

2.2 Direct Democracy

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1 Institutional Features and the Development of Popular Rights

Popular rights in Switzerland allow the citizens to challenge the most important parliamentary decisions, at the level of the Constitution as well as at the level of ordinary legislation, by a referendum, and to bring their own propositions to a popular votation through initiatives. At the cantonal level, popular rights developed even prior to the founding of the federal State in 1848. They were influenced by the French idea of *pouvoir constituant* or «popular sovereignty», and they led to an amalgam of «individualistic direct democracy based on French revolutionary law and Swiss radicalism» (Kölz 1992: 320). This form of democracy was as distinct from the native tradition of local, community-based democracy as it was from representative democracy. The latter found universal acceptance in the 20th Century and is limited to the election of the parliament and the government (the executive).

The first manifestation of popular sovereignty in the 19th Century was the (obligatory) constitutional referendum. The so-called «regenerative» constitutions (Regenerationsverfassungen) of the 1830s in the cantons of Berne, Lucerne, Schaffhausen, Argovia, St. Gall, Vaud and Basle-Country all provided that the new constitutions and any amendments to them had to be accepted by a popular votation. Simultaneously, individual cantons introduced early forms of the constitutional initiative: in the cantons of Thurgovia, Argovia, and Schaffhausen, an absolute majority of voters could propose amendments to the constitution; in Lucerne and Basle-Country, a two-thirds majority was required. Subsequently, the «two-stage» process, first introduced by the canton of St. Gall in 1838, became predominant: if 10,000 voters demanded a constitutional amendment, a popular votation was held in the second phase (Kölz 1992: 305ff).

The modern referendum developed from the so-called «veto», by which an absolute majority of voters could strike down a law (abstainers were counted as voting in favour of maintaining the law). St. Gall took the lead here as well, introducing a two-phase procedure in 1831. If a certain number of voters called for a veto (first phase), a popular votation was held (second phase). Finally, the introduction of the popular initiative in the canton of Vaud also had considerable influence: 8,000 voters could submit a proposal on any issue of state activity to a votation, including laws as well as non-binding resolutions. Moreover, the form of the initiative used in Vaud also allowed for the repeal or amendment of existing laws – a form of retroactive referendum («resolutives Referendum») (Kölz 1992: 474). The current form of referenda and popular initiatives at the federal and cantonal levels emerged with the democratic movements of the 1860s. The Constitution of 1848 provided only for obligatory constitu-

tional referenda and popular initiatives in the case of a total revision of the Constitution. This was basically a representative system, with the Parliament at the centre as the «supreme authority of the Federation» (Schmid 1971). Then the system underwent a fundamental transformation with the introduction of the optional legislative referendum (1874), and the popular initiative for partial amendment of the Constitution (1891), which paved the way for the system of «semi-direct democracy». During the 20th Century, only minor modifications were made to the popular rights. The referendum for international treaties, introduced in 1921 and extended in 1977, provided for popular participation in foreign policy decision making. Furthermore, the right of the Federal Assembly to withdraw its decisions from the referendum procedure through the use of the so-called «urgency clause» (Article 165 of the Constitution) was limited in 1939 and 1949 by the introduction of the abrogative referendum. Six years after the introduction of women's suffrage in 1971, the number of required signatures for an optional referendum was raised from 30,000 to 50,000, and for a popular initiative from 50,000 to 100,000.

The last extension of popular rights on the federal level dates from 2003 and consists of two elements. Firstly, it brought a new form of the popular initiative. A general proposition, signed by 100,000 citizens, can be realised by Parliament either as a constitutional amendment or as a revision of an existing law. This opens the popular initiative also to non-constitutional issues. The new instrument may not be attractive for citizens, as the Parliament is free to redefine the proposed innovation according to its own wishes. Secondly, the referendum for international treaties was extended to all treaties that imply important amendments to internal law.¹

At the cantonal level, the popular rights have developed considerably since the 19th Century, and now include legislative initiatives, referenda on administrative acts, and referenda on one-time or recurring financial decisions.

2 Popular Rights at the Federal Level

The obligatory (or constitutional) referendum

All constitutional amendments, as well as the ratification of treaties involving membership in organisations of collective security or supranational bodies (e.g., the EU), are subject to review by the people and the cantons. While the obligatory referendum was seldom used before the 1930s, it has become more important with the establishment of the welfare State following the Second World War, since, according to Article 3 of the Constitution, every new power accorded to the Federation must have an explicit constitutional basis.

Table 1: Overview of Referenda and popular initiatives at the federal level

Instrument (Introduction)	Fields of application	Requirements	Remarks
constitutional (1848) and international treaty referendum (1921, 1977) (obligatory)	All constitutional amendments as well as decisions on membership in supranational organizations or organizations of collective security	–	Double majority (people and cantons).
Legislative referendum (1874) (optional)	All laws as well as ordinances subject to the referendum	50,000 signatures or eight cantons	Majority of the people.
International treaty referendum (1921 und 1977, 2003) (optional)	Certain types of international treaties	50,000 signatures or eight cantons	Majority of the people.
Abrogative referendum: (1949) (obligatory)	Urgent ordinances which the Federal Assembly has exempted from the referendum	Not compatible with the Constitution: obligatory vote Compatible with Constitution: 50,000 signatures	Ordinance is abrogated after one year, if incompatible with Constitution, or if (obligatory or optional) referendum is successful.
Constitutional initiative for a total revision of the Constitution (1848)	Total revision of the Constitution	100,000 signatures	If the majority of the people agree, the Parliament is dissolved and an assembly is elected to draft a new Constitution. Was submitted only once (1935 by the Frontisten).
Constitutional initiative for (partial) amendment of the Constitution (1891)	Concrete or general proposal	100,000 signatures	Submitted to the Federal Council before going to the Federal Assembly, which either endorses or rejects the amendment and has the right to make a counterproposal. Double majority (people and cantons).
General Proposal (2003)	General proposition	100,000 signatures	On the basis of the general proposal, Parliament decides whether to amend the Constitution or to revise a law. In the first case, a double majority (people and cantons) is required.

Accordingly, most constitutional votations deal with the expansion of the powers of the Federation. The obligatory treaty referendum occurred on rare but important occasions, such as the bills on membership in the United Nations (rejected in 1986, accepted in 2002), the European Economic Area (EEA) (rejected in 1992) and the votations concerning the bilateral agreements with the EU in 2000 and 2005.

The obligatory referendum requires a double majority of the population and the cantons, whereby each full canton gets one vote and each half-canton gets half a vote. In the case of a split vote (11.5 of 23 cantonal votes), the bill is defeated.

The optional (or legislative) referendum²

Laws, certain federal ordinances, permanent international treaties on membership in an international organisation, on multilateral legal harmonisation or on subjects that imply substantial amendments of domestic law must include a referendum clause when they leave the Parliament. If 50,000 citizens or eight cantons ask for a referendum within three months, the parliamentary decision is put to a votation. The bill can only enter into force if it is accepted by the majority of the voters (simple majority).

The abrogative referendum under the urgency procedure

The referendum device can lead to considerable delays for the final decision on a bill. The so-called urgency procedure for federal ordinances, introduced in 1874, therefore allowed referenda to be delayed or bypassed. Especially during the economic crisis of the 1930s, the excessive use of the urgency clause by the Federal Council gave rise to a regime of «governance by decree» and led to the suspension of popular rights. The reform of the urgency clause in 1939 and 1949 (Article 165) considerably limited its scope of application. Nowadays, the urgency procedure can only be used in cases where ordinances cannot be postponed. It is always limited in time, and it can no longer be used to circumvent but only to delay a referendum. Ordinances under the urgency procedure, which have immediate effect, require an absolute majority in both chambers of Parliament. Ordinances lacking a sufficient basis in the Constitution must be approved by the people and the cantons within a year. If a referendum fails or does not take place during this time, the ordinances are rendered invalid and cannot be renewed. If an urgent ordinance is in conformity with the Constitution, referenda against it can be held immediately, but they only have an abrogative effect: if the ordinance is not accepted by a majority of the population, it lapses one year after adoption by the Federal Assembly and cannot be renewed. If no referendum is launched, the ordinance can be prolonged.

Thus, the urgency procedure allows for the immediate, albeit temporary adoption of ordinances by postponing the occasionally protracted referendum procedure without abolishing it altogether. The last period of frequent use of the urgency procedure was during the early 1970s (Auer 1976).

*The popular initiative*³

At the federal level, an initiative for a partial amendment or for total revision of the Constitution requires the signature of 100,000 citizens. Initiatives on partial amendments enjoy great popularity and are launched quite frequently on topics ranging from demands for new footpaths in the Alps to the abolition of the armed forces. In contrast, the initiative calling for a total revision of the Constitution has never had much practical significance (with the exception of the Frontisten-Initiative of 1935). Initiatives on constitutional amendments can take the form of either general requests or specific proposals. Initiators prefer the latter because these cannot be altered by the Parliament. If a popular initiative meets the current 18-month deadline, it is debated by the Federal Council and the Parliament and then presented to the voters with a recommendation, which is usually negative. The Parliament may simultaneously submit a counterproposal. As with the constitutional referendum, acceptance of a constitutional initiative must be approved by a double majority of the Swiss people and the cantons. In the event that both the original proposal and the counterproposal are accepted, the ballot papers pose the additional question of which of the two the voter prefers. This procedure, which follows Article 139 of the Constitution, was introduced in 1987 in order to allow the voters to express their preferences more clearly. The earlier regulation, which did not allow for the «double yes», made it easy for the Parliament to divide the ranks of those willing to vote for change and thus to preserve the status quo.

3 Popular Rights at the Cantonal and Municipal Levels (cf. chapter 3.1, table 1)

Popular rights at the cantonal and municipal levels are comparable to the ones at the federal level. The basic system used at the federal level, comprising an obligatory constitutional referendum, an optional legislative referendum, and the popular initiative for constitutional amendments, can be found in all cantons. The main differences are as follows:

- Legislative referenda exist only at the cantonal level; one-third of the cantons subject all changes in legislation to a referendum (obligatory legislative referendum).

- Important individual acts and administrative decisions of the Parliament can also be challenged by popular rights. Here, one example is the finance referendum: large one-time or recurring public investments that leave considerable room for political choices – such as those covering public buildings and parks – are submitted to the voters for approval on an obligatory or optional basis. Some cantons apply optional referenda to other types of decisions, such as concessions for water rights and decisions on regional planning or the construction of highways.
- A few cantonal constitutions provide that the cantonal executive must submit some of its propositions regarding federal policies (for instance, the construction of a nuclear plant) to a referendum.
- The Landsgemeinde is the oldest form of direct democracy in which all citizens participate in an assembly. By its nature, it was used only in small cantons. It was abolished in recent years in the cantons of Appenzell Ausserrhoden, Ob- and Nidwalden and is now practised only in the cantons of Glarus, Obwalden and Appenzell Innerrhoden.

The cantonal system of semi-direct democracy allows for more far-reaching and more diverse forms of participation than exist at the federal level; it is thus also more complex (Lutz/Strohmann 1998: 111ff). The barriers to an optional referendum or a popular initiative are quite different from one canton to another (cf. chapter 3.1, table 1). In the canton of Ticino, 5.3% of the voters must support a popular initiative for it to be voted on; in Argovia and Basle-Country, 0.9% are sufficient. The frequency of recourse to popular rights also varies considerably among the cantons. Thus, between 1980 to 1997, 56 popular initiatives were launched in the canton of Zurich, while there were none at all in Nidwalden, Glarus, Valais and both half-cantons of Appenzell. However, the popularity of direct democracy in the cantons does not depend on how high the bar is set. Rather, direct democracy is used most extensively in the urban cantons, while the more homogeneous populations of the smaller rural cantons, for example in the Urschweiz (the original cantons of the first Federation), only rarely make use of their popular rights (Vatter 1997: 767).

Finally, we turn to the municipalities:

- The small municipalities of the German-speaking part of Switzerland are influenced above all by the model of assembly democracy (*Versammlungs-demokratie*). In these municipalities, the yearly meeting of the citizenry authorizes the municipal budget and takes other important decisions (Micotti and Bützer 2003; Ladner 1991). Larger municipalities with over 20,000 inhabitants, as well as smaller ones in the French-speaking part of the country, have executive and legislative bodies with a division of powers. Moreover, we find the referendum and the popular initiative as important ele-

ments of the political decision making process. Thus, similarly to the cantons, the basic model is one of representative democracy with a popularly elected governmental body, complemented by elements of direct democracy similar to those found in the cantons.

- The forms of local government and of popular rights differ greatly (Micotti und Bützer 2003; Laftitte 1987). However, empirical studies illustrate the differences in political culture between the German and French-speaking parts of Switzerland. In general, referenda and initiatives play a greater role and occur more frequently in the German-speaking municipalities than in their Francophone counterparts (Micotti and Bützer 2003: 113; Huissoud and Joye 1991), which are more heavily influenced by the French system of representative democracy.

4 Decision making under Semi-direct Democracy

In parliamentary democracies, the plebiscite is used to support and legitimize current government policy. In the case of France, it was used by de Gaulle in connection with the government's policy towards Algeria in 1960 and by Mitterrand in connection with the Maastricht Treaty in 1992 or by Chirac in 2005 in connection with the Constitutional Treaty of the EU. In contrast, Swiss popular rights must be seen as rights of popular opposition. They emerged from a 19th-Century grass-roots democracy movement, which opposed the representative system and sought to limit parliamentary power and gain control over the most important political decisions. Therefore, in contrast to the plebiscite, it is not up to the authorities to determine which decisions will be submitted to the people. Rather, the Constitution determines which parliamentary decisions are subject to a popular vote. The Constitution further specifies the conditions under which a given group of voters can launch a referendum or a popular initiative and thus bring about a popular votation. This has resulted in a governmental system in which the three decision-making bodies, i.e., the Government, the Parliament and the electorate, work together in clearly defined functions:

- The people, as the principal source of democratic legitimacy, have the last word in the most important decisions, namely those concerning the Constitution. This is the domain of the obligatory referendum and the popular initiative.
- The Parliament, which is the second-highest source of democratic legitimacy, takes decisions on matters at the next highest level of importance, above all in the form of laws. Its decisions are final, unless the people take the option for the referendum. A group of voters can initiate this through an optional referendum.

- The Government takes decisions on all other matters in the form of ordinances or decrees. These are final, and the people have no opportunity to participate.

Put simply, this means that the people have the final say on the most important political matters, the Parliament decides upon important matters, and the Government takes final decisions on matters of lesser importance. This distinction between different levels of decision making according to the significance of the issue at hand is reflected to some degree in the normative hierarchy of Constitution, law and decree (Müller 1979). The concept can be illustrated as follows:

Table 2: *The concept of semi-direct democracy at the federal level*

Type of decision	Normative level	Decision-making body	Participation of the people
Very important	Constitution	Parliament	Obligatory referendum, popular initiative
Important	Law, ordinance	Parliament	Optional referendum
Less important	Simple decision, decree	Government	No participation

This division of powers is significant in several respects. First, it offers a pragmatic solution to the tension between the unsatisfactory reality of representative democracy and the utopia of direct democracy. In other words, popular participation should be possible in the most important cases, but not in all. This form of interaction between the people, Parliament and Government is referred to as «semi-direct democracy». Under this system, decisions subject to direct democratic participation are systematically selected according to the criterion of material importance. Second, this decision-making system limits the power of the Government and the Parliament without abandoning the basic advantages of parliamentarianism. The Federal Council and the Parliament remain the centre of political decision making. In particular, the system contrasts with the 19th Century idea of «popular legislation» (*Volksgesetzgebung*): the majority of important decisions remain *de facto* in the hands of the Parliament. Referendums and popular initiatives give the people the role of an institutionalized opposition, which has had a lasting influence on constitutional law and therefore on the development of the State. This will be further discussed below. Third, attempts by the authorities to minimize and control the risk of decisions being challenged, particularly by optional referendums, are almost as old as popular rights themselves. Therefore, the referendum has had a decisive impact on the structure of the Swiss political system: the initially majoritarian policy followed by the Parliament gradually converted into the so-called «policy of concordance»,

which aims at including all important political forces in the decision-making process. This integrative function of popular rights, in particular of the referendum, will be explained below as an «indirect effect» of concordance.

5 The Direct Effects of the Referendum and the Popular Initiative⁴

At the federal level alone, the electorate must take decisions on about six constitutional amendments a year. One half of these stem from parliamentary proposals, the other from popular initiatives. In addition, between two to four legislative referenda are launched every year. Table 2 gives an overview of the use of the initiative and the referendum at the federal level.

The obligatory constitutional referendum

As explained above, most constitutional referenda are concerned with the modification or extension of the powers of the Federation; the constitutional votation is necessary due to the federalist division of powers. The relatively large amount of rejections (about one-quarter of the bills) shows that the proposals of the Federal Council and the Parliament often succeed only after the second or third attempt. Typical examples of this include the constitutional articles on economic policy or the value-added tax, which failed several times. It is clearly a consequence of the constitutional referendum that the development of the modern welfare State, the centralization of government tasks, and certain constitutional decisions such as the extension of suffrage to women came about so late in Switzerland (Linder 1994: 99ff).

It is possible that popular and cantonal majorities will differ on a given issue. In eight of the ten cases that have arisen thus far, a declining cantonal majority has succeeded in preserving the status quo over a popular majority favourable to change. The strong over-representation of the electorate of small cantons leads to a situation in which, in theory, 9%, and in practice 20–25% of the voters of the 11.5 smallest cantons can effectively block a proposal.

Compared to other federalist systems, the Swiss system attributes more importance to the federalist principle of equal representation of its constituent units than to the democratic principle of «one person, one vote». The balance of democratic and federal principles has leaned strongly towards the latter for two reasons. The first is demographic change, which has increased the difference in size between the cantons. The second is that there are an increasing number of votations requiring a double majority (constitutional referenda and popular initiatives).⁵

Table 3: *Referenda and popular initiatives 1848–2005*

<i>Obligatory referenda</i>	
Brought to a vote	205
Accepted by people and cantons	152
Rejected	53
<i>Popular initiatives</i>	
Initiated	329
Signature collection process	7
Signature collection process unsuccessful	72
Signature collection process successful	250
Withdrawn,	76
Declared invalid	7
Pending 2005	8
Brought to a vote	160
Accepted by the people and the cantons	15
Rejected	145
Parliamentary counterproposals brought to a vote	15
Accepted by the people and the cantons	6
Rejected	9
<i>Optional referenda</i>	
Parliamentary decisions subject to optional referendum	2181
Number of launched referenda	180
Successfully launched	156
Successful parliamentary proposals	83
Referendum successful (i.e., legislation rejected)	73

Source: Federal Chancellery and author's calculations.

The popular initiative

The popular initiative is generally seen as an innovative element within the Swiss political system. It allows a great diversity of groups who feel that their interests are not sufficiently represented in the formal decision-making process to raise new political topics and to bring about a votation. Since 1891, various groups and coalitions have used the popular initiative. During the First World War, the Social Democrats and Conservatives used the initiative against the Radicals in order to introduce proportional representation in the National Council. It was used frequently by the political left and by the labour unions in order to launch social and economic reforms that had been dismissed by the bourgeois-dominated Parliament. These include the «crisis initiative» (*Kriseninitiative*) of the 1930s, the «co-determination initiative» (*Mitbestimmungsinitiative*) of 1976, the initiative on tenants' rights in 1977, and the initiative on the 40-hour workweek in 1987. Since 1970, conservative movements have turned to the initiative in order to curb immigration. Finally, the initiative has been used by the Greens to promote environmental protection policies, such as the

anti-nuclear power initiatives of 1979 and 1989. Even though less than 10% of popular initiatives were actually accepted by a popular votation, several important changes have come about through this mechanism, including the introduction of proportional representation in 1918 and a provision on gender equality in 1981 (by way of counterproposal). It is also possible that an issue raised by a failed initiative may be taken up by the Parliament and may later be the object of legislation. The popular initiative thus broadens the realm of the politically thinkable and feasible. It frequently paves the way for new trends which take time to gain acceptance. The Federal Council has always shown great reticence to declare popular initiatives invalid on formal legal grounds, relying instead on political persuasion. As the statistics show, not all popular initiatives are presented to vote upon. Some are bypassed by events or become void (formerly, this was due in part to the delaying of the vote by the Federal Council and the Parliament). There is an increasing tendency to use popular initiatives as bargaining chips in parliamentary deliberations and then to withdraw them upon having extracted some concessions.

The optional legislative referendum

Subtlety is called for when analyzing the optional legislative referendum, which is generally said to favour the status quo, similarly to the obligatory referendum. Since its introduction in 1874, several important innovations of the Parliament have been defeated by this type of referendum. If a votation does indeed take place, the opponents of a new law have almost a 50% chance of success. Nevertheless, the overall percentage of bills that are submitted to a votation remains low, at 7%. The primary reason for this is the nature of the political decision-making process, which seeks to minimize the risk of a referendum by involving all groups capable of launching referenda in the decision-making process. One could assume, then, that the referendum is above all an instrument of non-governmental forces, but this is not at all the case. The referendum is used by practically all political parties, by social movements, interest groups, and sometimes even by spontaneously constituted action committees. It can happen that even the parties represented in the Government resort to a strategy of a «case-by-case opposition», supporting referenda against the will of their own parliamentary group, which have only limited influence in the decision-making bodies of their parties. Whereas, during the interventionist 1970s, referenda were launched mainly by the conservative wing of the bourgeois parties, the last decades of liberalization have reversed this trend. During this period, it was mainly the political left that used the referendum in order to prevent the dismantling of the welfare State and the deterioration of working conditions. Thus, the referendum is not just a weapon of the conservatives, but rather an

instrument used by all political forces seeking to defend «their» status quo. Due to the balance of political forces, the left obviously has fewer chances of winning a referendum vote than the bourgeois camp.

Finally, initiatives and referenda can also be used as an electoral tactic. During election campaigns, it is particularly the small and single-issue parties that use the popular initiative to gain political influence, to secure their electoral success, or to simply the fight for their survival. The anti-foreigner parties that have emerged since the 1960s or the formation of the Green Party in the 1980s, are two examples. This observation shows the renewed relevance of Gruner's (1977: 25) historically oriented thesis of the «Swiss parties [being the] children of popular rights».

6 The Indirect Effects of the Referendum

Besides the direct influence of the popular rights on political decisions, we observe indirect effects on the structures of the political system. One can distinguish indirect effects on the governmental system and on the political parties, as well as on the parliamentary process (Lutz 2006).

Neidhart's (1970) analysis of the optional referendum showed that popular rights have had a lasting effect on the Swiss system of governance. Immediately after its introduction, the referendum became an extremely effective instrument used by the conservative opposition to thwart the policies of the Radicals who held a majority in Parliament. To this day, the referendum compels the major political forces in Switzerland to co-operate and to resolve conflicts through negotiation and compromise.

In order to minimize the risks of a referendum defeat, the Government opens the decision-making process to all groups capable of launching a referendum. The latter then have a voice in the pre-parliamentary consultations and thus participate in the making of the parliamentary consensus. Along with federalism, popular rights are the most important factor contributing to the development of Switzerland's typical «concordance» or «consensus» democracy. This system is characterized by a high level of political integration, stability, continuity, and legitimacy. However, it also suffers from a reduced capacity for innovation, and lengthy decision-making processes, as elections do not lead to a change of Government. This suggests that the «maximization» of influence through direct democracy minimizes the influence of the voters through elections. There is thus a trade-off between direct and electoral democracy (Linder 2005).

Theoretically, it can be assumed that direct democracy weakens the political parties, as they lose the dominant role in the decision process which they would have in a representative democracy. Moreover, it aggravates the resource prob-

lems of the parties since, in addition to elections they also have to lead voting campaigns. Empirical findings contradict these theses: parties take a chance on gaining additional influence by using direct democracy to mobilize for their interests (Ladner and Brändle 1999).

Finally, it is worth noting the fundamental ambivalence of the legislative referendum: once an instrument of «the people», the legislative referendum is now more frequently used to defend the rights of vested interests. These groups do not use the referendum to bring a bill to a popular vote. Rather, they use it as a bargaining chip at the negotiating table. Thus, even though the legislative referendum in principle allows for the inclusion of more groups in the process of political decision-making, it does not solve the problem of unequal treatment as raised by the critics of pluralist democracy: the capacity of different societal interests to organize and engage in political conflict varies greatly. Pluralistic negotiation processes tend to favour short-term and specific interests over long-term and broader ones. Further, they lead to accommodation among groups satisfied with the status quo, and they are insensitive to the concerns of the «have-nots» (Scharpf 1970). One cannot assume off-hand that the frequent votations of direct democracy compensate for this bias of pluralism. The empirical evidence shows that, the more demanding the form of direct democratic participation and the more complex the ballot issue, the more unlikely it is that the «have-nots» will participate. In fact, the considerably lower participation rate of the lower social strata in votations on complex bills can be seen as a form of self-censorship (Mottier 1993). This does not lead to a general deformation of the decisions of direct democracy, as in most cases the preferences of the non-voters do not greatly differ from those of the voters. However, Lutz (2006) observes that the deformation is greater if a bill is perceived as more complex and if the level of information and participation is lower.

7 Voting campaigns

During the last 20 years, the average participation rate has been about 40%. Topics which polarize the voters and which arouse their immediate concerns raise the level of participation, as for example in the case of EEA membership, where it reached 78.7%. Complex issues that are under-debated or attract little attention during the voting campaign can lead to a considerably lower level of participation, even in the case of important bills such as that on the value-added tax, which was rejected in 1991 with a voter turn-out of 33.3%. As with all demanding forms of political participation, direct democracy is not free of unintended discriminatory effects. Men, people with a higher education, income and professional status, the middle-aged, and the socially integrated participate more

often than women, people with lower education, income and professional status, the young, those living alone, and less settled persons. The problem of voter participation lies not in the low percentage of active voters but in the uneven participation rates of the different social strata, which is only exacerbated by higher levels of abstinence.

One can distinguish three main groups of participants: regular voters, who claim not to miss a single vote and make up about 20%–25% of the electorate; abstainers, who hardly ever vote (20%); and those voters who see themselves as occasional participants and who are responsible for the fluctuation in participation rates of between 30% and 70% (Mottier 1993; Linder/Longchamp/Stämpfli 1991).

For an analysis of voting behaviour and the determinants of the success of a bill, see chapter 5.2 Popular Votes in this volume. The discussion here will be limited to a description of the actors who influence voting campaigns. The first of these is the Federal Council. In the so-called «Federal Booklet» («*Bundesbüchli*»), which is sent to all voters, the Federal Council provides information on the proposal, its objectives and the viewpoints of the opposing sides. Whereas, formerly, the Federal Council hardly intervened in voting campaigns, today, with the help of electronic media, the ministers concerned are becoming increasingly involved. The political parties at the national level then take a position on the proposal, whereby they seek not only to mobilize the voters but also to provide information about their basic values and to promote their image among their supporters. Due to the fragmentation of the party landscape in Switzerland, the positions of the cantonal party sections differ quite frequently from the position of the party at the national level. Interest groups such as professional, industrial, environmental and social organizations are further participants. The emphasis of their activities is placed on their members, but they often make their position known to the general public as well. The positions of these groups are more closely tailored to the specific interests of their members than those of the political parties. Many interest groups have considerably more financial and human resources at their disposal than the political parties. Finally, the media provide a forum for supporters and opponents of a proposal, give comments on their own behalf, or support one or the other side of the campaign. While the party press has practically disappeared, television plays an increasingly important role, both through political and agenda setting in the voting campaigns (Kriesi 1994, 2005).

Voting propaganda is defined as political information designed to forge the majority desired by those who pay for it. It is financed in part by the political parties, but to a much larger extent by directly affected interest groups (Ursprung 1994). Such propaganda often makes use of undifferentiated, simplified

slogans that have little to do with the content of the bill. Its purpose is to create emotional and associative effects through the use of slogans, polemics and strong images (Gruner/Hertig 1983). The professionalization of political communication has brought alternatives to the short-term, emotionally charged voting campaign (Longchamp 1991). Actors with considerable financial resources engage in long-term information campaigns with the aim of creating the best possible changes of public opinion for the vote. Alexander Trechsel's contribution on popular votes will provide an answer to the question raised by Hertig (1982) as to whether votations can be bought, and it will discuss the determinants of success, including official information, slogans of the parties and interest groups, the media and propaganda. It is vital to note here that Switzerland – as opposed to, for example, certain American states – does not have legislation on voting propaganda, despite the fact that the campaign budgets of the «yes» and the «no» sides are often disproportionate. If the financial dominance of one side reaches a proportion of 10 to 1 or 20 to 1, one can no longer speak of equal opportunity in a popular votation.

8 Comparative Aspects

Elements of direct democracy can be found in many countries (Butler/Ranney 1978; Möckli 1994). However, countries in which regular, constitutionally required referenda are held remain the exception. Switzerland is comparable to most American states, which have adopted the Swiss model of the referendum and the popular initiative, to which they have added the right to recall authorities. The latter could also be found in the cantonal constitutions of the 19th Century, but it was largely abolished during the 20th Century. As has been shown by Möckli (1994), in some states, such as California, popular initiatives and referendums are used even more intensively than in Switzerland. Moreover, there have been similar findings with regard to the effects of direct democracy (Cronin 1989; Linder 2005):

- The effects of popular votes on decision making are overestimated by both proponents and critics of direct democracy. In particular, referenda and initiatives do not imply «legislation by the people». Instead, they have more of a corrective influence on parliamentary policy.
- Compared to parliamentary decisions, direct democracy leads neither to unsound legislation nor to the violation of minority rights;
- Direct democracy can enhance government responsiveness and accountability.

- Rather than strengthening the political parties with larger, general interest programmes, popular rights strengthen single-issue and interest groups.
- Money is, other things being equal, the single most important factor determining direct legislation outcomes.
- Two important differences emerge from the comparison with the American states and with other countries in general:
- Switzerland is the only country with a constitutional order that gives the people the last say in the most important decisions of national politics. Moreover, there are no exceptions to this rule, such as for national security or foreign policy.
- In the American states, the referendum and the initiative remain complementary instruments that have not led to a change of the majoritarian system with a strong executive branch. In contrast, popular rights in Switzerland have had a lasting effect on the decision-making process and have transformed the system from a majoritarian system into a power-sharing and consensus democracy (*Konkordanzdemokratie*).

9 Concluding Remarks

With its elements of direct democracy, the Swiss political system differs considerably from the universally prevalent model of representative electoral democracy. The initiative and the referendum are more than just a gas- or brake-pedal of a motor car. While the popular initiative enlarges the realm of the politically thinkable and feasible, the referendum dampens the upturns and downturns of the political conjuncture. Both contribute to a culture of deliberative and discursive democracy (Müller 1993). Popular rights today are one of the most valued elements in Swiss political culture. Nevertheless, this political culture has not enhanced democratic ideals outside the realm of political institutions. It is doubtful that Swiss schools are more «democratic» than Danish ones; and the formal co-determination rights of workers in Swiss firms are, in part, less extensive than those in other European countries. International comparison shows that a culture of participation can develop through means other than direct democracy. Nevertheless, the Swiss example contradicts the commonly held belief that the direct participation of the people in political decision making is impossible to realize in the complexity of modern industrial society.

The significance of popular rights, then, lies in their effect on the system of concordance, on political power sharing among parties and, in particular, in the institutionalization of negotiation as the fundamental mechanism of conflict resolution. Direct democracy lets the different cultural segments of a heterogeneous society participate in political questions of common interest. This inte-

grative force was important for the cohesion of Swiss society in the 19th and the 20th Centuries. On the other hand, the system of concordance has a limited capacity for innovation, which has been criticized by the political scientist (Germann 1975) as well as by the economist (Borner 1990) as a hindrance to international competitiveness in the age of globalization. Their suggestion to intensify political competition by establishing a bi-polar system can only be put into practice at the expense of direct democracy, and therefore stands little chance of political success. Indeed, the political trend until now has been in favour of an expansion of popular rights (Borner/Rentsch 1997). Moreover, recent comparative studies show that the capacity of concordance systems for innovation and decision making has so far been underestimated (Keman 1995).

Despite intensive debates regarding the institutions of direct democracy, reforms of the popular rights in the last decades were modest. On the one hand, curtailments of the popular rights are not feasible, as an overwhelming majority in parliament (not to mention of the people) are against such proposals. On the other hand, when the Parliament discussed the total revision of the Swiss Constitution in the 1990s, it was reluctant when it came to the reform of the popular rights. The effects of the modest reform of 2003 are yet to be seen.

The real challenge, however, comes from the increasing interdependence of domestic and foreign policy. The previous dialogue between authorities and the people is increasingly being joined by a third party, be it the EU, the WTO or other international organizations. This new situation with three instead of two interlocutors – the people, the Government, and international or supranational actors – implicates opportunities, risks and uncertainties for direct democracy which so far have hardly been studied, let alone discussed in public, although their effects are already being felt.

Notes

- 1 Many other approaches were defeated, such as the introduction of the 'law initiative' (1872 and 1962), the finance referendum (1956) or special referenda in controversial fields of responsibility (water concessions 1956, nuclear armament of the army 1963 or defense 1987, expenditure, construction of motorways 1978 or construction of nuclear plants 1979).
- 2 For an overview of the history of the referendum practice and its implications to the political system, see Neidhart 1970. For a critical view, see Auer and Delley 1978.
- 3 The most important monographs are: for the period from 1891 to 1939, Sigg 1978; and for the post-war period up to 1975, Delley 1978 and Werder 1978.
- 4 The most important longitudinal studies are: Papadopoulos (1994), who analyzed all popular votes from 1970–1987; and Kriesi (2005), who analyzed the VOX-data from 1981–1999. For an overview on the current research situation, see Linder (2005).
- 5 For a critical assessment, see Germann 1991: 257–270 and chapter 2.1 Federalism of this volume.

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2.3 The Parliament

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