



Practice and Future Prospects of Direct Democracy in Switzerland

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Abstract

The economically modernized and politically stable state with a population of around 8 million people, including foreigners and minorities, Switzerland is that the part of world where direct democracy is efficiently being practiced. It is the country with the centralized structure, distributed into twenty-six cantons and three thousand autonomous municipalities. The citizens of Switzerland are highly empowered in contrast to many of their European and trans-European contemporaries. It is a state where the role of citizens in national participation is empowered to the extent that they can propose any amendment they wish in the constitution by voting for it. The most important of the decisions within the structure of direct democracy in Switzerland have been made possible through an active inclusiveness of the Swiss public. The current study entitled Practice and Future Prospects of Direct Democracy in Switzerland, however, reviews the existing literature regarding the historical background of the Swiss

direct democracy and probes into its background story. It also discusses the important facts about it and critically analyzes the features of direct democratic system in the Swiss state. The findings of the study, derived through extensive theoretical research, suggest that the direct democracy of Switzerland have proven to significantly affect not only the policies but also the political environment of the state.

Keywords: Direct democratic system; Direct democracy; Role of citizen's amendments, Municipalities, cantons.

Introduction

Though it is questioned a million times in the academics and on other different forums but due to the high variance in the systems and practices, the term 'democracy' seems to occur so vague that not any particular definition exists. There is a huge role of elitist theories and different studies about the real voting behavior that this problem of defining 'democracy' has received immense attention whatsoever (Mulgan, R. G. 1968) Precisely, it is the system where the people choose governing body for themselves and where *majority* wins over *minority*. It is, however, not as simple and unproblematic as that but there is a lot to probe about as this becomes a more complicated practice especially in the century of grand globalization (Kaufmann, Bruno, Rolf Büchi, and Nadja Braun. 2010).

Democracy, as being practiced in different regions of the world has its own norms. Generally it is discussed under two major heads; one is direct democracy in which participation of the whole population is involved, where the people vote for their favorite candidate and their decision is directly imposed. On the other hand, there is another type of democracy known as indirect democracy where people, at first, choose their representatives so that they in turn can make decisions on their behalf in the parliament and thus assure the social welfare of the society Hirano, Shigeo, and Michael M. Ting., 2018)

In this article, the direct democratic system in the Switzerland is analyzed and discussed as why this is cited as one of the classic examples of the direct democracy that is operating quite efficiently and is certainly the role model for others. The best thing that singles out the direct democratic system from

others is that the electorate is allowed to fully express their opinions regarding whatever decisions are taken by the federal parliament and not only that but they can also propose the amendments in the federal constitution where required (DiscoverSwitzerland 2017).

The article reviews the rich literature that probes the history of direct democracy and its relativity to the modern democratic system. It also critically analyzes if this system is practically applicable and what are the other countries where this system is reflected from their political structures. As a case study, it will be probing more about the direct democracy and its features that make Switzerland as overall a charismatic civilization for the world.

History of Direct Democracy

Direct Democracy

Direct democracy, which is also called pure democracy, is the direct form of government where citizen participate in the decision making by the way of direct voting based on issues rather than political parties or individuals. This is done by means of an initiative or referendum to have ballot voting directly on the issue under consideration. This ballot voting is also done for electing or re-electing the electoral office holders. It is more like a decision making political institute rather in contrast to the representative democracy (Schiller, Theo2017).

The Origin (5th Century BC)

Earliest recorded history of direct democracy is found in city-states of Ancient Greece especially in the democratic system of the Greek city state of Athens. In Athens the democratic decisions were taken by an assembly of people that constituted 1,000 male members of the city state. Athenian democracy originated in the 5th century BC. The Athenians, excluding the women and slaves at that time, gave right to the male citizens to put forward an issue, that is, the citizens were initiators. The assembly took the proposed issue into consideration and also the citizens could be called for their respective actions or the consequences of

the same. Athenian's practice and contribution to politics have played a huge role in shaping the politics of the world throughout the course of history. Even in direct democracy people need leaders to have some ideologies for establishing the system of government. Early examples of such leaders and philosophers that contributed to direct democracy include Cleisthenes, Epilates, Jean-Jacques Rousseau, Pericles and Solon among others to name a few (CUSDI.org.2018).

Modern Direct Democracy (18th Century To 21st Century):

The modern form of direct democracy originated in 1793 when French Constitution was drafted. The 1793 constitution of post- French Revolution France gave an idea of popular vote. The constitution, however, was not implemented until the early twentieth century. In 1788, the constitution was put in effect in the newly formed United States of America, which provided the written basis for modern democracy. Nevertheless, the democracy yet was not pure democracy as still only men from the upper class came forward as representatives. It nonetheless still did provide basis for future form of people's rule. The reform bill of 1831 to 1832, which amended the British electoral system, was a result of years of criticism by people against the unfair system of election. From the years 1831-1890, the cantons of Switzerland acquired referendum as a result of their decades long efforts for political reform. In 1848, Switzerland presented a constitution, thereby adopting direct democracy as its way of government, which was amended in later years. Switzerland, though, is the only country in the current time period that gives its citizens the right to propose direct reforms by the way of direct initiative (Gascoigne, Bamber. 2001)

History Of Direct Democracy In Switzerland

The Swiss Federal State is believed to be the upshot of civil war. Catholics and Protestants from 3rd to 29th November of 1847 were facing each other in the Sonderbund's war. The purpose of the war was more for the conception of state than for religious in nature. The conservative Catholics were against the centralization of the states whereas the opponents, that is, the Protestants were in favor of a centralized state so that the decisions could be taken (Nicole-Berva, Ophelia. 2016).

These 26 days long the Protestants at the end consummated war between the two groups, namely; the Catholics and the Protestants slayed hundred human beings and over their dead bodies, the war.

Switzerland became the federal state in 1848 with the adoption of a new federal constitution. This constitution did not fit the idea of 'centralized state' rather it was a sort of compromise between the two parties at that time. Holding referenda was impossible that time so the federal administration and its decisions were out of any pressure (Papadopoulos 2001). The referendum seemed to have appeared in 1874's constitution instead. Federalism however is the proposition that is observed as an appropriate way to protect the rights of minorities for Catholics were concentrated geographically and could easily apply the powers (Nicole-Berva, Ophelia. 2016).

The popular initiative was introduced in the constitution in 1891, features of which continue till today. It actually led the referendum to its next level by carving the whole political system from government or majoritarian democracy to the Swiss "referendum democracy". Proportional System for the election of the National Council was introduced in 1918, which eventually made it possible for the minor groups to have some of their representation in the parliament. Furthermore, the citizens were allowed to be involved in the decisions regarding foreign policy with the introduction of the referendum on international treaties in 1921 (later extended in 1977 and 2003).

It was the creation of "Resolute Referendum" in 1949 that declared the ability of Federal Administration to protect decisions from exposure to referendum as an "emergency measure" and restricted the Federal Administration against it. However, every case gives a lesson about direct democracy's feature that the innovations can not only use the initiative right to extend but it can also limit itself (Gengel, Florian. 1862).

The results of the four referendums that were held in Switzerland since 1848 to 1999 are summarized in figure 1 below, which is the important part of the history of Switzerland's direct democracy that needs to be conferred here.

YES -Votes – Swiss Constitutional Referendums

Cantons	1848	1872	1874	1999
Aargau	70%	62%	65%	49%
Appenzell Ausserrhoden	78% ^a	37%	83%	45%
Appenzell Innerrhoden	7% ^a	7%	14%	34%
Basel-Landschaft	90%	84%	87%	66%
Basel-Stadt	88%	81%	86%	76%
Bern	77%	69%	78%	62%
Freiburg	Ja ^b	22%	21%	73%
Genf	82%	37%	77%	86%
Glarus	100% ^a	74%	76%	30%
Graubünden	Ja ^c	43%	53%	52%
Jura	-	-	-	76%
Luzern	59% ^d	35%	38%	57%
Neuenburg	95%	47%	93%	70%
Nidwalden	17% ^a	13%	19%	41%
Obwalden	3% ^a	7%	17%	47%
St. Gallen	68%	50%	57%	48%
Schaffhausen	79%	94%	97%	42%
Schwyz	25%	15%	18%	34%
Solothurn	62%	62%	65%	53%
Tessin	27%	46%	33%	72%
Thurgau	87%	84%	83%	40%
Uri	14% ^a	4%	8%	40%
Waadt	82%	6%	60%	76%
Wallis	40%	13%	16%	50% ^e
Zug	33%	29%	40%	54%
Zürich	91%	81%	95%	62%

a) Landsgemeinde, estimate

b) Decision of the Great Council

c) 54:12 "Committialstimmen"

d) Non-votes were counted as YES -votes

e) 18,905 YES -votes : 19,073 NO -votes

Figure 1

SOURCE: <http://www.activatingdemocracy.com/topics/history/creation-of-chdd/>

Basic Facts And Features Of Switzerland's Direct Democracy

The features of Swiss direct democracy are defined below:

At Federal Level

When it comes to Federal level two mechanisms of direct democracy are exercised that are referendums and initiatives. Both the mechanism can be meant for different outcome and have different way of execution.

Referendums

The government of Switzerland does not control the execution of referendums in the country; it has rather been stated clearly in the constitution the matters over which a referendum is to be called. Referendums are further divided into mandatory referendums and optional referendums. The mandatory referendums are those which have to be called by the government as they constitute crucial political matters.

Conditions under which a mandatory referendum is called are:

- When there is a need of total or a partial amendment in the constitution of the state. These referendum needs to be won by double majority that means a popular majority is required to pass the referendum and in addition to that that referendum must win at majority of the cantons at the same time. This is also a requirement for other conditions that require a mandatory referendum.
- Joining an organization, which involves more than a country and whose power exceeds the power of a single nation or in case of joining some cooperative security organization. These type of referendums also require to be passed by double majority.
- Putting forward and executing a federal legislation, which has its validity exceeding a year. This type of mandatory referendum also requires double majority to pass.
- When there is a need for total revision in the constitution of the state. This type of referendum only needs a popular majority by its side that it does not need to be won by double majority.
- In case of partial revision in the constitution in the form of general beliefs that was initially rejected by the parliament of the state. This type of referendum also requires popular majority.

- In order to address question of the need of total revision in the constitution both chambers of the parliament have rejected that. This type of referendum also requires popular majority only.

Conditions under which an optional referendum is called include

- Optional referendums are used when there is a need to amend or revise the federal acts. These referendums are used in case of federal or urgent federal laws whose validity exceeds more than a year.
- Optional referendums also take place in case of international treaties, which might not be ended. In case of international treaties that contain provisions which are needed to be authorized by the federal laws or which get the state a membership to international organizations get passed if 50,000 signature in favor of the issue are taken in the first 100 days else wise eight cantons request the referendum and win it by popular majority.

Initiatives

In order to propose amendment in the federal constitution initiatives are used. To get federal government and parliament carry out a referendum on a proposed initiative certain number of signatures is needed. There are different ways of proposing an amendment to the constitution some of which are discussed below:

- In case of partial revision to the constitution voters are required to submit a draft revision as a segment of the constitution for which 100,000 signatures are a mandatory requirement within eighteen months from the date of filing of the initiative for a referendum to take place.
- In case of total revision to the constitution 100,000 signatures are required in a period of eighteen months of filing an initiative in order to hold a referendum.
- A general popular initiative is also an option that also requires 100,000 signatures on general proposals for a referendum to take place.

In case of the initiatives that successfully fulfill the requirement of the signature limit the government also suggests people over the proposal. The government may introduce a counter proposal, which becomes a part of the ballot. This allows public to assess government's opinion over the matter as well. The proposal then, which wins by the majority, is passed.

Direct Democracy At Cantonal Level

Direct democracy is more extensively used at the cantonal level of the Swiss state. Switzerland has 26 cantons among which the use of direct democracy varies in general from one canton to another. At cantonment level apart from the above-mentioned ways to invite initiatives and referendums following other forms of exercising the direct democracy are used at cantonal level.

- An administrative initiative at the cantonal level provides the citizen with the right to demand any public project to be performed under the administration of public.
- A legislative initiative provides the proposer with the opportunity of coming up with additional laws.
- Another opportunity is also provided at the canton level that enables initiative to make the canton pass an initiative to the federal assembly.

If an initiative is passed at the cantonal level, the cantons then provide with legislative referendum, which might be either mandatory or optional depending on the canton where the initiative gets passed.

Things To Learn From Direct Democratic System Of Switzerland

Following are some of the features of the Swiss democratic system that makes it an example for others democracies:

- Decentralization: with the population of 8.2 million people, there are 26 cantons and 3000 autonomous municipalities in Switzerland making it a highly public oriented system.

- Representation of Minorities: all citizens including minorities are equally counted as the part of decision making. While this is an active indicator of the utmost democratic values of the Swiss state but it can also be used to understand the largely positive impact of diversity on democratic system and the administrative statecraft of Switzerland.
- Concept of Minority Parties: the concept of minority parties, for example the Green Party emerged in the Switzerland. This trend, as in the context of impact of diversity on administrative statecraft, has helped the Swiss state in conceiving new and innovative schemes and ideas for the larger good of the state. For example, the proposition of decreasing the use of PowerPoint software for making presentations, as it was economically harmful, owes credit to the minority Green Party.
- Early Votes: The dates of the votes are decided in advance and the popular votes can be held four times in one year. As a matter of fact, the dates of all the voting until the year 2034 in Switzerland have been fixed.

Citizen's Authority: the citizens in Switzerland are powerful enough to demand for the change in constitution in Switzerland (Lucchi, Micol. , 2017).

- This right is a result of the power vested in the Swiss population by its constitution which functions under the principle of direct democracy.

At the introduction of this article, it was discussed that the definition of democracy has been debated over the centuries but there is no consensus over it. What apparently makes sense is the fact that the actual democracy is, where the citizens are empowered (Schmitter, Philippe C., and Terry Lynn Karl., 1991)

Role Of Media In The Use Of Direct Democracy Instruments

Media plays a crucial role in building or breaching people's opinions, however, showing the neutral picture through this medium eventually develops the critical approach in masses themselves. They

become able to judge the candidate/party on the basis of their performance and agenda what they are offering. Furthermore, in Switzerland, people vote for the variety of social and political issues and sometimes for the amendments in laws four times in a year. There are many examples of the proposals being rejected by the majority what could bring the better results in the long run. It all depends on how people see it and people want it to be. There is no external pressure for the people.

During the times of voting/referendum in the Switzerland, the reporting on the media, whether it is television, radio or print media is unbiased. During the referendum days or the days other than them, there is no political endorsement. In fact there is no politically funded advertisement campaign runs on mainstream media. The ads, which are politically motivated, are completely banned. There is a strict code of conduct that has to be followed there to ensure impartiality. This makes the referendum results more unbiased and unswerving. People, while voting use their own mind (Schoenenberger, Christian., 2016).

Effects of Direct Democracy

In Switzerland, generally, federal referendum, which is held up to 4 times a year, provides its citizens to vote where they also participate in voting on cantonal and local level. The effects of direct democracy in the case of Switzerland can be observed considering the following outcomes:

Increased Political Participation

According to an estimate 50% or more of the referendum in the world, take place at Switzerland, which shows the political motivation and masses' trust in the system. Furthermore, the issues over which the referendums take place range from political to general, which shows the power, assigned to the majority.

These issues include:

- Putting a limit on immigration
- Construction of new airways
- Becoming a part of United Nations

- Decreasing the working hours limit
- Designing new federal constitution etc.

This has its downside as well, many referendum also result in controversial outcome as in 2009 a proposal resulted in banning the minarets over the mosques. Another referendum of 2014 resulted in ban on European immigrants. So the public popular opinion might not always be a logical opinion as well.

Publicizing the State's Concerns

Referendums may or may not reach a conclusion at first but it has an effect of capturing the attention of masses over the issue. People educate themselves better on the issue to understand the matters of the state.

Polarization of Ideas

On the other hand, these referendums may result in polarized knowledge or decision regarding the concern. Here, the populists to tilt the decision towards their opinion can use the public referendums. As majority all the time is not educated on every matter, which can be exploited.

Summarizing the effects of direct democracy, the system raises the sense of responsibility and participation among the masses and provides them with satisfaction and a system that reflects popular choice. Meanwhile direct democracy hurts minorities existing in the country on certain level as the case of banning of animal slaughter, affecting kosher meat availability and banning of minarets on the mosques.

Had Direct Democracy Made Switzerland A Better Place? (Discussion)

The citizens of Switzerland are given the legitimate right to have their say in any of the newly proposed law. For that, representatives need to gather up 50,000 signatures within 100 days of the publication of the law. The parliamentary process is highly legitimate, thus, in 96 out of 100 cases, no such referendum is triggered. The lawmakers know it very well that it has to go through a strict process of public scrutiny. This level of empowerment of the general public is what direct democracy has done to Switzerland.

Swiss citizens have direct and enough power to propose any constitutional amendment they wish. That amendment must obviously not violate any international law or human rights, otherwise they, for the betterment of their state can bring about any idea.

This level of inclusiveness is missing in many other democratic systems and that is why Switzerland's direct democratic structure is much admired. It is a lesson; all should learn that citizen friendly systems can create such powerful societies where seldom comes social and political crises. On a concluding note, what Swiss call democracy is, when few but the most important issues are decided by citizens, other important numerous matters are dealt in the parliament and the least important matters but greater in numbers are entertained by their government. What it means is that, people hold the utter most importance in the system where their opinions matter in the most important of the issues (Kaufmann, Bruno., 2007).

Conclusion

It has been debated for long that the democracy happens when the public has got enough power to propose any idea they like or oppose what they think is not in the favor of their country. However, as practical reality remains different from methods proposed on paper; this level of empowerment can be found only in the electoral campaigns and agendas but not in real. The problem is not with the people but it is merely the system's flaw. However, we see the classic example in the shape of Switzerland's direct democracy where people are held as the focal point in any of the processes involving decision making within the country. This singles out Switzerland to be the role model for other states. The referendums in Switzerland take place four times in a year. This can sometimes also tend to have some downsides for the country's political structure as well. For example, in the past many such laws have been rejected through voting which could do much good to the country. Similarly, many such laws have been implemented which somehow seemed to have more negative impact on the country's political graph.

However, on the basis of different studies it is seen that direct democracy affects not only the policies but also the political environment of the state. The outcomes of any form of government are mixed specifying the case of democracy, which is, preferred more by the masses in today's world. Direct democracy has some positive effects such as better public services, sometimes better political stability, improved macroeconomic indicators, increased levels of national productivity, increased support for the government, decreased political agitation, better adherence to civil law and peaceful environment inside the state. There is no doubt that public participation in national politics increases manifold as a result of direct democracy. People, having an active role and involvement in the matters of state, are satisfied and comparatively happier, as the outcomes of the decisions are as per the aspirations of the majority. This keeps the people from forming negative tendencies against the state or the political representatives which can greatly hamper the well being and productivity of any state. On the other hand, the state's masses, being content with the political developments in the country, direct their focus on their individual tasks as active members of the civil society. Nevertheless, the system of governance under direct democracy has few issues as well. This includes the issues of representation of minorities, polarization of the thoughts behind outcomes of referendum, properly educating public over the matters. Despite these shortcomings, such problems do not directly relate with the system of governance but are more correlated to the way issues are considered and handled by the masses and the government representatives. (Maduz, Linda, 2010).

The impacts of initiatives are worth mentioning while analyzing the effects of direct democracy. Despite the failure of a large number of initiatives, still it results in increasing awareness among the masses. The optional referendum policy forces government to opt for voting apart from the parliament rather than turning over to new legislation. Another important factor concerning the direct democracy is that the political parties here are rather weak as compared to other forms of democracy which increases the factor of transparency as the parties cannot on their own control the federal agenda.

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