Swiss Direct Democracy: A model for Democratisation or a case sui generis?

Lectures at the Universities of Warsaw and Cracow, May 9 and 10, 2011

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Direct democracy: A relevant issue today

- Old parliamentary democracies: people want more direct participation (Germany, Italy)
- Central and East-European democracies: referenda on new democratic constitutions (Hungary 1989, Baltic States etc.)
- European Union:
  - East extension of the EU 2004: nine of ten candidates held referenda
  - 2005/2008: France, Netherlands, Ireland: popular votes on EU constitution and Lisbon treaty
- Worldwide:
  - An increasing number of plebiscites and nationwide referenda
  - Citizen participation at the local level: different forms in many developing countries of Africa and South America
Switzerland: The historical Roots of direct democracy

- In 1848, 25 tiny alpine states (cantons) create the Swiss Federation
- Bottom-up state-building:
  - A multicultural state for different religious beliefs, four different languages and different history of the Cantons
  - Federalism: a “weak” central government, but “strong” cantons
  - Direct democracy: started in the 1830s with the democratisation of the cantons
- The historical reasons for direct democracy:
  - Control of the political elites by the people and co-decision in the most important parliamentary decisions
  - Rural communes and Cantons: Tradition of self-government
  - Trade unions: the bourgeois parliament made the law against the interest of the working class
The instruments of direct democracy I

> The mandatory (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.

> The optional referendum
> — All parliamentary decisions on ordinary laws are subject to an eventual referendum: If 50‘000 citizens demand a referendum within 100 days, a popular vote on the law has to be held. It has to get the majority of the voting people to become valid.
> Examples: bilateral economic treaties with the EU (accepted in 2000), privatisation and liberalisation of electricity industries (rejected in 2002)
The instruments of direct democracy II

The Popular Initiative

— 100’000 citizens can sign a proposition for an amendment of the Constitution
— The Federal Council (government) and the two Chambers of Parliament give propositions whether to accept or to reject the popular initiative
— In any case, the popular initiative is submitted to a popular vote
— 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

Examples: UN membership (accepted 2002), Abolition of the Swiss Army (rejected 1989), 12 Sundays per year without automobile traffic (rejected 1978), Interdiction of construction of Minarets (accepted 2009)
The use of direct democracy

Referendums and popular initiatives 1874-2006

<table>
<thead>
<tr>
<th></th>
<th>Total of votations</th>
<th>Approved „Yes“</th>
<th>Rejected „no“</th>
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<tbody>
<tr>
<td>Constitutional referenda</td>
<td>206</td>
<td>153 (74 percent)</td>
<td>53</td>
</tr>
<tr>
<td>Optional referenda from 2260 laws</td>
<td>160</td>
<td>87 (54 percent)</td>
<td>73</td>
</tr>
<tr>
<td>Popular initiatives</td>
<td>161</td>
<td>15 (9 percent)</td>
<td>146</td>
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The function of direct democracy in Swiss political decision-making

- **Direct democracy devices do not replace parliament** but are a supplement to the parliamentary decision-making.

- The **referendum is a car brake**: it stops the parliament’s projects if they are too innovative; it is a strong sword in the hands of all kinds of opposition: the cantons, political parties, interest groups or even social movements.

- The **popular initiative is a car throttle**: political parties and interest groups who are not successful in the parliamentary arena use it to promote their political ideas and interests. Direct success is rare, but sooner or later, some ideas of many popular initiatives are taken up by parliament.

- The risk of a referendum failure forces political parties to co-operate in a over-sized majority and to produce compromises. This has led to permanent *power-sharing in Swiss democracy*.
What happens in a voting campaign—and after

- **Promoters of a referendum** or of a popular initiative: preparing the field by mobilising
- **The political parties** and interest groups: taking position, campaigning for yes or no
- **The stake-holders**: designing professional campaigns and provide finance for propaganda
- **The media**: reasoning, explaining, giving arenas for pro‘s and con‘s, giving comments
- **The government**: usually giving support for the parliament’s proposition, using its legitimacy and prestige
- **The people**: watching, discussing, voting, or staying away
- **The decision**: a final word, legitimate, accepted by all sides, sets the end to the dispute
The People: Willing to direct participation and capable to do so?

- Average voter turnout: 45%. High or low?
- Participation rate: different for the particular social strata: lower participation of less educated, poor people, of singles, the young, and professionally non actives. “Middle class bias” of direct democracy.
- The voter between information and propaganda
  — “cue” voters, sometimes susceptible to propaganda
  — „trust“ in politicians, neighbours, professional milieus
  — High information level of a good part of citizens
  — Overload for part of citizens
Effects of direct democracy I
Similarities US states and Switzerland

> “Can enhance government responsiveness
> Has not brought about rule by the common people
> Does not produce unsound legislation and unwise 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
> Money is, other things being equal, the single most important factor determining the direct legislation outcomes”…

> (Thomas Cronin, US constitutional lawyer 1989)
Effects of direct democracy II
The Swiss experience of the past

- Direct democracy: highly valued by Swiss citizens
- Increased trust of citizens in political institutions,
- Led to integration and positive identification with the State
- Slowed down political innovation and reform (women’s political rights, welfare state)
- Small bureaucracy, low taxes, effective State
- Permanent control of political elites
Lights and shadows of direct democracy in Switzerland

**CHANCES**

- 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
- A safeguard for national autonomy?

**RISKS**

- Depends on „reasonable“ political parties and political elites
- Populism?
- Is ambiguous with regard to deep cleavages and divides
- Makes elections less important, less decisive
- Middle class bias
- Big money, no transparency
- Has made its proof with regard to domestic politics— but may be risky in foreign affairs
Lesson I: Why Swiss direct democracy is not an export product

Developed in the 19th century, Swiss direct democracy profited from a series of favourable conditions in the 20th century:

— Growing economy
— No social catastrophes (Switzerland was lucky to remain independent in World Wars I and II)
— Moderate governing political parties, respected elites
— Mass media widely supporting state policies and fostering civic culture

In general: “Export” of democracy, good governance, human rights etc., as practices by the international community, is rarely a success.

Instead: Respect. Political institutions must grow on a country’s own cultural heritage

Thus: every country is a democracy sui generis
Lesson II: What can be learned from direct democracy experiences

Many countries practise direct democracy, for different objectives, and in many forms. A comparison of these practices can provide many insights, for instance:

— On different motives for direct democracy (Eastern Europe, Africa)
— On the difference between referenda (Switzerland) and plebiscites (France)
— On binding and non binding direct participation (Switzerland-German Länder)
— On the effects of a required quorum (Italy)
— On the chances of starting direct democracy at local levels
— On the rich laboratory of direct participation in young democracies

Instead of export: learning from experience by dialogue