cantons in rather small constituencies,

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Table 8.1 Expenditures of cantons, municipalities, and the federation compared, 2005

	Federation	Cantons	Municipalities
Percentage			
Administration	3.5	5.2	8.5
Justice, Police	1.3	8.0	4.7
International Relations	4.7	0.0	0.0
Defence	8.7	0.3	0.5
Education	8.5	24.9	21.7
Culture and leisure	0.8	1.9	5.6
Public health	0.4	18.3	20.5
Social security	26.9	19.1	16.2
Traffic	16.3	9.3	7.3
Environment and planning	1.2	1.9	7.8
Economy and agriculture	8.4	5.8	1.4
Finances and tax (interests, transfers, duties)	19.4	5.3	5.8
Total	100	100	100
	1.1	**1.2**	**1.3**
Swiss francs (billions)			
Total	52 607	70 285	45 079

Source: http://www.bfs.admin.ch/bfs/portal/de/index/themen/18/22/lexi.html (10.7.2008).

and the smallness of many of the municipalities prevents the parties from being organized at local level in every part of the country.

Compared to the national parties, however, the cantonal parties play a more important role in Switzerland's political system (Ladner 2007). The some 180 cantonal parties together dispose, for example, of more financial resources than their national organizations (Ladner and Brändle 2001; Ladner 2004). The different cantonal parties of the same national party are not necessarily anchored in the same population segments in each canton, and, since the constituencies for the national elections are the cantons, they claim some autonomy to address the needs of the citizens they directly depend upon. The national parties, therefore, face an enormous coordination task, and often have difficulties in keeping all the cantonal parties on a common track. Since the 1970s, there have been various attempts to strengthen the national party organizations albeit with rather limited success. Only recently, thanks to the importance of the media and the nationalization of politics, are the national party organizations taken more seriously.

Although local politics is often considered more pragmatic and more oriented towards problem-solving and less about ideologies, parties are quite important at the local level, too. There are a rather large number of local parties, especially when we consider the small size of most municipalities. More than 60 per cent of the municipalities have political parties, which are at the same time subsections

of the national parties. In general, however, these local parties do not depend heavily on their parties at cantonal or national level. The higher levels of the party, for example, are not supposed to interfere in the recruitment process and they do not coordinate their decisions on local matters with their cantonal party organization.

The percentage of municipalities with political parties was even higher twenty years ago. Since then, due to weakening party ties of the citizens, political parties have been losing their influence at least in the smaller municipalities (Ladner 2008). In these municipalities, there has also been an increase of independents elected into the local executive. Increasingly, citizens also elect candidates from local citizens' organizations. Today, about 30 per cent of the members of the local executives do not have a party affiliation.

The political right dominates the majority of the municipalities. At the beginning of 2005, the Radical Party (liberal), the Christian Democrats (centre), and the Swiss People's Party (right wing) hold majorities in most municipalities (Ladner 2008). Nevertheless, their share of seats has decreased over the last twenty years (BFS 2006). This goes hand in hand with the turn to the left of the biggest cities. Nowadays, the latter diverge politically not only from most of the cantons but also from many of their surrounding municipalities. At the beginning of 2008 the five biggest cities (Zurich, Berne, Basel, Geneva, and Lausanne) had a left-wing mayor as well as an executive and a legislative body with left-green majorities, whereas right-wing parties dominated the more affluent municipalities around the cities. Not surprisingly, local politics in cities also differs quite considerably from local politics in smaller municipalities due to higher media coverage and different prerequisites of the citizens to take part (Ladner and Bühlmann 2007).

Since the representation of women is higher in left-wing parties, they have more representatives in the big cities compared to smaller towns and municipalities. In 2006, the percentage of women in the executives of the eight cities above 50,000 inhabitants amounted to 34 per cent, and for the parliaments to 37 per cent (Städte 2007). Across all municipalities, women have a little more than 20 per cent of the seats in the executives. At the cantonal level the percentage of women in the executives amounts to 19.9 per cent (July 2008) and is very similar to the one at the local level, whereas in cantonal parliaments women hold 26.3 per cent of the seats (July 2008).

The principle of power-sharing applies not only to the federal government, in which the four biggest parties are represented, but also to the cantonal and local executives. There are hardly any single-party executives and the most important parties are usually represented in the local or cantonal executive. This is surprising at first sight, since the majority system for the election of the executives is the rule in most cantons and municipalities. In accordance with the principles of consociational democracy (*Konkordanzdemokratie*), however, a 'voluntary proportionality' (*freiwilliger Proporz*) is practised. The leading party abstains from presenting a full

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slate of candidates to make room for opposition party candidates. In smaller communities, of course, abstaining from running for all seats is not always voluntary, as it can be difficult to find suitable candidates for each available seat. Running for all seats also carries the danger that some of the same party candidates take votes away from each other and fall behind the candidates of the other parties. Moreover, sometimes the parties present fewer candidates to avoid the risk of possible defeat, especially when running against current office-holders. One common strategy for the leading party is to abstain from running for all seats under certain conditions. The smaller parties are offered a number of seats in accordance with their strength. In return, they have to bring forward candidates which suit the stronger parties.

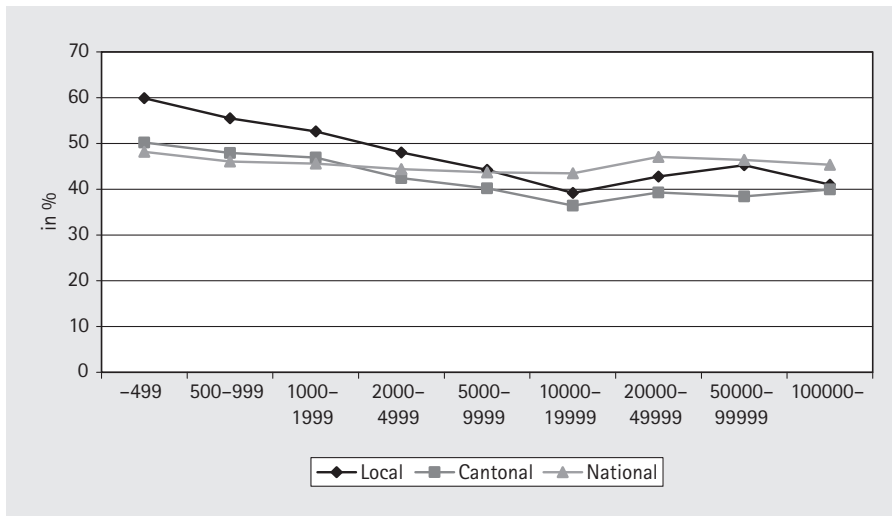## Politicians, subnational citizenship, and participation

Local politics, and largely also cantonal politics, in Switzerland are based on voluntary engagement and high citizen involvement. This firmly anchored tradition that Swiss citizens perform a public office alongside their normal jobs applies for all members of parliament on the local and cantonal level and for a large majority of the members of the local executives. Even at the national level, the members of parliament are not fully 'employed' and are considered semi-professionals. This so-called *Milizsystem* and the smallness of the political units lead to a high degree of citizens' involvement in holding public offices. Taking the seats in the local executives and parliaments together with the various commissions in the different policy fields, an average of about fifty different political functions per municipality have to be fulfilled by the citizens. In small municipalities, one out of eight or ten citizens holds a public office. This is as a form of social capital. In recent years, however, this high demand to fulfil offices has increasingly encountered problems on the supply side. The municipalities, and more particularly the local political parties, which are the most important recruitment agents for public office holders, find it increasingly difficult to recruit enough qualified candidates. The fact that a municipality has a parliament can make it, on the one hand, easier for the parties to recruit candidates from among the members of the parliament to run for election to the local executive. On the other hand, they have to find enough candidates for their seats in the parliament in the first place. According to our survey results (Ladner 2008), it is most difficult to find enough candidates in the medium-sized municipalities. In the big cities, public offices are sufficiently prestigious and, in the case of a seat in the executive, well remunerated. In the very small municipalities, these offices are less time-consuming and it is more difficult to refuse an offer to run for office if it becomes obvious that there is nobody else to do the job.

Electoral turnout in cantonal and local elections differs from one canton and one municipality to another. According to Freitag (2005), the most important variables

leading to high voter turnout at the cantonal level are mandatory voting laws, low electoral thresholds to gain a seat, high percentages of citizens being a member of a political party, and the culture of Catholicism. Moreover, there is no systematic influence of patterns of direct democracy on the voting participation in parliamentary cantonal elections. For the local level, it is also PR voting compared to majority voting which goes in hand with a somehow higher voter turnout (Ladner and Milner 1999).

Local and cantonal elections are by no means second-order elections when we compare them to national elections. Voters' turnout in local elections happens to be even the highest, at least in smaller municipalities up to 5,000 inhabitants (see Figure 8.1). Compared to international standards, however, electoral participation in Switzerland is very low and not seldom below the 'fright line' of 50 per cent. At the national level, for example, already in 1979 electoral participation dropped under 50 per cent. One of the reasons for low participation is direct democracy. Elected parties or governments are by no means able to govern without any interference from the citizens for the next four years. Important decisions have to be accepted by the citizens. Another reason is the limited impact of elections. For the last fifty years, at least, there were only minor corrections in the party composition of the governments. Finally, political participation is no longer seen as a civic duty. Citizens only participate when they are particularly interested by the issues at stake.

Despite the decisional power of the municipal assembly, turnout is even lower. The average rate of participation in municipalities with fewer than 250 inhabitants

Figure 8.1 Participation in local, national, and cantonal elections and size of the municipalities, 2004
Turnout (%) and size of the municipalities (inhabitants).

Source: Local secretary survey 2004.

is about 30 per cent of citizens entitled to vote. This figure steadily falls as the size of the municipality increases. In municipalities of between 10,000 to 20,000 inhabitants, the average rate of participation is below 5 per cent. The main reason for such a low turnout is the demanding character of this form of deliberation and decision-making (Ladner 2002).

More generally, it can be shown that many prerequisites of democracy, like social integration, trust in the political authorities of the municipality, or the feeling of being able to influence local politics democratically, are more pronounced in the very small municipalities than in the big cities (see Ladner and Bühlmann 2007).

Subnational governance

In the middle of the 1990s, an overwhelming majority of the cantons (Schmidt 2008) and some of the bigger municipalities (Ladner 2005c) undertook reforms along the lines of New Public Management. Quite a few cantons and a couple of municipalities now use performance contracts and global budgeting for some and sometimes even all their services. The delegation of more operational autonomy to the administration has been met by parliamentary reforms in order to allow members of parliament to concentrate on more output and mid- and long-term oriented perspectives of policy-making.

Additionally there has been a tendency to have some of the services delivered by agencies that are more autonomous. Here again the question arises to what extent politics are still able to control and influence the activities of these more autonomous agents of the state. Finally, the cooperation between municipalities and between cantons has constantly increased during the last years. This leaves us with a network-like governance structure combining different public and private actors horizontally and reaching across more than two levels, which no longer correspond to territorial constituencies and where negotiations play an important role to the detriment of democratic decision-making. Such structures, however, are far from being completely new to Switzerland but rather a common practice for a country with a strong territorial subdivision and limited state competences.

CHALLENGES AND OPPORTUNITIES

The main problems subnational authorities in Switzerland confront are related to efficiency or system capacity. In the 1990s, all three state levels suffered substantial annual deficits in their budgets, which accelerated ongoing discussions on

necessary reforms. The more specific challenges they face concern the territorial subdivision of the country, the huge differences among them, and intergovern-mental relations between all three state levels. It is important to note, however, all these efficiency-driven reforms also imply matters of democracy.

Cooperation and amalgamations

Given the small size of many of the Swiss municipalities and some of the cantons, it is not surprising that the claim for amalgamations is high on the reform agenda. Until now, these claims have been far more pronounced at the municipal level. Large-scale amalgamations of municipalities, however, are by no means simple to achieve, since it is not in the competences of the federal state to force them. Not even the cantons have the power to carry out territorial reforms without the consent of their citizens, since they usually require the approval of the majority in each municipality. Initiatives for amalgamations have to come from the bottom, from the municipalities themselves.

For almost 150 years there were hardly any amalgamations—apart from the incorporation of municipalities surrounding big cities (like for example in Zurich in 1893 and 1934).[7] In recent times, mergers have become more frequent. Since 1990, almost 400 municipalities have disappeared and the total number has declined from 3,021 to 2,636 at the end of 2008. Nowadays, it is not only the very smallest municipalities which try to grow by amalgamating with other small municipalities next door, it is also bigger municipalities and cities (like Luzern, Lugano, or Rapperswil) or whole valleys or regions which try to raise their performance and become more competitive through this method. Most outstanding, in the canton of Glarus the citizens decided in 2006 to reduce the number of municipalities from twenty-seven to three.

The big obstacles to amalgamations are the different tax levels between cantons and between municipalities due to their far-reaching fiscal autonomy. Citizens rarely accept amalgamating with another municipality if this means paying more tax. Quite often the cantons provide subsidies to keep the lower tax level. Another quite rational argument against amalgamation is the loss of voting power. Since Swiss citizens decide many matters directly, it makes a difference whether you vote in a small municipality or whether you are largely outnumbered by the citizens living in another part of the newly created municipality.

Instead of amalgamations, many of the Swiss municipalities have chosen another strategy: inter-municipal cooperation. The classic form of cooperation is an ad-ministrative union (*Zweckverband*), an association under public law. In recent years, however, municipalities have increasingly cooperated on the grounds of

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[7] Between 1848 and 1960, the number of municipalities declined from 3,202 to only 3,095.

private law, which offers them more flexibility. In 1998, at least half of all munici-palities worked together with at least one other municipality in areas such as schools, medical care and care for the elderly, refuse disposal, water supply, sewage treatment, and the civil service. In areas such as support for the unemployed, the civil service, the fire brigade, and medical care, cooperation has particularly intensified within the last few years (Ladner et al. 2000). A nationwide survey in 2005 revealed a further increase in cooperation (Steiner and Ladner 2005). Some-times these forms of cooperation even cross borders as in the region of the Lake of Constance where they include municipalities from Austria and Germany.

Cooperations are considered to be less democratic. The citizens of a single municipality lose their influence when it comes to important decisions since they are no longer the only ones to decide, and quite often the procedures become more complicated leading to a cascade of votes in each municipality sometimes on different weekends. How can delegates on the boards of a union of municipalities be controlled democratically and how, in the case of cooperation based on private law, are contracts to be formulated and property rights to be regulated?

The question of amalgamation or cooperation is also salient in agglomerations. Here the differences, as far as the tax rates of the different municipalities and the unequal distribution of voting power between the city and the surrounding municipalities are concerned, are especially important. At the same time, coordi-nation and cooperation in areas like urban public transport and planning are increasingly becoming a necessity. In 2001, federal authorities therefore launched a strategy for the agglomerations, meant to focus federal politics on the problems of the agglomerations, to improve cooperation both vertically and horizontally.[8]

The creation of the Tripartite Conference of Swiss Agglomerations (*Tripartite Agglomerationskonferenz* (*TAK*)) the same year points in the same direction. First steps to address the new challenges have been put forward with the introduction of regional or agglomeration conferences, as for example in the canton of Berne. Mayors represent the municipalities and there are ballots across all the munici-palities belonging to the area. Mayors have different weights depending on the size of their municipalities.

Cooperation has become increasingly important also at the cantonal level. Here the driving forces are not only an increase of efficiency and coordination as far as their services and facilities are concerned, but also the struggle to prevent federal authorities becoming more influential in cantonal policy domains. In 1993, in the aftermath of the rejected European Economic Area Agreement, the conference of the cantonal governments was established in order to coordinate the formulation of the political demands of the cantons and to increase their influence in foreign and European policy. Additionally there is the huge number of inter-cantonal

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[8] See: http://www.are.admin.ch/themen/agglomeration/00561/index.html?lang=de

conferences of directors (*Interkantonale Direktorenkonferenzen*) which bring to-gether task-specific members of the cantonal governments, as for example the conference of the cantonal ministers of finance and the conference of the cantonal ministers of education and inter-cantonal conferences of experts which are organized at various levels of the administration. Finally, the cantons in various constellations have concluded a huge number of treaties (*Konkordate*) among themselves. Citizens suspiciously see all these developments, although perhaps necessary from the perspectives of efficiency in a federal state, as a loss of decisional power of the cantons and therefore a threat to democracy.

Intergovernmental relations, the allocation of tasks, and the equalization of differences

Policy-making in Swiss federalism depends on cooperation among the three state levels. Swiss federalism can be described as a typical form of cooperative federalism. Over time, this has led to a high degree of *Politikverflechtung* (Scharpf 1978) which municipalities and cantons perceive as a loss of autonomy. Not only have there been more and more governmental activities delegated for execution to lower units, but legal restrictions stemming from higher political levels have also been intensified and become more complex. In areas like education, police, public health, and social assistance, cantons and municipalities are equally involved as far as the financing is concerned. When regulation, financing, and implementation of a policy do not coincide, the system becomes—so it is claimed—sub-optimal. Such problems of spillover and the lack of fiscal equivalence are especially salient in city areas.

In addition, the structural differences between the municipalities and between the cantons have made necessary a sophisticated system to balance inequalities. On the one hand, there are transfers from richer to poorer units; on the other hand, higher units allot more money to the less affluent lower units. The functioning of these systems, often based on the financial situation of the lower units and directly linked to special activities, has been heavily criticized in recent years.

At the national level, as well as in almost all cantons, there have been therefore more or less serious attempts to review and allocate tasks and resources between the canton and the municipalities more adequately. Most of these reforms also pursued the idea that transfers to the lower level should be given based on the municipalities' capacity of raising their own resources and that they should be given in the form of block grants rather than being tied to the provision of specific tasks.

In general, the principles of subsidiarity and local autonomy have not been questioned in the course of these reforms and have been upheld in the amendments made to the constitution at the national level as well as in most of the recent revisions of cantonal constitutions. In some task areas, however, local autonomy is most likely to be restricted to an 'operative autonomy', whereas strategic responsibilities will

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increasingly move to higher state levels. Cantonal authorities will tell the munici-palities what to do, and the municipalities will decide how they want to do it.

Conclusions

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Subnational democracy in Switzerland is almost as important as democracy at the national level. Local-level elections, for example, are by no means 'second-order' elections, and in some smaller municipalities, turnout is even higher than in national elections. Following the principle of susidiarity, cantons and municipa-lities have a high level of autonomy. They set up their own political institutions, they provide important public facilities and services, they control their finances, and they have the competence to fix the tax rate on income and property, which are their most important revenue sources. Politics on the subnational level matters.

Since the Swiss nation-state is the product of a bottom-up process, it is hardly astonishing that the core elements of the Swiss political system are found not only at the national level but even more so in the municipalities and cantons. Power-sharing, multi-party executives, and even further-reaching means of direct democ-racy are key elements of subnational democracy, too. In two cantons and in a big majority of the municipalities political decisions are taken by direct democracy in a gathering (assembly) of the citizens.

It is analytically interesting to ask is how direct democracy—mainly voter democ-racy—fits into consensus democracy. I have tried to argue that the majoritarian element of direct democracy in Switzerland is attenuated by the deliberation prior to the decision and the way a decision is applied afterwards. Direct democracy can even be seen as a means to compensate for insufficiently balanced power-sharing, giving parties and groups which are not integrated into government responsibility to bring forward their claims or to fight against a bill. Additionally, it enhances the search for consensus. To prevent failure at the polls a proposal has to be supported by a safe majority. What looks like a voter democracy in the first place turns out to be more participatory, deliberative, and non-majoritarian in the Swiss context.

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