

The Politics of Switzerland

Continuity and Change
in a Consensus Democracy

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4 *Direct democracy*

4.1 The institutions of direct democracy

This chapter deals with the third and in many ways most crucial institution of the Swiss political system: direct democracy. The instruments of direct democracy are not exclusive to the Swiss, in fact an ever growing number of democratic regimes use the referendum device and forms of popular initiatives (Butler and Ranney 1994; Gallagher and Uleri 1996; Budge 1996; Mendelsohn and Parkin 2001). However, nowhere are these more developed than in Switzerland. A comparative glimpse at the (numeric) importance of direct democracy at the national level reveals that Switzerland comes first among all 47 Council of Europe member states (Schmitter and Trechsel 2004: 80). Between 1960 and 2003, a total of 321 referendums were held at the national level in Switzerland. This exceeds by a factor of six the total of those coming second and third on this list, i.e. Liechtenstein (58 referendums) and Italy (57). Also, and unlike anywhere else, the Swiss institutions of direct democracy embody a truly system-formative device, greatly impacting on party competition, government, Parliament, the legislative process and policy making at all levels of the federal state.

Well before the creation of the federal state in 1848, various forms of direct-democratic institutions existed at the cantonal and municipal levels. Although early forms of local democracy go back as far as the twelfth century, it was primarily through the reception of ideas stemming from the French Revolution that direct democracy was extended, modernized and institutionalized at the cantonal level (Kölz 1992). Its transfer to the federal level took place gradually, although most of the fundamental instruments were in place by the end of the nineteenth century.¹

¹ In the following we base ourselves on the contribution by Trechsel and Kriesi (1996) who present the institutions of direct democracy in chronological order (table 4.1).

Table 4.1 *Swiss federal institutions of direct democracy*

Institution	Date of introduction	Promoter	Nature of the object of the vote	Majority required
Mandatory constitutional referendum	1848	–	constitutional amendment	double
Mandatory constitutional referendum on the principle of a total revision of the Constitution	1848	–	question of principle	simple
Popular initiative for a total revision of the Constitution	1848	100,000 electors	question of principle	simple
Optional legislative referendum	1874	50,000 electors or eight cantons	federal law	simple
Popular initiative for a partial revision of the Constitution (precisely formulated)	1891	100,000 electors	Constitution	double
Popular initiative for a partial revision of the Constitution (formulated in general terms)	1891	100,000 electors	question of principle	simple
Counterproposal to a popular initiative for a partial revision of the Constitution (precisely formulated)	1891	–	constitutional amendment	double

Optional referendum for international treaties	1921 (extended in 1977)	50,000 electors or eight cantons	international treaty	simple
Mandatory referendum for unconstitutional, 'urgent' laws applicable for more than one year	1949	–	urgent law	double
Optional referendum for constitutional, 'urgent' laws applicable for more than one year	1949	50,000 electors or eight cantons	urgent law	simple
Mandatory referendum for certain international treaties	1977	–	international treaty	double
Popular 'general initiative'	2003	100,000 electors	Constitution or law	simple
Counterproposal to a 'general initiative' framed by Parliament as an amendment to the Constitution	2003	–	Constitution	double
Counterproposal to a 'general initiative' framed by Parliament as a law	2003	–	federal law	simple

Note: all federal forms of direct democracy are binding, not consultative. A simple majority denotes that a proposal needs to receive only a majority of votes cast; a double majority denotes that both a majority of the votes cast and a majority in at least half of the cantons are needed. Also note that at the time of writing, the amendments to the Federal Constitution adopted in 2003 by the people and the concerning the newly created 'general initiative' and its forms of counterproposal have not yet been enforced.

The Constitution of 1848 already contained the mandatory referendum for constitutional amendments,² which submits any amendment of the Constitution to the approval of a double majority of both the people and the cantons. The requirement of a double majority is a direct consequence of the country's federal structure and was initially designed as a safeguard against the 'tyranny of the majority' by the most populated cantons. As we have seen in chapter 3, this increasingly creates tensions between the democratic and the federal principles: the growing asymmetry in population within the cantons gives a powerful power of veto of a relatively small proportion of the people. The Constitution of 1848 also contained a very limited version of the popular initiative, whereby a fraction of the electorate – 50,000, now 100,000 electors – can simply demand a vote on the principle of a total revision of the Constitution.³ Such a vote only requires a simple majority of the people to pass, as agreement with the principle does not, in itself, alter the Constitution.

In 1874, the Constitution was – for the first time – totally revised. One of the most significant changes made was in the realm of popular rights, with the introduction of an optional legislative referendum. The introduction of the optional referendum was a consequence of a broad democratization movement at the cantonal level that had led to the consecration of this instrument in a number of cantons during the 1860s (Linder 2007: 102f.; for a detailed account, see Kölz 2004: 614ff.). Also, the optional referendum was seen as a compensatory mechanism for the centralization of competences contained in the Federal Constitution of 1874 (Auer *et al.* 2006: 265). The holding of a referendum on any change to federal legislation can be requested by 50,000 voters⁴ or eight cantons within a period of 100 days⁵ after the publication of the law. Such a referendum only requires a popular majority for the modified law to be subsequently enforced.

The institutions of direct democracy were greatly extended in 1891 with the introduction of a popular initiative for the partial revision of the Constitution. Such initiatives can take the form either of a fully

² Article 140 Federal Constitution.

³ Article 138 Federal Constitution. Such a vote also has to take place if a procedure to totally revise the Constitution is supported by one chamber of the Federal Parliament while refused by the other (article 140c Federal Constitution).

⁴ Until 1977, the required number of signatures was 30,000.

⁵ Until 1996, the period for collecting the necessary signatures was ninety days.

formulated proposal or, alternatively, of a proposal that simply states a general goal of changing the Constitution.⁶ Both forms require 100,000 signatures to be gathered within a period of eighteen months.⁷ Parliament then examines the validity of the initiative, decides on its political desirability (issues a recommendation to accept or reject the text), and must submit it to the vote of the entire electorate. The parliamentary review process only takes into account a very limited number of mainly formal requirements for the validity of an initiative. Hence, the invalidation of a popular initiative is extremely rare. The Federal Parliament may, however, formulate a counterproposal to the initiative (unless it is formulated in general terms), in which case the electorate must choose between the adoption of either one of the two proposals or the *status quo*. As noted above, since formulated initiatives and counterproposals aim at a partial revision of the Constitution, a double majority must be attained for their adoption. In the case of an initiative that simply states a certain aim, Parliament can either accept or reject it. In the first case, the Federal Parliament elaborates a constitutional amendment which translates the aims of the initiative and which must be submitted to the verdict of the electorate and the cantons. In the second case, the popular initiative is submitted to a popular vote and, provided that it is supported by a simple majority of the people, the proposal must be implemented by Parliament in a concrete constitutional amendment (which, consequently, must be submitted to the approval of both the people and the cantons).

As mentioned earlier, by the end of the nineteenth century, all major forms of direct-democratic instruments – the mandatory and optional referendum, the popular initiative and the counterproposal – were in place. Subsequent modification of the institutional landscape merely extended these instruments. A first extension of the optional referendum was adopted in 1921 when international treaties of unlimited duration were included in the set of legal acts to be submitted to the referendum process.⁸ Since 1977, the optional referendum has also applied to international treaties that cannot be revoked or that cause a multilateral legal harmonization. At the same time, a majority in Parliament obtained the right to submit any other international treaty

⁶ Article 139 Federal Constitution.

⁷ Until 1977, the required number of signatures was 50,000 and no signature-gathering period was prescribed.

⁸ Article 141 Federal Constitution.

to the optional referendum process. In 2003, this latter provision was abolished and replaced by a provision stating that ‘any international treaty containing important legal provisions or causing the elaboration of federal laws’ must be submitted to the process of the optional referendum. Moreover, since 1977, joining an international organization of collective security, such as NATO, or a supranational community, such as the EU, has been subject to approval by a double majority in a mandatory referendum.⁹

As Linder (2007: 105) notes, since 1874, the optional referendum has been able to severely delay the enactment of certain federal laws. This led the federal government, especially during the economic crisis of the 1930s, to abusively apply the ‘urgency clause’, whereby federal legislation could bypass the referendum procedure. In 1949, thanks to a popular initiative, the initial potency of the referendum device was restored. From this point on, mandatory referendums have had to be held on any urgent law that is not in conformity with the Constitution and whose validity exceeds one year. If the urgent law is in conformity with the Constitution but is intended to remain in force for more than one year, then it has to be submitted to the optional referendum procedure.

In 2003, the institutions of direct democracy underwent limited reform. Besides cosmetic changes in the sphere of treaty referendums (see above), the constitutional amendment of 2003 introduced a novel form of popular initiative, the so called ‘general initiative’. Its logic is the same as that of the non-formulated popular initiative for a partial revision of the Constitution. What is new, however, is the fact that now Parliament may also formulate the goals of the initiative in a simple law (unless the goals of the initiative *de facto* require the amendment of the Constitution). The law is then submitted to a popular vote requiring a simple majority. Another novelty is the fact that if the Federal Parliament agrees with the principles of the general initiative, it can not only frame the latter but even oppose a counterproposal (functionally an alternative proposal). In this case, both proposals are submitted to the vote.

These most recent changes confirm the general pattern of incremental extensions of direct democratic mechanisms at the federal level, based on earlier experiences at the cantonal level: the ‘general initiative’ first appeared in the Constitution of the canton of Jura in 1978 before it spread to several other cantons during the 1980s and 1990s (Trechsel

⁹ Article 140 Federal Constitution.

and Serdült 1999: 72f.). Note however that for reasons of complexity the Federal Parliament decided, in 2007, not to implement the 2003 institutional change. A proposal for reverting to the constitutional status quo ante is currently (2008) pending in Parliament. Generally, direct-democratic institutions in the cantons are much more developed than those at the federal level. For instance, cantonal electorates have extensive rights to decide upon purely administrative matters and above all upon the levels and attribution of public revenues and expenditures. Besides its complexity, the institutional landscape at the cantonal level is marked by strong dynamics, caused by frequent adaptations and innovations in the realm of the referendum and initiative devices (see Trechsel and Serdült 1999). The direction these dynamics have taken over the past three decades shows, *inter alia*, a general trend away from mandatory referendums towards more optional and even Parliament-initiated types of referendums. It is worth noting that in general, direct democracy is more fully developed (and used) in the German-speaking Swiss cantons, with the French-speaking cantons relying on a stronger tradition of representative democracy (Trechsel 2000).

At the communal level, the institutions of direct democracy are also well developed. Overall, however, they tend to be slightly less varied at the local level than at the cantonal level (Bützer and Micotti 2003: 22; Bützer 2007a). Historically, the consolidation of direct-democratic institutions at the communal level set in rather late compared to the cantonal and federal levels. Also, the municipalities' scope for changing their institutions is in many cases rather limited (above all in the French speaking cantons), due to constraining legislation at the cantonal level (Bützer 2005, 2007a, 2007b).

The trend of a gradual extension of direct democracy at the federal level was never reversed. However, several attempts aimed at deepening or accelerating this trend failed, such as the two proposals to introduce (in 1872) or extend (in 1961) the popular initiative's scope to federal laws, the proposal for introducing a referendum on hydraulic concessions (1956), on bonds (1956), on nuclear armament (1963), on highway construction (1978), on the construction of nuclear plants (1987) and on the opening of accession negotiations with the European Union (1997). Most recently, in 2000, the proposal for introducing a 'constructive referendum' – a procedure somewhat similar to a 'popular counterproposal' to a law elaborated by Parliament – was rejected by two-thirds of voters and all the cantons.

4.2 The logic and use of referendums and popular initiatives

Like no other political institution, direct democracy opens up the political system while greatly reducing the autonomy of the state vis-à-vis society. It also introduces, as we will further see in chapter 8, a certain measure of *unpredictability* into the decision-making process, giving the electorate the last word over federal policy making. It is important to note that this unpredictability varies according to the instrument under consideration. Swiss direct democracy's fundamental instruments – the referendum and the popular initiative – follow different logics, exhibit dissimilar usage and produce different effects.

The *referendum* intervenes at the *end* of the decision-making process, or at least at the end of the direct-democratic stage in this process. Above all it serves a *veto* function, allowing a majority of the people and/or the cantons to block policy proposed by the Federal Parliament.

Table 4.2 shows that between 1848 and 2007, 543 popular votes were held at the federal level. Four out of every ten votes (221) were mandatory referendums, of which over two-thirds were accepted by the people and the cantons. It should be noted that the success rate of mandatory referendums fluctuated across time. Between the birth of the federal state and the introduction of the optional referendum in 1874, all but two¹⁰ proposals were rejected. This radically changed when the Catholic Conservative opposition started to make use of the optional referendum instead of concentrating its efforts on the mandatory referendum to reject federal policies. Subsequently, the success rate of mandatory referendums rose abruptly: since then, roughly three-quarters of all mandatory referendums have been accepted. Nevertheless, this also means that the federal government and Parliament cannot count on a guaranteed success when mandatory referendums take place. Indeed, some of the most central reform projects and international agreements were rejected by the people and the cantons. For example, as mentioned in chapter 3, the development and consolidation of the welfare state in Switzerland was significantly delayed by the constitutional referendum. The same happened to essential steps for democratization, such as women's suffrage, which was not introduced at the federal level until 1971 (Linder 2007: 110).

¹⁰ The two exceptions were the adoption of the Federal Constitution in 1848 and the 1866 bill concerning the rights of Jews and naturalized citizens.

Table 4.2 *The use of direct-democratic institutions from 1848 to 2007*

Period	Total votes				Mandatory referendums				Optional referendums				Popular initiatives					
	Accepted		Refused		Total		Accepted		Refused		Submitted		Total		Accepted		Refused	
	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes	votes
1848–1873	11	2	9	11	2	9	–	–	–	–	–	–	–	–	–	–	–	–
1874–1880	11	5	6	3	2	1	63	8	3	5	–	–	–	–	–	–	–	–
1881–1890	12	5	7	4	3	1	75	8	2	6	–	–	–	–	–	–	–	–
1891–1900	24	10	14	9	6	3	74	10	3	7	74	10	3	0	5	1	4	4
1901–1910	12	8	4	5	4	1	59	4	3	1	59	4	3	1	3	1	2	2
1911–1920	15	12	3	9	8	1	57	3	2	1	57	3	2	0	3	2	1	1
1921–1930	28	11	17	10	8	2	94	5	1	4	94	5	1	1	13	2	11	11
1931–1940	23	10	13	8	8	0	73	9	2	7	73	9	2	5	6	0	6	6
1941–1950	21	9	12	7	4	3	104	7	4	3	104	7	4	8	7	1	6	6
1951–1960	42	18	24	22	14	8	205	11	4	7	205	11	4	12	9	0	9	9
1961–1970	29	16	13	14	12	2	213	8	4	4	213	8	4	8	7	0	7	7
1971–1980	87	47	40	47	36	11	278	18	11	7	278	18	11	11	22	0	22	22
1981–1990	66	27	39	25	18	7	259	12	6	6	259	12	6	14	29	3	26	26
1991–2000	106	55	51	36	28	8	504	36	25	11	504	36	25	11	34	2	32	32
2001–2007	56	26	30	11	6	5	312	21	17	4	312	21	17	7	24	3	21	21
Total	543	261	282	221	159	62	2,370	160	87	73	2,370	160	87	78	162	15	147	147

Sources: Federal Chancellery (Berne), c2d (University of Geneva) as well as own calculations (25 June 2007).

With regard to the optional referendum, table 4.2 shows that of the 2,370 bills that were submitted to the optional referendum process, less than 7 per cent (160) led to a popular vote following a successful signature-gathering process.¹¹ Also, on average, less than every second bill was rejected at the polls. These numbers give the impression that the optional referendum produces only marginal effects. Neidhart (1970), however, contends that the most considerable effects are of an *indirect* nature. According to Neidhart's famous hypothesis, the optional referendum hangs like a sword of Damocles over the whole legislative process, potentially ruining entire bills. Consequently, institutional mechanisms have developed, both formally and informally, to reduce this risk, transforming Swiss democracy into a *negotiation democracy*. Negotiations take place in informal arenas at the beginning of a legislative decision-making process (chapter 8) where political actors that may credibly threaten this process with the referendum device are invited to negotiate a pre-parliamentary compromise. The aim of this is, of course, to find a sufficiently strong compromise, allowing the future bill to be enacted as law without a popular vote.¹² Empirical studies have been able to show the effectiveness of a large parliamentary consensus: the higher this consensus, the lower the probability of a referendum (chapter 8). The consensus-seeking mechanisms that have been found over time clearly open up the political system: any actor that can credibly launch a referendum is invited to negotiate the bill during the pre-parliamentary stages of the decision-making process. Herein arguably resides the most important effect of the referendum device: it leads, along with federalism, to the establishment of 'concordance' or 'consensus democracy' (Linder 2007: 113) in which governing is carried out 'under the shadow of the referendum' (Papadopoulos 2005).

The optional referendum predominantly served as an instrument of conservative right-wing organizations. From a rational perspective, it is strategically sound for these actors to fight changes to the *status quo*, which is preserved if the referendum succeeds. Kriesi and Wisler (1996) confirm this assumption for the period from 1945–78. However, their data for the period from 1979–89 show a different picture: here, the

¹¹ As Sciarini and Trechsel (1996: 212) show, this proportion remained surprisingly stable (see chapter 8).

¹² As we will see in chapter 5, the optional referendum even accounts (partly) for the partisan composition of the federal government.

political left used the referendum more frequently than right-wing organizations. This state of affairs is above all due to Parliament's tendency to avoid far-reaching reforms, opting instead for minimal changes. If these minor reforms pass, then a new, more profound reform proposal becomes unlikely for a long period. Also, certain reform projects adopted by Parliament may represent a 'step backwards' from the point of view of left-wing organizations, leading to a situation in which the probability that they will launch a referendum is high.

In contrast to the referendum, *popular initiatives* generally occur at the *beginning*¹³ of the decision-making process. Through the launching of initiatives, societal actors can put issues on the political agenda that the government and Parliament fail to politicize. Additionally – if put on the ballot – the initiative obliges the entire electorate to take a binding decision at the polls. In this sense, the Swiss initiative device indeed opens up the political process. Even so, the system-opening function of the popular initiative should not be overestimated. Table 4.2 shows that popular initiatives rarely result in *direct* successes at the polls. Despite the dramatic rise in the usage of this instrument since the beginning of the 1970s – though only in absolute, not relative terms – when compared to the two forms of referendums, only 15 (i.e. 9 per cent) of the 162 initiatives on which the electorate has had to decide have so far been accepted by both the people and the cantons. On the other hand, the direct success of initiatives varies over time. The success rate of initiatives was relatively high in the late nineteenth and early twentieth centuries, followed by a sharp decline. Between 1928 and 1982, only a single initiative was accepted at the polls. During the past twenty-five years, the success rate of initiatives has sharply increased and half of all successful initiatives (i.e. 8 out of 15) have been accepted (chapter 8). Traditionally, the popular initiative was predominantly used by the political left. In the past, right-wing and extreme right-wing organizations only rarely made use of the initiative, generally without great success. This has changed since the 1990s, as the ascent of the Swiss People's Party (chapter 6) was

¹³ Note that popular initiatives can also fulfil the function of a 'supplementary' or 'secondary' referendum, i.e. they can be launched once a decision-making process (including a referendum vote) has failed to go in the direction desired by the initiators. It follows that initiatives may be formulated at the very end of a political decision-making process, fulfilling a reactive rather than an initiating function.

accompanied – and arguably aided – by the launching of numerous popular initiatives at all levels of the federal state.

Despite their relatively feeble chances at the polls, initiatives produce a number of *indirect* effects. These effects are two-fold, as they may not only impact on the political process and legislative output, but also have a ‘boomerang-effect’ on the initiators. Regarding the first dimension, we can distinguish three types of indirect effects. First, initiatives may encourage Parliament to elaborate a *counterproposal*. With a success rate of over 60 per cent, counterproposals constitute an effective instrument to take the wind out of the sails of a (usually) more radical initiative. It should be noted, however, that both the frequency and success rate of counterproposals have clearly decreased over the past two decades due to a change in the actual voting procedure.¹⁴ Second, unsuccessful initiatives may produce what Linder (1999: 260) calls a ‘flywheel effect’: roughly one-third of all initiatives leave some trace in later legislation. Third, initiatives may play a ‘canvassing’ role (Linder 1990: 261). Initiatives may be launched as a means to pursue a ‘permanent election campaign’, independently of electoral cycles. In addition, they may be deliberately launched immediately preceding elections as a pure campaign tool.

Regarding the indirect effects of initiatives on the initiators Epple-Gass (1988) shows that the latter are exposed to three types of restraints. First, an initiative may only touch upon a single topic, therefore restraining the initiators in their political programmes. Second, the launching of an initiative is resource-intensive and thus has a tendency to restrain initiators in their action repertoire. Engaging in the adventure of an initiative usually leads to a concentration of the initiator’s political action where even more radical forces within the movement or party need to comply. Also, initiators may become ‘addicted’ to this type of instrument, seduced into successive launchings of initiatives. Third, initiatives may generate centralizing and bureaucratizing effects on the organizational structure of the initiative committee. Facing limited resources, initiators are forced to organize themselves effectively, usually concentrating and coordinating in a vertically integrated way.

¹⁴ Until 1987, a simultaneous vote on an initiative and its counterproposal prohibited voters from accepting both texts. Since then, voters have been able to accept both proposals while expressing their preference in a subsidiary question should both texts be accepted.

To sum up, let us emphasize the impressive increase in the overall use of direct-democratic instruments (table 4.2). The majority of all popular votes at the federal level occurred over the last three decades. The increasing popularity of referendums and initiatives can largely be attributed to the growing complexity of modern politics. With most direct-democratic institutions dating back to the nineteenth century, nowadays they face novel issues such as globalization, new forms of energy, environmental protection, technological developments, etc., all of which require legislative action. The resulting increase in legislative action positively affects the probability of direct-democratic decision making.

4.3 Voting in direct-democratic processes

Debates about direct democracy's potential for enhancing the democratic legitimacy of political decisions have preoccupied political theorists for decades (Trechsel 2006). Furthermore, direct democracy continues to be promoted by some and rejected by others for reasons related to the ability of citizens, rather than their representatives, to take such decisions. The assessment of the electors' competence is therefore at the epicentre of most theoretical and empirical studies on direct-democratic votes. In Switzerland, political science offers contradictory results. Earlier studies based on survey data found rather disillusioning levels of voter competence within the electorate (Gruner and Hertig 1983): only one out of six voters could be qualified as 'competent'. Recent studies are more optimistic (Kriesi 1993; Bütschi 1993), showing that nearly half of all survey respondents could be considered to possess a satisfactory degree of voter competence. Using the same dataset as Bütschi but limiting the sample to actual voters, Trechsel (2006) finds the inverse of Gruner and Hertig's results: based on these data, only one out of six actual voters can be said to be incompetent. Despite these large differences, there is an agreement regarding the main factors influencing voter competence: on the one hand, the level of education, and on the other, the complexity of the bill. The more educated the voter, and the more familiar the bill, the greater the likelihood that higher levels of competence will be attained. Also, if a voter feels directly affected by the bill, his or her level of competence will rise even though the issue under consideration can be qualified as complex. In addition, voter competence

positively correlates with the voter's degree of general interest in politics, trust in political institutions, social integration and socio-economic status.

While voter competence plays an important role in the assessment of direct democracy, so does turnout in referendums. In comparative politics, Switzerland is often presented as an outlier due to its infamously low level of electoral turnout (Franklin 2004: 92ff.). The same applies to participation in direct democracy where average turnout levels currently vary between 45 and 55 per cent. Just as often, a connection is made between low turnout levels and the high frequency of referendum votes. However, this alleged relationship is imperfect, since, despite the fact that the number of referendums continues to climb, turnout levels have discontinued their downward trend and even rebounded. Recent studies show that the factor 'knowledge of the content of the bill' has the greatest power in explaining political participation at the polls (Kriesi 1993, 2005). If the voter is informed about a proposition, he or she is more likely to participate, with less informed – and hence less competent – voters tending to abstain. Furthermore, Mottier (1993), Marques de Bastos (1993) and Caramani (1993) demonstrate that participating in referendum votes is highly *selective*. The majority of voters only occasionally participate, with small minorities either always voting or predominantly abstaining. These studies show that the selectivity of participation depends above all on the expected effects of the bill, as well as the voter's personal interest in it.

Finally, the factors determining the voters' *choice* at the ballot box are extremely complex. A broad range of variables is potentially relevant, such as social, economic and political cleavages, campaign effects, the media, government and party recommendations, the degree of political consensus within the elite, and the nature of the bill. Regarding cleavages, ever since the groundbreaking work by Rokkan in the 1960s (Lipset and Rokkan 1967; Rokkan 1970), this field has become one of the classical paradigms of electoral research. Several studies attempted to unravel the 'structural cleavages' determining referendum votes in Switzerland. Sardi and Widmer (1993) found that traditional cleavages such as 'class', 'religion', 'language' and 'gender' had only a minimal impact on voting behaviour. A closer look at individual ballots reveals that the effect of some cleavages varies across issue areas. For example, analyses of the vote on the European Economic Area (EEA) have shown a clear predominance of the linguistic cleavage (Kriesi *et al.*

1993). Overall, however, the linguistic cleavage tends to lose some of its impact on direct-democratic choice (Kriesi *et al.* 1996), although the French- and Italian-speaking parts of Switzerland find themselves more often on the losing side in absolute terms. Other votes, such as that on the abolition of the army, were dominated by the urban–rural cleavage (Nef 1989). Finally, several studies have shown that the results of certain ballots were influenced by the openness–closure cleavage. According to Christin *et al.* (2002: 259), this cleavage has an impact in particular on issues related to foreign policy, immigration policy, asylum policy, institutional reforms and, to a lesser degree, on issues related to labour conditions. For these authors, it seems that the influence of cleavages varies from case to case, or at least from issue area to issue area, without following a general pattern. Thus, it is plausible that a given cleavage may have a decisive impact on one vote only to prove entirely irrelevant in the next, held a few months later (Trechsel and Kriesi 1996: 201).

Besides traditional and newer cleavages, other factors have an impact on the voters' political choice in direct-democratic decision processes. Passy (1993: 225) found that the citizens' level of competence is correlated with the direction of their vote. Indeed, a majority of 'incompetent' voters simply abstain from voting, through a mechanism of 'self-censorship' (Kriesi 1998a: 127). However, 'incompetent' voters who do participate often adopt a conservative, *status quo*-oriented stance. This finding is not as dramatic as it looks, as Passy could show that a *systematic* rejection of public policies (deviating from the *status quo*) does not occur: there was only one case (out of 61 under consideration) in which the outcome would have been different had incompetent voters not participated.

During referendum campaigns, voters are exposed to numerous messages from elites and fellow citizens. Initial investigations by Hertig (1982) came to the conclusion that campaigning effects may be of such importance that a popular verdict could be 'bought'. However, more recent studies warn against such a conclusion and emphasize that the issue remains unresolved at best (Linder 1990; Longchamp 1991; Papadopoulos 1994a). Kriesi (2005), drawing on a vast set of recent data, comes to the conclusion that the government camp is usually able to pursue a winning strategy by outspending the promoters of a popular initiative. However, the inverse is not true. Even if the promoters of a popular initiative are able to outspend the government's camp, their chances of success are rather poor. This finding confirms

research on popular initiatives in the American context, where it could be shown that it was easier to 'buy' a 'no' to an initiative than to buy a 'yes' (Gerber 1999). With regard to referendums, Kriesi (2005) shows that the relationship between campaign investments and outcomes at the polls depends on the fragmentation of the political right and the campaign intensity. If the fragmentation of the right is high, if the balance of the campaign tips against the government and if the campaign becomes intense, then the camp that outspends the other is more likely to win the popular vote. However, Kriesi's overall assessment is that the direction of the campaign and the outcome of popular votes are not as strong as has often been maintained.

Most research supports the overall importance of voting campaigns for the process of public opinion formation. Trechsel and Sciarini (1998) have shown that four out of five actual voters make use of the print media, 75 per cent rely on television, 60 per cent on radio broadcasting and 59 per cent on the brochures issued by the federal government prior to a vote as sources of information. Actual voters also consult on average more than four sources of information, which is consistently more than the number of sources consulted by abstainers. This finding does not contradict the aforementioned difference in competence between participating voters on the one hand and non-voters on the other. Since participating voters are generally more competent than non-participants, it is not surprising that the former make use of a broader range of information sources.

Furthermore, according to Trechsel and Sciarini (1998), more than half of the voters declare that either no source of information, or else the point of view of *ad hoc* groupings, churches, or interest groups, which only occasionally take part in voting campaigns, had an impact on their voting behaviour. One-fifth of the voters consider themselves entirely independent of all opinions and recommendations voiced in the public arena. By contrast, one out of seven voters claims to be most influenced by the position of the Swiss government. On the whole, political parties perform rather poorly. Their recommendations are taken into account by even fewer voters than those of the government. Employer organizations and labour unions, as well as trade and farmers' associations, do worse still; their influence can be described as marginal.

The most recent study of voter competence, campaign effects and political behaviour at the polls comes to the conclusion that neither the pessimistic theoreticians nor the participationist theorists of direct

democracy have drawn fully accurate conclusions. Using a large dataset combining aggregate and individual level data for 150 popular votes, Kriesi (2005) shows that a more objective assessment of the situation lies somewhere between these extremes. His 'realist theory of direct democracy' begins from the critics' premises that (a) political elites constitute the driving force in public opinion formation and (b) that citizens are politically uninterested and uninformed. However, Kriesi shows that, despite these initial conditions, citizens are able to efficiently make direct-democratic choices at the polls. They do so by using four different types of *simplifying strategies* or *cognitive shortcuts*. First, the most obvious strategy is simply to abstain. Kriesi's results confirm the previously mentioned studies on competence and participation: the higher the voter's competence, the higher his or her probability of showing up at the polls. For those who participate, a second strategy consists of a 'heuristic of the *status quo*' and Kriesi's results show that the level of information of a voter and his or her openness to policy change are indeed positively correlated. Alternatively, voters may choose a third strategy of simplification: they may trust the government's recommendations and vote accordingly. Again, Kriesi empirically shows the existence of such a strategy among voters. Finally, relying on the most important strategy of simplification, voters choose to follow the recommendations of the political elites, such as parties, interest associations and social movements. When using this strategy, voters will rely on the recommendations formulated by the political actors to whom they feel closest. The impact of these recommendations on voting behaviour varies quite significantly according to the different forms of coalitions that characterize the campaign preceding the vote as well as according to the type of direct-democratic institution used (chapter 8). In addition, Kriesi shows that a complex interaction exists between the various forms of heuristic cues and shortcuts used by voters. His realist theory of direct democracy, while completing the set of 'broken promises' of direct democracy (Papadopoulos 1998: 161– 89), does not confirm the most pessimistic assumptions brought forward by theoreticians of (direct) democracy such as Schumpeter (1947), Bobbio (1987) and Sartori (1987). The recommendations of the political elites have a non-negligible impact on the voters' choice at the polls, but elites are unable to completely control the overall outcome of a vote. The uncertainty referred to above, despite being reduced by the various strategies of simplification, still persists.

Table 4.3 *Pride and importance of direct democracy for the future of Switzerland*

Pride	%	(n)	Importance	%	(n)
very proud	44.1	(382)	very important	60.4	(523)
quite proud	45.7	(396)	quite important	33.3	(288)
not very proud	6.1	(53)	not very important	4.5	(39)
not proud at all	2.0	(17)	not important at all	0.9	(8)
don't know	2.1	(18)	don't know	0.9	(8)
Total	100.0	(866)	Total	100.0	(866)

Source: Eurobarometer in Switzerland Survey (2001). The data has been reduced to Swiss citizens who are 18 years old or older.

4.4 Conclusion

Direct democracy is in many ways the most crucial political institution in Switzerland, exerting a profound impact on its political system. It fundamentally differentiates the Swiss political system from other democratic polities. This uniqueness is not so much due to the existence of direct democracy *per se* – as we have seen, referendums and initiatives exist elsewhere – but rather to its longstanding history at all levels of the federal state, its broad institutional development, its frequent use and, as a consequence, its truly system-transformative effects. As noted above, the establishment of Swiss consensus democracy and its by-products, such as the weak role of parties (chapter 6), the strength of interest associations (chapter 9), the slow but inclusive decision-making process (chapter 8) and the form of Swiss government (chapter 5) are due, to a large extent, to the predominant role of direct-democratic institutions. The political culture in Switzerland, highly participatory in form and based on an almost religious worshipping of the people's empowerment over its representatives, can also primarily be attributed to the referendum and the initiative. Not surprisingly, compared to the other two fundamental institutions discussed in chapters 2 (neutrality) and 3 (federalism), direct democracy inspires the deepest attachment by far among the electorate (table 4.3).

Further investigations reveal that a large majority of Swiss citizens prefer the *status quo* over any form of institutional change related to direct democracy – with a majority of those open to change asking for a

further extension of the referendum and the initiative (Trechsel 2004). As we have seen, several extensions of direct democracy have taken place at the federal level, while any attempt to reduce its scope has so far foundered. At the cantonal and municipal levels, direct democracy may be constrained, if only on rare occasions (Trechsel 2000). Also – and this differs fundamentally from direct democracy in the US – interventions by courts are seen as a violation of the (quasi-)sacred people's will. This has become apparent in the aftermath of a recent and highly controversial decision taken by the Federal Court to ban referendums on the naturalization of individual citizens (Helbling and Kriesi 2004; Trechsel 2004).

Today, however, it is not courts, but the internationalization – and in particular Europeanization – of Swiss politics that is seen by a number of observers as constituting the most serious threat to the survival of Swiss-style direct democracy. Needless to say, Switzerland's potential accession to the European Union could not occur without consequences for the referendum and initiative processes. The *principle* of direct democracy would not be threatened by Switzerland's accession to the EU (Tanquerel 1991; Linder 1999; Federal Council 1999a: 327ff.). However, a certain loss in the field of direct legislation would be unavoidable (Jacot-Guillarmod 1990; Epiney *et al.* 1998: 342ff.; Epinay and Siegwart 1998: 137f.). A number of studies have tried to retroactively and counterfactually measure this loss by analysing the EU-compatibility of referendums and initiatives of the past. Only in a small minority of cases (11 to 14 per cent) would a federal referendum have inevitably collided with EU law. For cantonal referendums, a clear conflict would have arisen in only 5 per cent of cases, confirming the *limited losses* to be expected in the realm of direct democracy (see Federal Council 1999a). Although such counterfactual evaluations should be taken for what they are – stimulating proxies at best – we would nevertheless argue that direct democracy would not be fundamentally constrained by EU law if Switzerland acceded to the EU. However, our view is not reflected in public opinion. Christin and Trechsel (2002) have shown that the degree of attachment to direct democracy has a significant impact on citizens' attitudes towards the EU. While objective losses of direct democracy may be limited, the perceived constraining effect of EU membership among the electorate remains significant.

For precisely this reason, a number of observers do not stress the potential constraining effect of EU membership on direct democracy, but rather the inverse: in their view, direct democracy threatens the Swiss political system's ability to open up, to join international organizations and to fully integrate into the EU (Germann 1994). Most recent developments nevertheless de-dramatize such claims: as we have seen in chapter 2, significant steps towards a political opening up of Switzerland (such as UN membership and bilateral agreements with the EU) have successfully made it past the hurdle of popular decision making.