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Wirtschafts- und Sozialwissen-
schaftliche Fakultät
Departement Sozialwissenschaften
Institut für Politikwissenschaft

Strengths and weaknesses of direct democracy— The case of Switzerland, and beyond

1. Direct democracy: The Swiss contribution to a controversial issue in political theory

Throughout the world, democracy is now the accepted form of government *for* the people. Government and Parliament are responsible for running the state, but they are elected by the people and their democratic legitimacy derives from this. However, this is a limited model of democracy. The participation of the citizens is essentially confined to the act of voting, an act with two key implications. First, because the Parliament represents the majority of those who vote, it ensures democratic legitimacy and a willingness on the part of the citizens to accept collectively binding decisions. Second, elections at regular intervals enable the electorate to vote out the governing majority if it is disappointed with its policies and bring the opposition to power. This simple model of electoral democracy has proved extraordinarily successful. Indeed, there are voices that maintain that it is precisely because of the restrictions inherent in this form of democracy that the current global wave of democratisation has been possible.

In contrast to this "realistic" model of democracy, there is a "utopian" model: this is democracy *by* the people, in which the citizens collectively seek to exercise the greatest possible control over all political decisions. This was precisely the position put forward by two of the fathers of the American constitution: Benjamin Franklin and Thomas Jefferson, sceptical towards all state power, placed their trust in the common sense of the people and demanded that the enfranchised citizens should exercise the greatest possible control over all political decisions. John Adams and James Madison took the opposite view. The state should be governed by competent and responsible representatives of the people who would moderate the influence of the unpredictable and less well-informed masses.

Initially, the view of Adams and Madison prevailed. As mentioned above, the model of representative or "indirect" democracy has taken root everywhere. But the position taken up by Franklin and Jefferson is certainly not just a footnote in the history of ideas. In the 19th century, the Swiss cantons and the Swiss Federal Government led the way by introducing elements of direct democracy – referendums and popular initiatives - the right of citizens to petition for a referendum – into their constitutions. Somewhat later, individual states in the USA also adopted forms of direct democracy. These elements give citizens a voice in important political decisions as well as the right to vote in elections. But interest in direct democracy has also been growing in other countries. At the beginning of the 3rd millennium, we count more than 100 national referendums yearly in the world (not considering those in Switzerland).

Thus, from a global perspective, Switzerland with its votations is certainly not unique, as is often claimed, though it is an exceptional case with its features of direct democracy. Together with individual states in the USA, Switzerland has developed a system in which popular initiatives and referendums give citizens the opportunity to participate regularly in the political decisions of their parliaments. In addition, Switzerland is the only country that enables its people to participate in decision-making at all levels of government, from local to national. Furthermore, in Switzerland, citizens have an *a priori* right to vote on every conceivable issue, from speed limits on motorways to the abolition of the army.

Switzerland has gone further than any other country in its development of "democracy by the people". For this reason, the Swiss are justifiably proud of their institutions. The stability and the success of semi-direct democracy provide enduring confirmation of Jefferson's belief in the people's powers of judgement, and as such serve to strengthen self-confidence. Contrary to widespread prejudice, the example of Switzerland shows that direct democracy is also possible in a complex, highly-developed industrial society.

2. Swiss institutions of direct participation

Our political analysis must begin with the institutional devices of "democracy by the people". The Swiss Constitution provides three main instruments for direct participation of the people:

a) The Constitutional referendum

Every amendment of the Federal Constitution and some international treaties, proposed by the two Chambers of Parliament, are subject to a popular vote and have to get a majority of the people and the Cantons to become valid. As examples: The cantons and the people in 1999 accepted a new Fed-

eral Constitution but in 1992 refused the proposition of the government that Switzerland become a member in the European Single Market.

b) The Optional referendum

All ordinary laws are subject to an eventual referendum: If 50'000 citizens demand a referendum within three months, a popular vote on the law has to be held. It has to get the majority of the voting people to become valid. Thus, the people for instance accepted bilateral economic treaties with the EU but rejected privatisation and liberalisation of electricity industries.

c) The Popular Initiative

100'000 citizens can sign a proposition for an amendment for the Constitution.

The Federal Council (government) and the two Chambers of Parliament then give propositions whether to accept or to reject the popular initiative. If they are opposed to the proposition, they can put forward a counter-project but are not allowed to change the wording of the popular initiative. The popular initiative has to get a majority of the voting people and of the Cantons (the majority of each canton counting as one vote) to become part of the revised constitution.

As examples: in 2002, a popular initiative demanded UN membership of Switzerland; it was supported by the government, the parliament and in the popular vote. The popular initiative on the abolition of the Swiss army, however, was refused in 1989.

3. The effects of direct democracy on decision-making

The following table shows some statistical hints on the use of the direct democracy instruments:

Referendums at the Federal level 1874 - 2007

	Total of votations	Approved "Yes"	Rejected "no"
Constitutional referendums	206	154	52
Optional referendums from 2336 laws (1874-2006)	161	88	73
Popular initiatives	162	15	147

Sources: Federal Statistical Office; Federal Chancellery

As can be seen from the table, the constitutional referendum is the most frequent of the three instruments. In accordance with Article 3 of the Swiss Constitution, all new duties and obligations of the Swiss Federal Government require the approval of the people and the cantons. As a result, the course of constitutional development of Switzerland has been subject to the controls of direct democracy. More than a quarter of all projects of parliament to amend the constitution were rejected. This high proportion shows that constitutional politics are often very contentious. Notable examples have included women's suffrage (1957 and 1971), or, more recently, the rejection of membership of the European Economic Area in 1992. Financial proposals are another contested area. Switzerland is probably the only country in which the state does not have a permanent right to levy income tax from its citizens, but has to renew this right at regular intervals. Thus, one could say that the referendum functions like the brakes of a car: citizens reject projects that, in their eyes, are too innovative. There are solid grounds for the belief that the "braking effects" of the constitutional referendum are the reason why, by international standards, Switzerland's federal government has relatively few powers, state spending is low and the social welfare system is modest.

The optional referendum against ordinary laws is less frequent. The reason is the following. When drafting laws, Parliament can never be sure whether some group will seek a referendum and the people will then "apply the brakes". Government and Parliament try, therefore, to minimise the risk of a referendum by reaching a compromise between all the important political groups. As the figures above indicate, this approach is generally successful: referendums have been held on only 7 per cent of all proposed bills since 1874. In other words, in the vast majority of cases, all groups in Swiss society are satisfied with the Parliament's compromise. However, if opponents challenge the law by an optional referendum, the legislative process is no longer under Parliament's control: the opposition has a 50 percent chance to win against the project of the parliament.

Both constitutional and legislative referendums have a restraining effect on the political elite, be it from the right or the left. Neither side can easily push through innovations; compromise militates against sweeping measures and is a fact of political life. On the other hand the veto power of the referendum is counterbalanced by the popular initiative. The latter is used by those groups that are not successful in the parliamentary arena. The popular initiative is to some extent the accelerator pedal, with which things can be speeded up and new paths found. In the past, the popular initiative was often used by the left-wing minority to raise issues that had no chance of support from the bourgeois majority. Today it is used mainly by single-issue groups. However, the popular initiative is a fairly blunt weapon. As can be seen from the table, only one in ten are approved by the voters. But even failed popular initiatives occasionally bear indirect fruit; Parliament sometimes takes some of their demands into consideration in later legislation.

Contrary to the euphoric expectations of the 19th century, referendums and initiatives have not resulted in "people's legislation". The crucial players in the political decision-making process in Switzerland are the Parliament and the Government, not the people. To this extent, the Swiss system functions like any other parliamentary democracy. However, through referendums, the people exercise different kinds of control over parliamentary decisions. This control is mandatory in the case of the most important decisions, i.e., those that affect the constitution, and optional in the case of important laws, while simple decisions by Parliament and the Federal Council, i.e., those with a more limited scope, are not subject to referendum. In this way, the development of the constitution in the 19th century found a convincing solution to the fundamental problem of selection: In which of the decisions should the people have a voice? The answer is, definitely not in every decision, but always in the *most* important decisions, and, when they wish, in important decisions. This criterion of political importance permits a sensible distribution of authority over final decisions. In the most important questions, authority lies with the people, in less important questions it is due, as a rule, with the Parliament, and the remaining with the Government. Each of the three organs – the people, the Parliament and the Government – has the democratic right to the last word in certain matters. This is why the Swiss characterise their system as a type of "semi-direct democracy".

4. The effects on the system

So far we have looked at the direct effects on decisions of the people's rights. Just as important from a political scientist's point of view are, however, the indirect "systemic" effects (Linder 2002). From a historical perspective, the introduction of the referendum in 1874 radically altered the Swiss system. Up till then, the single-party Radical government with its parliamentary majority could manage things pretty well as it pleased. The right of referendum soon proved a powerful weapon in the hands of the Conservative minority, which used it to defeat one piece of Radical legislation after another. The referendum system made simple majority politics impossible. Henceforth, it was necessary to seek as large a majority as possible by incorporating all the forces that might resort to a referendum. This enabled the integration of the Conservatives, the People's Party and later the Social Democrats into the once Radical-ruled state. In 1959, this development led to the current consensus system, based on the "magic formula" of the four ruling parties in the Federal Council as well as a pre-parliamentary procedure in which political compromises are worked out with the cantons, the political parties and interest groups.

The significance of the referendum, therefore, lies less in the 7 per cent of cases in which it has been used, than in the 93 per cent of cases in which it has been avoided through negotiation and compromise. The referendum thus gives organisations a powerful weapon with which to press for their demands. It is often said that the right of the people to a referendum has been transformed into the right of interest groups. This is indeed one of the major criticisms made by political scientists. On the one

hand, it is said that the referendum, sort of a veto device in the hands of so many organisations, has become too strong a brake on the system, with the result that decisions are reached only very slowly and innovation has become very difficult. On the other hand, the ability to call for a referendum increases the strength of well-organised interest groups and those who are prepared for confrontation. Long-term collective interests and the interests of the have-nots are not represented at the negotiating table and are therefore ignored.

Justified though this criticism may be, it has not managed to dent the popularity of the people's political rights. Nor is there any dispute about another aspect: up to now referendums have had a generally integrative function. They are the main reason why Switzerland with its consociation became a model of "consensus democracy". Instead of a competitive model with changing majority governments, Switzerland has an all-party government whose composition does not change. Opposition is only possible in individual instances: when one or more parties decide to vote against a motion. Consensus democracy facilitates constant compromise with the linguistic and cultural minorities in our society. In addition, it is the political complement of the social partnership that labour and capital have negotiated to resolve their conflict of interests.

5. The people: Able and willing to participate?

On referendum weekends, the result is always announced with the words: "The sovereign has decided". Who is the sovereign? Firstly, it comprises only Swiss citizens, including registered voters living abroad. Foreigners, who make up more than 20 percent of the Swiss population of about 7 million inhabitants, and people under the age of 18 are not entitled to vote. Of the remaining 70 per cent of the population, on average 40 per cent cast their vote. In cases where the result is close, the "deciding" majority may be nowhere near half of the population, as low as about 15 per cent. This is, however, considerably better than the situation before 1971, when only men were allowed to vote and salient issues were decided by 5 to 7 per cent of the population.

Thanks to regular surveys, we know the profile of the electorate. About one-quarter of the respondents describe themselves as regular voters, about half as occasional voters, and a good 20 per cent as non-voters. The socio-demographic distribution is by no means even. People with a low level of education, low incomes and in lower status occupations often feel that the complex proposals are too much for them and participate noticeably less. Consequently, direct democracy is to some extent a middle-class democracy. From a normative perspective of democratic theory, uneven participation is a more important problem than low participation rates of the whole electorate. If direct democracy is not to become the preserve of the middle and upper classes, the procedures and the subjects of referendums must be kept simple. Even though, there is little evidence that the referendum results would be different if the socio-demographic distribution of active voters were more balanced.

About two months before the vote, the voting campaign is to start. Protagonists of a referendum are mobilising. The political parties and interest groups take position and are campaigning for yes or no. The stake-holders run their professional campaigns and provide finance for propaganda in the media. Newspapers, radio and TV provide arenas for pro's and con's, journalists explain facts and give comments. The government's information brochure contains not only the arguments of the parliament's majority but also the arguments of its minority. Members of the government, who enjoy high prestige and credibility, normally support the parliament's proposition.

Out of this mixed chorus of information, propaganda, party slogans and recommendations citizens have to make up their own minds. How do they decide? Do they form their opinions on the basis of solid arguments, or do they succumb to propaganda which employs simple, emotional and at best distorting slogans which have little to do with the issue at hand?

Current analyses indicate that part of the voters, indeed, follow simple propaganda slogans or "cues" (Kriesi 2005). The influence of propaganda, however, varies from referendum to referendum. On so-called pre-disposed issues, where voters apply their own experience, moral convictions and interests – for instance, on the question of whether it should be compulsory for drivers to wear seatbelts – propaganda has little effect on voters' opinions. The situation is different in the case of non pre-disposed issues. This can be complex problems on which voters have no own experience— as for instance on financial policies of the government. In such situations the propagandists use associative and emotional stimuli to position the issue exactly where they want it in the minds of the voters – sometimes with great success. In such cases, these professional campaigners appear to be more effective than party slogans, newspaper editorials or the appeals of Government ministers.

A considerable part of citizens, however, makes good use of the available information. For a good part of the questions at stake, voters have a fairly well understanding of the issue and can give coherent arguments for their choice. Sometimes, however, when the subject matter is too complex, many voters feel that it is beyond their ability to reach a decision. This highlights the importance of the political elite, who is responsible for the information that voters get in the campaign. The elite decide on the contents of the campaign. They have an interest to clearly articulate the conflict of interest in the issue at stake, and sometimes heat up fundamental cleavages. Even so, they bear responsibility that they do not heat up deep social divides too much, and that factual information does not get lost in the controversial issue.

What are the motives that move voters? Do the Swiss vote with their purses, their hearts or on the basis of traditional ties? Social science research contains three schools. According to the oldest – sociological – approach (the Columbia school of Lazarsfeld), social organisations such as trade unions, other professional organisations and political parties provide the different occupational groups

and social classes with permanent and credible orientation and so also influence their voting behaviour (Lazarsfeld et al. 1944). The economic school of rational choice (Downs 1958) opposes the idea of class- or group-oriented behaviour. According to this school, voters maximise their own individual benefit and vote Yes or No on this basis. The crucial factor is not the traditional ties but the voter's purse. According to the third school, (the Michigan school of Campbell) that of social psychology, individuals also develop certain permanent preferences at the political level, for example between Left and Right, or identification with particular politicians or parties, and these influence their attitudes toward individual questions (Campbell et al. 1960). Studies show that each of these three approaches provides some explanation for voters' decisions. Depending on the issue to be decided, people's political behaviour is determined by traditional ties, by self-interest, and by politically mediated values that seek to generate solidarity or altruism. There is, therefore, no general answer to the question whether the Swiss vote more with their hearts, their purses or on the basis of traditional ties. It depends.

6. Semi-direct democracy – the best of all worlds?

Still today most political thinkers – for instance, the Italian political scientist Giovanni Sartori (1987) – regard direct democracy as an impossible, and even more, an impractical pursuit. In their view, the average citizen is at most able to judge the qualities of politicians, not to take political decisions. By recognising people's rights to referendums and to petition for referendums, the obstinate Swiss have achieved a piece of democracy that is elsewhere regarded as utopian. Is Swiss democracy not only different, but also better than other forms of democracy?

At a first glance, comparative European data on political culture appear to produce contradictory conclusions. The Swiss have greater confidence in their Parliament, Government and judiciary than do citizens in most countries. They are also more likely to believe that their vote can help to change policies. But the Swiss are not in general more inclined to participate than other Europeans, a fact reflected in the low turnout of voters in Switzerland. In the elections of parliament, less than half of the electorate goes to the polls. This turnout is about 30 per cent lower than that in neighbouring countries. The most important reason for this is that elections in Switzerland are not very important, because no matter how hard parties attack each other in their election campaigns, they collaborate anyway again in an oversized coalition. Thus, not very much will change in the composition of the Government and its policies. People know this. And, as we have seen, it is a consequence of direct democracy. The existence of referendums exercises a pressure for co-operation of the political parties in an oversized coalition and for political consensus amongst them.

This takes us to an important point. Referendum democracy can complement electoral democracy – but the strong influence exerted by the Swiss in referendums is at the expense of the influence of elec-

tions. The British live with the opposite situation. If they vote out the Conservatives and vote in Labour, there is general expectation of major political change, which affects even the stock market. And the power of the ruling party to realise its governmental program is strong because there are no referendums in the UK. The British, therefore, exercise maximum influence at election time, but then have nothing more to say until the next election. My thesis, therefore is: in a democratic system one cannot maximise both the influence of elections and the influence of referendums; the strength of one must be at the expense of the other. Accordingly, it is impossible to decide *a priori* whether Swiss or British voters have greater political influence; it depends on the preferences of the voters. Electoral democracy is more likely to offer a variety of alternative political programmes, whereas, in a referendum democracy, voters' influence on individual concrete decisions is likely to be higher.

The Swiss clearly feel a strong wish for control over concrete political decisions. Given this, it is surprising that direct democracy has had little influence on other spheres of society. It cannot be said that Swiss schools are "more democratic" than German or American schools. In the economic sphere, Swiss employers reject any trade union interference in their corporate affairs, notwithstanding the social partnership between employers and employees. Employees' formal rights of co-determination are much less far-reaching than in Germany, for instance.

7. Light and shadows on direct democracy

The US constitutional lawyer and political scientist Thomas E. Cronin has summarised the effects of direct democracy in the individual states of the USA in a series of key statements (1989:224ff.):

"Direct democracy

- can enhance government responsiveness and accountability,
- has not brought about rule by the common people,
- does not produce unsound legislation and unwise or bad policy,
- can influence the political agenda in favour of issues important to less well organised interests,
- tends to strengthen single issue and interest groups rather than political parties with larger, general interest programmes, and
- money is, other things being equal, the single most important factor determining the direct legislation outcomes ... "

This subtle assessment of the effects of direct democracy certainly holds for Switzerland too. In Switzerland, though, the people have a direct voice not only in local and domestic political questions, but also in decisions that have national and international repercussions, something that has been consistently rejected in the USA. The right to referendums and to popular initiatives gives the Swiss people far greater powers than US citizens have. Semi-direct democracy in Switzerland takes greater risks, which may also make it more vulnerable.

With regard to Switzerland, I see two critical points. The first concerns the role of money and propaganda. Generally it cannot be said that referendums can be bought with money. But propaganda is an important factor in any campaign, and if it is concentrated on one side it creates a very uneven playing field. If resources are unequally distributed, e.g., in a proportion of one to 20 – which is not unheard of – the egalitarian democratic power of the people – one person, one vote – becomes distorted by the unequally distributed power of money. The increasing professionalisation of political marketing – which even today uses long-term campaigns to influence public opinion – exacerbates this problem. The second point concerns the question of foreign affairs. With the advance of global liberalisation, the borders of former national economies become permeable, and the control of individual states over the circulation of capital, goods, services and information is diminishing. This means that formerly “domestic affairs” become internationalised and are subject of international treaties. The rejection of international treaties in a popular vote, however, bears considerable risks: Contrarily to domestic law, the government cannot guarantee that an “improved” version of the treaty can be submitted to the people because the international partner may not want to re-negotiate at all.

In sum, we can illustrate the lights and shadows of direct democracy as follows:

Chances and risks of Swiss direct democracy

Chances	Risks
<ul style="list-style-type: none">- Gives the proof that direct democracy and political stability can be achieved both- Gives the proof that people can make reasonable direct political choices- Gives high legitimacy to the political system- Keeps the State efficient and bureaucracy small- Binds political elites back to the preferences of the people	<ul style="list-style-type: none">- Depends on „reasonable“ political parties and political elites- Is ambiguous with regard to deep cleavages and divides- Makes elections less important, less decisive- Has a middle class bias with regard to people's participation- Has made its proof with regard to domestic politics– but may become risky in foreign affairs

8. Beyond the case of Switzerland

While many politicians and political scientists are still sceptical with regard to the ability of the ordinary citizen to participate in political decisions, direct democracy has become a global trend. In central and eastern Europe, referendums have served to establish and to consolidate the new democratic constitutional order. Members of the EU like France and Denmark used referendums in questions of institutional reform. In Brazil and other developing countries, “participative budgeting” has become a device for direct participation of the local people in municipal affairs. Thus, direct democracy makes progress in different situations and for different purposes.

Even so, we have to make an important distinction. In Switzerland or in the US states, the categories of decision for an obligatory referendum are defined by the constitution, or are triggered by a number of citizens who collect the signatures for an optional referendum or a popular initiative. This is direct democracy “bottom up” and leads to some controls of the political elite. Many of the new referenda devices as in France, Denmark or Italy, however, are plebiscites, i.e. referenda initiated by the government or the presidency. Such plebiscites are a kind of direct democracy “top down”: They are used by political leaders in order to give their decision better legitimacy, as in the famous case of General de Gaulle who, as President of the French Fifth Republic, sanctioned the end of the colonial regime over Algeria in 1962 by a plebiscite.

Of course, “top down” plebiscites can be rejected by the people as “bottom up” referenda, and when president de Gaulle lost his second plebiscite on a regional reform in 1969, he retired as president. Even so this reveals clearly the character of the plebiscite: political leaders use it if chances are good for support and legitimacy of political leaders.

Plebiscites slightly alter their function if they are combined with the threshold of a majority turnout. At first, one could imagine that this requirement gives the vote the authenticity of the “true majority will”. However, it opens the door to political manipulation. As can be seen from the Italian practice, the opponents can easily win a case by the simple slogan: “don’t vote”. This is unfair in the sense that opponents do not have to argue or can hide their true arguments. Moreover, with their call for non participation, political elites can devalue the instrument of the plebiscite, and voters cannot develop trust in direct democracy because they never know whether their decision is valid. Renouncing on turnout thresholds, on the other hand, is a better incentive for participation because people know that their vote is valid at any rate, and it prevents manoeuvres amongst the political elite.

What can be learnt from the experience of Switzerland? Certainly, the long standing Swiss experience gives many insights in the mechanisms of the institutions of direct democracy and in political behaviour of voters as well. Even so, direct democracy is not an export article. It has to be developed - or even re-invented - on the specific heritage of political culture of every country.

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