

27th EGPA Annual Conference
Berne, Switzerland
31 August-3 September 2005

Swiss Direct Democracy: a Shining Example?

Dr Paolo Dardanelli

Centre for Swiss Politics
Department of Politics and IR
University of Kent
Canterbury CT2 7NX
United Kingdom
www.dardanelli.net

This paper discusses the extent to which direct democracy, as practiced in Switzerland, is an example worth of imitation by other political systems. It sets the discussion within two wider frameworks: that of the comparison between direct democracy and representative democracy and on the co-existence between them and that of different ways in which direct democracy is practiced in other systems, notably in Italy and the US. It distinguishes between the various instruments of direct democracy – notably the referendum and the initiative – and it focuses on their impact on the executive leadership, the centrality of parliaments, coherence of government policy, the degree to which citizens are empowered etc. It concludes by arguing that though Swiss direct democracy cannot be exported wholesale, it nonetheless provides an extraordinary example of a successful semi-direct democracy that holds many lessons for other political systems around the world.

Introduction

In what I understand to be the spirit of this panel, this paper addresses Swiss direct democracy from a comparative perspective and against the broader debate on direct vs representative democracy. It is based on an exploration of the literature and on my own reflections as an observer of Swiss politics and as a student of democracy. The paper is thus going to raise more questions than providing answers but I hope the other panellists and our audience will find it a useful contribution to discussion.

The paper proceeds as follows. Section 1 briefly outlines the case for and against direct democracy as opposed to representative democracy. The second section introduces the Swiss experience and identifies its distinctive features. The following section broadens the discussion by looking at other political systems in which direct democracy features prominently and also systems that could be seen as 'ideal-typical' cases of representative democracy. Section 4 then assesses the extent to which the Swiss model of direct democracy could and should be 'exported' to other countries. Finally, the concluding section offers some reflections on the study of direct democracy in contemporary political science and its relevance for the quality of democracy in today's world.

1 Direct vs representative democracy

The ideal of direct democracy has always been at the heart of democratic thought with ancient Athenian 'democracy' providing its 'mythical' referent. However, from the time of the democratisation of the modern states from the late 18th century onwards, direct democracy has proven to be controversial. Passionate pleas in its favour are regularly countered by equally strongly felt criticism. Let us briefly recall what are the main arguments on the two sides. The case for direct democracy rests on the belief that there are many mechanisms in the representative process that create significant differences between the preferences of the voters and those of their representatives.¹ Hence, the presence of direct democracy instruments would increase government's responsiveness and accountability vis-à-vis the people. Moreover, by providing an opportunity for ordinary citizens to take collective decisions on matters of public interests, direct democracy would increase public debate on policy issues and raise citizens' interest and participation in public affairs. This ideal is linked to the 'participatory' model of democracy, in which direct citizen involvement is paramount.

¹ See Hug and Tsebelis (2002: 476).

Supporters of representative democracy, who subscribe to the 'delegation' model of democracy, oppose direct democracy on the following grounds. First and foremost, ordinary citizens have neither the competencies nor the inclination to invest time and resources in acquiring sufficient knowledge and 'wisdom' to take decision on complex and delicate matters of public policy. Secondly, popular votes are subject to manipulation by powerful private interests who possess the resources to 'hijack' the direct democracy process to secure the outcomes they want. Thirdly, direct democracy is by nature a bluntly majoritarian process which does not allow for negotiation and compromise, while legislatures typically do. Last but not least, because of its blunt majoritarianism, direct democracy is potentially inimical to minorities and may lead to a 'tyranny of the majority'.

Though the above is the traditional way in which the debate on direct democracy is approached, this dichotomous contraposition is not very relevant to our contemporary political systems. As Donovan and Bowler remarked, direct and representative democracy represent two distinct democratic models but are not mutually exclusive, they co-exist.² More precisely, it is of course possible for a large, modern political system to be run on a purely representative basis, but it would not be possible for it to be run on a purely 'direct' basis. The relevant question to be asked then, is how the two forms of democracy can be combined in an effective way, which, in turn, requires an understanding of the dynamics of interaction between them. Given the fact that representative institutions constitute the backbone of all contemporary political systems, the core of the question is the effect that direct democracy instruments have on the representative system. Can direct and representative elements be combined to optimise the way democracy works in a given political system? Or is there a zero-sum trade-off between the two, whereby direct democracy instruments undermine representative ones with no overall 'gain', as Linder seems to suggest?³

In order to do so, it is necessary to look at the experience of Switzerland and those of other countries using direct democracy and compare it to purely or quasi-purely representative systems. If these comparisons are to yield robust results, however, two requirements must be borne in mind. First, the need to distinguish between different instruments of direct democracy and the rules governing them for they produce very different dynamics. Secondly, the need to take into account the different institutional structure of the political systems under analysis for those too react in different ways to the challenge of direct democracy. What is required is thus a complex analysis of what effect a particular instrument

² Donovan and Bowler (1998: 250)

of direct democracy has on a particular representative institution and what the interactions between all of them are.

In relation to the first requirement, Hug and Tsebelis have proposed a useful classification based on who can trigger a popular vote and who controls the formulation of the question that yields a clear distinction between 'veto players' referendums and 'non-veto players' ones. Among the latter, a further crucial distinction is between the referendum and the initiative, according to the terminology employed in Switzerland.⁴

In relation to the second requirement, a key differentiation is that concerning the form of government of a given system. The classical models of parliamentarism, presidentialism and semi-presidentialism as well as the more recent categories of 'majoritarian' and 'consensual' systems are all crucially relevant here, for they shape a great many things, such as the relationship between the executive and the legislature, the strength of political parties, the nature of the electoral process etc.⁵

With this in mind, I would like to concentrate on five key aspects in particular. First, the perennial question of voters' ability to make informed and coherent decisions on any issue of public policy. As seen above, this question is central to the debate on direct vs representative democracy.⁶ Second, how does direct democracy impact on the form of government? Does it primarily weaken the executive or the legislature or, indeed, political parties? Is direct democracy better suited to presidential or semi-presidential systems rather than parliamentary systems, especially majoritarian ones characterised by strong executive leadership and powerful, cohesive political parties? Thirdly, one aspect that has largely been overlooked in the debate on direct vs representative democracy is that the former allows voters to 'unbundle' political issues whereas they are asked to vote on large 'packages' presented to them by competing political parties in the representative process. The downside to 'unbundling' is the problem of so-called 'non-separable' preferences⁷ and the risk of producing 'incoherent' public policy. How significant are these potential weaknesses of direct democracy compared to the theoretically huge advantage of 'unbundling'? Fourthly, the question of turnout, hence of popular participation in direct democracy. Is low turnout a problem for direct democracy? If a large gap between turnout for elections and for popular

³ See Linder (1998: esp. 134).

⁴ See Hug and Tsebelis (2002) and, among others, Kriesi and Trechsel (2005: 59) on this distinction.

⁵ Papadopoulos (1998), for example, compares the effects of direct democracy in Switzerland, Italy and California but he fails to distinguish between the different instruments of direct democracy used and the equally different forms of government in the three systems.

⁶ See among others Kriesi and Trechsel (2005: 63).

votes is present in a given system, does it follow that in that system the outcomes of the representative process are more legitimate than those produced by the 'direct' process? Lastly, assuming an element of direct democracy is desirable on a number of grounds, is it also cost-effective? Are the costs of organising frequent large-scale popular votes outweighed by the benefits of direct democracy decisions? Would it be feasible to have frequent popular votes in a very large system such as at the federal level in the US?

2 The Swiss experience

In most of the contemporary states, direct democracy instruments are controlled by established 'veto players', in the Hug and Tsebelis's sense.⁸ Switzerland stands out as having direct democracy fully in the hands of the people and with all votes being binding – as opposed to consultative – in character. Moreover, direct democracy is used there most widely and frequently than anywhere else in the world. Switzerland is thus rightly seen as epitomising the use of direct democracy at its best.⁹

There is some disagreement in the literature on whether direct democracy should be seen as a traditional characteristic of the Swiss political system or instead should best be understood as a modern feature. On the one hand, the present instruments of direct democracy at the federal level date mostly from the second half of the 19th century or later and were first introduced through French influence. On the other hand, several cantons of the so-called primordial Switzerland, or *Urschweiz*, had a very long tradition of popular decision-making symbolised by the open-air popular assembly, or *Landsgemeinde*, dating back to the middle ages. Regardless of the precise dating of direct democracy, then, it is clear that bottom-up decision-making is deeply rooted and highly prized in Switzerland. From the establishment of the modern federal state in 1848 to date, direct democracy has slowly but continuously expanded in Switzerland, both through addition of new instruments and more intensive use of them.¹⁰ However, it is still more widely used at the cantonal and communal levels than at the central level and, interestingly, on several occasions the people themselves rejected its further expansion at the federal level.¹¹

There are now many instruments in use at the federal level but three are crucial. First, the mandatory referendum which is required for any change to the constitution and for

⁷ See Hug and Tsebelis (2002: 471) on the problem of 'non-separable' preferences.

⁸ Hug and Tsebelis (2002: 488).

⁹ See also Kauffman's (2005) contribution to this panel

¹⁰ See Kobach (1994) and Kriesi and Trechsel (2005: ch 4)

¹¹ See Kriesi and Trechsel (2005: 58)

international treaties of constitutional relevance. This referendum requires a double majority of people and cantons for the object put to the vote to be approved. Second, the optional legislative referendum whereby 50,000 citizens can challenge any piece of legislation within 100 days of its adoption by parliament. Only a popular majority is required in this case. Third, the constitutional initiative whereby 100,000 citizens can, within 18 months, put their signatures together and propose either a partial or a total revision of the constitution. Subject to vetting by the Federal Parliament, this then triggers a popular vote in which the double majority requirement, again, applies.¹² The key distinction between the referendum and the initiative is thus that the former comes at the end of a process of 'representative' decision-making and often acts as a 'brake' on it while the latter constitutes the starting point of one and tends to act as a 'spur'.

Of the three instruments, referendums – both mandatory and optional – have historically been more important than the initiative.¹³ Out of all popular votes held in the period 1848-2003, 70 per cent were referendums and 30 per cent initiatives.¹⁴ Moreover, the success rate – seen from the perspective of 'the people against the government' – of initiatives has been sharply lower than that of referendums.¹⁵ On the whole, therefore, direct democracy in Switzerland has acted much more as a 'brake' on the system than as a 'spur'.

However, important changes have occurred over time. As seen above, the range of available instruments has increased. The use of them has also increased hand in hand with the expansion of instruments. As regards the optional referendum, however, the increase in its use took place in absolute - as opposed to relative - terms only, as the volume of legislation has also greatly expanded. Concerning the initiative, on the other hand, a rapid growth in use has taken place from about 1970 onwards. Success rates have also fluctuated considerably around their long-term averages with no unambiguous trend clearly discernible. Where success rates are concerned, it is also important to bear in mind the indirect impact of popular votes. In the case of the initiative, for instance, against a 10 per cent overall success rate, it has been calculated that around 30 per cent of them had an 'impact' in the sense that led to some policy change.¹⁶ Particularly interesting among historical trends is the use of direct democracy instruments by the 'left' and the 'right'. While initially the referendum was

¹² See references at ft 9 for details on these and the other instruments.

¹³ See also Trechsel (2004: 480) on this point. However, as pointed out by Kauffman (2005), some initiatives – such as those on proportional representation in 1918 and UN membership in 2002 – have also had a profound impact on the system.

¹⁴ Cfr. Trechsel (2004: 507).

¹⁵ Among other reasons, this is also probably due to the absence of the legislative initiative, though the constitutional initiative has often been used as a surrogate of the former.

¹⁶ See Kriesi and Trechsel (2005: 62)

primarily a conservative instrument and the initiative a progressive one, later on the roles were reversed as the left tried to defend their welfare state achievements and the new right to challenge – what they see as – the ‘centre-left’ consensus that established them.¹⁷

Three other important features of Swiss direct democracy are relevant for the purposes of this paper. First is the empirical embodiment of the concept of 'unbundling' introduced above. Questions put to the popular vote must conform as much as possible with the principle of 'unity of subject matter', meaning asking a single question to voters, and there is anecdotal evidence that citizens value highly this aspect of direct democracy for questions that contain an element of 'bundling' seem to be more likely to be rejected than 'simple' ones.¹⁸ Second, turnout for popular votes has declined markedly since the 1950s and now averages 35-40 per cent, though sharp 'spikes' in participation levels occur when important issues are at stake. More worryingly, the determinants of participation are not random but are closely tied to characteristics such as education, gender, age etc. which create a significant bias in favour of the middle and upper classes vis-à-vis lower social strata.¹⁹ It appears that voters most challenged by the difficulties of making a reasoned decision on complex matters of public policy, practice a sort of self-censorship and abstain from voting.²⁰ Thirdly, few formal limits to direct democracy at the federal level exist in Switzerland. Judicial limits, in particular, are not present and the constitutionality review of initiatives is performed by parliament rather than the Federal Tribunal.²¹

Most observers agree that direct democracy – and especially the optional referendum – has had a profound, direct and indirect, impact on Switzerland. An influential school of thought initiated by Neidhart, attributes the overall consensual nature of the Swiss political system in the 20th century – as exemplified by the 'magic formula' agreement between the four largest parties and by the extensive system of 'pre-parliamentary consultations' – to the indirect effect of direct democracy and of the optional legislative referendum in particular. In their interpretation, consensus among 'representative' actors was a necessary strategy to minimise the risk of defeat at the hands of the people in referendum votes.²² Moreover, more than anywhere else, the direct and indirect effects of direct democracy have infiltrated every corner of the Swiss political system, not only - as seen above - at the federal level but at the cantonal and communal level as well. In sum, Switzerland is today the only true semi-direct

¹⁷ See Kriesi and Trechsel (2005: 61)

¹⁸ On the principle of 'unity of subject matter' see, among others, Linder (1998: 98). For evidence of voters' dislike of 'bundling', see the vote on the 'fiscal package' in May 2004.

¹⁹ See Linder (1998: 91-5 and 2004: 114-5).

²⁰ See Linder (1998: esp. 93-6) and Trechsel (2004).

²¹ See Papadopoulos (1998: 52) and Kriesi and Trechsel (2005: 70)

democracy in the world. In relation to the issue of the cost of direct democracy, it is of course important to point out that Switzerland is, again, a special case for its 'militia' system makes its representative institutions exceptionally 'cheap' to run and somewhat compensates for the costs of frequent popular votes. Citizens seem to be happy with this state of affairs, as direct democracy continues to enjoy a very high status in public opinion. Among the three fundamental national institutions – federalism, neutrality and direct democracy – the latter is by far the one that attracts most trust and pride.²³ But how does Swiss direct democracy compares to other systems?

3 Some comparative elements

In this section I draw some comparisons between Switzerland and, on the one hand, two other systems with significant direct democracy features, such as Italy and the US, and, on the other hand, to the archetypical representative system: the UK.

Italy is an interesting case to compare to Switzerland in the use of direct democracy for several reasons. First of all, it is the political system in which direct democracy has been most widely used – at the central level – apart from its northern neighbour. The main instrument employed has been the abrogative referendum which allows citizens to strike down most pieces of legislation in force, either partially or in their entirety, subject to constitutional 'gate-keeping' by the Constitutional Court.²⁴ Though this type of referendum may superficially seem close to the Swiss optional referendum, two crucial differences are present. First, the law must already be in force before it can be challenged. Second, it is possible to strike down sections of the law and keep the rest on the books. Both these features make the Italian abrogative referendum a half-way device between the Swiss legislative referendum and the constitutional initiative, with some effects closer to the latter.²⁵ Despite its fairly frequent use, the abrogative referendum has not fully become a broadly used instrument of direct democracy in Italy, as it has been heavily dominated by a single political actor – the Radical party – in its crusade against the establishment. Furthermore, and in sharp contrast to Switzerland, the expansion of direct democracy has co-existed rather uneasily with a political culture that still has strong hierarchical and elitist traits and that does not hold the people's 'wisdom' in very high esteem. Occasionally, this has led to referendum decisions being circumvented by the established political actors. Significantly,

²² See also, among others, Linder (1998) and Papadopoulos (1998) on this point.

²³ See Church (2004: 152) and Kriesi and Trechsel (2005: 69)

²⁴ See Bogdanor (1994: 61-9) for details.

and again in sharp contrast to Switzerland, direct democracy has also failed to take deeper roots in Italy below the central level. Despite the fact that a number of recently revised regional statutes include provisions for direct democracy, the latter is still virtually non-existent at the regional and local level. Lastly, but perhaps most importantly from a comparative perspective, Italy's experience is instructive when it comes to turnout in popular votes. For referendum results to be valid, Italian law requires that a quorum of 50 per cent of eligible voters taking part in the vote be met.²⁶ Intended to prevent popular decision backed by very small percentages of the electorate, its impact has been controversial. While from 1974 to 1995 no popular vote – with three exceptions on a single voting day in 1990 – failed to clear the threshold, since 1997 all referendums have foundered because turnout has plummeted to around 25 per cent. This is likely to have been caused by advocates of the status quo taking the habit of exhorting opponents to boycott the vote rather than cast a No vote. Though no hard evidence on this exists – to my knowledge – it is also likely that this perverse exploitation of the quorum has now significantly undermined the institution of the abrogative referendum in Italy.

Moving on to the US, we find equally stark differences in comparison to both Switzerland and Italy. First and foremost, the US is somewhat of a paradox in the use of direct democracy for while no popular vote at the federal level has ever taken place, direct democracy is used at the regional and local level with an intensity matching Switzerland's. The second peculiarity is that direct democracy in about half the US states – unlike at either the cantonal or the federal level in Switzerland – is essentially synonymous with the legislative initiative as the referendum has fallen into disuse after WWII. Interestingly, the use of initiatives has 'taken off', as in Switzerland, from about 1970 onwards but their success rate has been distinctly higher than in the latter with averages of more than 30 per cent historically and peaks of 43 per cent in certain periods.²⁷ Three other features of direct democracy in the US states also stand in contrast to Swiss experience. First, decisions taken by initiative have been somewhat more 'extreme' and more 'disruptive' than has been the case in Switzerland, with California's Proposition 13 being the most emblematic example. Second, the frequency in the use of the initiative has produced an 'initiative industry' in which the influence of moneyed interests appears to be pervasive, though no

²⁵ Such as its use to accelerate the demise of the so-called First Republic and the transition to a 'Second Republic' marked by a more competitive, majoritarian system. See also Hug and Tsebelis (2002: 490-1) on this point.

²⁶ This applies to 'abrogative' referendums only, not to constitutional referendums.

²⁷ See Trechsel (2004: 480) on Switzerland and Papadopoulos (1998: 43-5; 71) on the US.

conclusive evidence that initiative votes 'can be bought' exists.²⁸ Third, opinions about direct democracy are ambivalent and appear dominated by an elite-mass gap whereby the former tend to view direct democracy negatively while the latter support it, including its introduction at the federal level.²⁹ This contrast with the very high support in Switzerland may be explained, among other factors, by the degree of resonance that direct democracy has with the respective constitutional principles. While the US federal constitution - and those of the states which are modelled on it - could be seen as the paradigmatic case of belief in a representative system of elaborate 'checks and balances' that clash with the idea of direct democracy, the latter is very much at the heart of Swiss constitutional principles. The fact that direct democracy has not had any significant impact on the institutional structure of the US states using it may superficially seem another difference with the Swiss case. However, we should bear in mind that it has been the optional referendum - and, to a lesser extent, the mandatory one - that has done the most to reshape the Swiss system, not the initiative. Had only the latter been used, as in the US, the impact of direct democracy on the system would have probably been very different.³⁰ Perhaps because of this and despite its intensive use, as Linder argued³¹, direct democracy has remained a sort of 'bolt on' addition to representative democracy rather than becoming the 'second pillar' of a semi-direct democracy as in Switzerland.³² Importantly, however, the US experience – and especially the insights to be learned from the comparison between the states which use direct democracy and those which do not – indicates that direct democracy does have a discernible effect in bringing public policy more in line with voters' preferences.

How do these systems employing direct democracy to varying extents compare to an almost purely representative system such as the UK?³³ Doing justice to this question would, of course, require going much beyond the scope of this paper, so I confine myself to discussing just one key aspect: the degree of responsiveness of public policy in relation to citizens' preferences. As it is well known, the UK is a system characterised by single party, majority governments that dominate parliament and commit themselves during their time in office to

²⁸ We cannot learn much from the US experience as regards turnout because votes on initiatives tend to be held at the same time as elections, unlike the practice in Switzerland and, most of the time, in Italy. However, there is evidence that US voters, like Swiss ones, react with through abstention or a negative vote when challenged by a direct democracy question, see Cronin (1989: 209).

²⁹ Attempts to introduce direct democracy at the federal level have been numerous but elite support for it has always been very thin, see Cronin (1989: 158). On elite opinion towards direct democracy see also Donovan and Bowler (1998: 249).

³⁰ It should also be borne in mind that the collegial nature of the Swiss executive is conducive to consensual arrangements to an extent that the presidential systems of the US states are not.

³¹ Cfr. Linder (1998: 145).

³² However, as in Switzerland, direct democracy has had a significant direct and indirect effect on public policy, see Donovan and Bowler (1998: 255).

implement the legislative programme outlined in their manifestoes at election time. Typically, about 70 per cent of what is promised in the manifesto is translated into law by the party gaining office, which will be held accountable for its record at the next general election. This could be seen as a high degree of responsiveness of the representative institutions vis-à-vis the people and it has indeed long been praised for that. A number of problems, however, lurk beneath the surface. First of all, parliamentary majorities are 'engineered' by the plurality electoral system whereby it is normal for a party winning about 40 per cent of the popular vote to secure over 60 per cent of the seats. Second, MPs are 'whipped' into voting along the party line rather than on the merit of the given policy at stake with the threat of a variety of sanctions. Last, but by no means least, British electoral manifestoes are the epitome of 'bundling' for they are essentially large 'packages' of public policies. It is almost inevitable that when voting for a 'representative' package of the UK type voters endorse elements of that package they would not endorse if they had the opportunity to vote on each of them individually. A clear example was given by the last general election in May this year. Voters were presented with a Labour 'package' which included, among other things, a set of economic measures, the war in Iraq and a fairly liberal immigration policy.³⁴ Opinion polls suggested that most voters supported the first element, a left-wing majority rejected the second while a right-wing majority was opposed to the third one. Labour won and all three elements received 'democratic' endorsement yet had three separate votes been held, only the first one would have been supported. 'Engineered' majorities, tight party discipline and severe 'bundling' of public policy thus appear to be very serious problems of a system of pure representative democracy such as the British one. I shall discuss in the next section whether direct democracy of the Swiss type could be grafted on a purely representative system such as Britain.

Before concluding this comparative section, it is worth mentioning that the occasional use of direct democracy in systems that work normally on a purely representative basis has often given rise to paradoxical 'referendum dynamics', most of them because the question put to the vote – directly or indirectly – violated the principle of 'unity of subject matter' and thus 'bundled' issues together.³⁵ Prominent in this category is the effect of government popularity on referendum outcomes in parliamentary democracies. The six Danish referendums on European integration are perhaps the most instructive in relation to this question. Though government popularity has been identified as an important factor shaping referendum voting,

³³ Only one state-wide referendum has ever been held in the UK though a few more have taken place at the regional and local levels.

³⁴ This should be understood as a 'retrospective' package as it was the record of the party in office rather than what the party promised to do in the next parliament.

³⁵ See LeDuc (2002) for a review and Dardanelli (2005) for a recent study.

this does not go as far as determining their outcomes regardless of the underlying issue at stake, at least if the Danish experience is any guide.³⁶

4 Should/could Swiss direct democracy be exported?

There is a paradox about direct democracy. On the one hand, it is widely deemed necessary to take very important decisions; on the other hand, there is deep-rooted suspicion that the people 'cannot really be trusted'. Hence, it is more often used for constitutional than for legislative decisions and even in Switzerland and the US it remains more widespread at regional and local levels than at the central level. But what can be learned from the operation of direct democracy in some key systems?

The comparative exploration of direct democracy I briefly outlined in the previous section shows the potential as well as the limitations of combining direct democracy with representative democracy. Three points stand out on the positive side. First, there is no sound theoretical reason to expect voters to be less able to vote on individual policies rather than on candidates and on 'policy packages'. If anything, the latter appears to be more challenging than the former. Moreover, MPs are also often challenged in many ways - ranging from lack of information and legislative overburden to strict party discipline - when taking legislative decisions. Voters' difficulty in selecting candidates and 'packages' is thus compounded in the 'representative' process by MPs difficulties in taking sound decisions in parliament. The comparative empirical evidence largely supports this and shows that citizens are indeed able to take reasonably informed decisions and that direct democracy does not lead to unsound legislation.³⁷ Secondly, direct democracy allows citizens to 'unbundle' public policy and take decisions on individual issues on which the representative process may lead to outcomes at odds with public preferences. The empirical evidence confirms that policy outcomes better approximate the preferences of the 'median voter' if provisions for direct democracy exist in a given political system. Third, there is no clear evidence that direct democracy is inimical to minorities, if anything it could be argued that minorities in Switzerland have benefited from the presence of direct democracy, though the initiative could indeed be prone to abuses of minorities. In sum, direct democracy, as its early advocates claimed, does indeed increase the responsiveness and accountability of representative institutions and thus empowers citizens vis-à-vis the government to a greater extent. There is, however, an important difference between the referendum and the initiative. Other things being equal, the referendum introduces an additional 'veto player' in the system

³⁶ See Svensson (2002).

and thus makes policy changes more difficult while the initiative by-passes established veto players and has thus the potential to make policy change easier.³⁸ At the basic level, hence referendums are 'conservative' and initiatives are 'progressive' but this is only in technical, not political, terms. As seen above, whether the instruments produce 'left-wing' or 'right-wing' decisions depends crucially on the status quo and on the distribution of preferences among the electorate and both these elements are subject to change over time.

However, serious limitations are also apparent. First, the expectation that direct democracy would turn ordinary people into interested, active and fully involved citizens has not been fully borne out. There is arguably more citizen participation in politics in the systems that used direct democracy than in those which do not, but this has fallen far short of the early enthusiasts' vision. This is reflected in turnout problems in systems such as Switzerland and Italy and in the bias it generates. The level of turnout itself is not too much of a problem in Switzerland as turnout in elections is also low so there is no major gap in citizens' participation rates between the 'representative' process and the 'direct' process. Though the turnout 'gap' in Swiss direct democracy tends to be presented in the literature as a benign 'self-censorship' by uninterested voters – who clearly have the right to abstain if they so wish – there is a clear social/class bias to it that suggest not all is well with participation in popular votes and that turnout should be discussed in more depth rather than simply dismissed as an irrelevance. The bottom line is that level of voter competence and of participation are not randomly distributed – depending on the issue of the day – but are consistently connected to variables such as class, income, gender, education, age etc. meaning that some social categories are consistently marginalised in the direct democratic process. In Italy, the provision of a turnout quorum has to a certain extent backfired. I cannot see any easy solution to this conundrum, beyond making the point that when turnout in popular votes falls significantly lower than turnout in elections, some measures should be adopted, including some form of quorum.³⁹ Second, direct democracy is indeed subject to manipulation by narrow private interests with ample financial resources, though this does not mean that votes 'can be bought'.⁴⁰ As Linder put it, "money is, other things being equal, the single most

³⁷ See, among others, Cronin (1989: 210-1), Budge (1996: 132) and Trechsel (2004: 490)

³⁸ See Hug and Tsebelis (2002: 488-9)

³⁹ A quorum does not, of course, have to be set at 50 per cent. Sweden requires that a proposal be rejected by 30 per cent of the electorate for such a decision to be valid - see Svensson (2002: 749), while the first devolution referendum in the UK stipulated that the outcome would only be implemented if 40 per cent of the electorate supported it - see Dardanelli (2005: 340). On the desirability of a quorum, see also Papadopoulos (2002: 10). There is a 'turnout gap' between elections and referendums across all political systems - see Butler and Ranney (1994: 17) - but in most of those system the referendum is controlled by 'veto players'.

⁴⁰ Cfr. Linder (1998: 144).

important factor determining direct legislation outcomes".⁴¹ In this area, Switzerland also seems to have done better than the US states, perhaps because the initiative instrument is more prone to such manipulation than the referendum - mandatory or otherwise. Thirdly, direct democracy does have an impact on representative institutions and creates thus a 'cost' in terms of efficiency and effectiveness of the representative process. The comparative empirical evidence suggests two points here. On the one hand, the referendum seems to have much more of an impact on representative institutions than the initiative. On the other hand, such impact is likely to be at its maximum in a majoritarian parliamentary system such as the UK and '2nd-Republic' Italy and at its minimum in presidential systems such as the US states while a collegial semi-presidential system such as Switzerland and consensual parliamentary systems such as Denmark and '1st-Republic' Italy are intermediate cases. It is indeed likely, as Linder suggests, that in the UK, for instance, intense use of the optional referendum *à la suisse* would challenge the very essence of the system and could not be accommodated without major reforms.⁴² However, direct democracy appears to be reasonably compatible with a consensual parliamentary set up such as Denmark's.

Of the three systems of direct democracy briefly analysed above, Switzerland does indeed appear as the one that has managed to optimise the interaction between direct and representative democracy at its best. While the system is by no means perfect and significant problems exist, it is nonetheless an extraordinary example of citizens' involvement in the formulation of public policy and demonstrates that it is feasible to run a large, advanced political system as a semi-direct democracy. From a democratic point of view, this presents clear advantages to a purely representative system. Does that mean that Swiss direct democracy should be 'exported' to other political system? And, if the answer to the previous question is Yes, could it be?

In my opinion, the Swiss system of direct democracy as it is today, should not be exported 'wholesale', as it were, but elements of it could. While the present system of Swiss direct democracy gradually evolved from the early 19th century onwards – and also rests on much older elements of popular decision-making – it would certainly be difficult to transplant the full set of instruments operating in Switzerland into a system with a very different institutional structure and political culture. That does not mean, of course, that some elements could not be introduced and given time to settle down before extra instruments are added. As seen above, to this day direct democracy is still wider and deeper at the communal and cantonal level than at the federal level in Switzerland. My preferred candidate for an initial introduction

⁴¹ Cfr. Linder (2004: 116).

is the optional legislative referendum. It is more effective as a check on the representative institutions and it is less liable to produce 'extreme' outcomes and to be 'hijacked' by well resourced private interests. Referendums should thus be introduced before initiatives, to allow for a popular 'learning process' with direct democracy. If initiatives are introduced, then a system of constitutional review performed by the judiciary – not, as in Switzerland, by parliament – should be introduced.

It is also important that the rules governing the specific instruments introduced should be thought through in the light of political science analysis of the effects of different referendum dynamics. As seen above, direct democracy always has a direct and an indirect impact on public policy and most of the time on the institutional structure as well but the exact nature of this impact depends on the rules governing the instruments used and on other features of the political system.

Writing direct democracy instruments into a constitution, however, guarantees neither that the instruments will be used nor what their effects on the system will be. Interestingly, the recall device is present in some cantonal constitutions in Switzerland but has never really been used while it is alive and well in a number of US states where the optional legislative referendum, as seen above, has fallen into disuse.⁴³ Likewise, a number of former communist Eastern European countries have introduced direct democracy instruments in their constitutions but so far there is little sign that they are going to be extensively used.

Conclusions

At a time when representative institutions face exceptionally low levels of trust and support, which call into question their legitimacy, it is important to explore the potential of direct democracy to enhance the quality of democracy in our political systems.⁴⁴ Direct democracy can offer some answers to the crisis of legitimacy of representative democracy though not all of them. Idealistic expectations of a fully participatory democracy ushered in by the use of direct democracy instruments have failed to materialise. Nonetheless, direct democracy has been proven to matter to the quality of democracy in systems using it and, by and large, to matter in a positive way. If it is largely true that direct democracy has confounded both its most ardent supporters and its worst enemies, it does not follow that it does not make any difference. As seen above, it does have a wide-ranging direct and indirect impact on political

⁴² See Linder (1998: 134)

⁴³ See German and Klöti (2004: 332) on the recall at the cantonal level and Papadopoulos (1998: 45) on the referendum having gone out of favour in the US.

systems and, by and large, its main effect is to make those systems more responsive to public opinion, which many would agree means more democratic. As Hug and Tsebelis put it: “voters are never worse off having provisions for referendums”.⁴⁵

Switzerland is without doubt the system in which direct democracy has performed best and should rightly be seen as a model, though it is also a very peculiar and idiosyncratic political system and thus a difficult one to imitate, if only partially. Furthermore, the experience of other countries also using direct democracy – somewhat less successfully than Switzerland – testify that the Swiss experience is only one among many possible and that design of specific instruments, interaction with representative institutions and compatibility with political culture are all of paramount importance. Above all, it should be borne in mind that direct democracy is essentially a mechanism to translate public preferences into public policy: what comes out of it depends on what is put in. Different systems would inevitably put different inputs into it and outcomes would consequently also vary greatly.

However, it is important to bear in mind that we, as political scientists, still know very little about direct democracy. The phenomenon itself – in the sense of the mass use of direct democracy instruments – is relatively new and, above all, the ‘universe’ that can be studied is very small. Only a handful of political systems use direct democracy to a significant extent and only one – Switzerland – could be labelled a semi-direct democracy. Though the study of direct democracy in the Swiss cantons and in the US states does offer some opportunity for comparative analysis, this is still limited by the single-country setting. To my mind, this is by far the greatest obstacle that the scientific study of direct democracy faces today. In light of this caveat, the current political science knowledge about direct democracy should be considered tentative and thus be treated with caution and the expansion of direct democracy should likewise be done cautiously.

To conclude on a personal normative note, I am rather sympathetic towards direct democracy as is practiced in Switzerland. My position is rather similar to Cronin’s, i.e. that direct democracy can be a valuable addition to representative democracy as a corrective element to the shortcomings of the latter.⁴⁶ As the Swiss experience indicates, used judiciously, through the right instruments and with appropriate limits, I think its advantages clearly outweigh its disadvantages. This is mainly, to paraphrase Giuseppe Motta, not

⁴⁴ See also Papadopoulos (2002: esp. 1, 5) on this point and the Eurobarometer surveys [http://europa.eu.int/comm/public_opinion/standard_en.htm] for empirical evidence.

⁴⁵ Cfr. Hug and Tsebelis (2002: 487)

⁴⁶ Cfr. Cronin (1989: 249-51)

because I have boundless faith in the wisdom of the people but because I have very limited faith in the wisdom of elected politicians.

Bibliography

Bogdanor, Vernon. 1994. Western Europe. In David Butler and Austin Ranney (eds), *Referendums around the World*. Washington, Dc, USA: AEI Press

Budge, Ian. 1996. *The New Challenge of Direct Democracy*. Cambridge: Polity

Butler, David and Austin Ranney. 1994. Theory. In Idem (eds), *Referendums around the World*. Washington, Dc, USA: AEI Press

Church, Clive. 2004. *The Politics and Government of Switzerland*. Basingstoke: Palgrave

Cronin, Thomas. 1989. *Direct Democracy*. Cambridge, Ma, USA: Harvard University Press

Dardanelli, Paolo. 2005. Democratic Deficit or the Europeanisation of Secession? Explaining the Devolution Referendums in Scotland. *Political Studies* 53/2: 320-40

Donovan, Todd and Shaun Bowler. 1998. Responsive or Responsible Government? In Shaun Bowler et al. (eds), *Citizens as Legislators*. Columbus, Oh, USA: Ohio State University Press

Germann, Raimund and Ulrich Klöti. 2004. The Swiss Cantons: Equality and Difference. In Ulrich Klöti et al. (eds), *Handbook of Swiss Politics*. Zurich: Neue Zürcher Zeitung Publishing

Hug, Simon and George Tsebelis. 2002. Veto Players and Referendums Around the World. *Journal of Theoretical Politics* 14/4: 465-515

Kauffman, Bruno. 2005. Direct Democracy in Switzerland – View from a Distance. Paper presented at the 27th EGPA Annual Conference. Berne: 31 August – 3 September

Kobach, Kris. 1994. Switzerland. In David Butler and Austin Ranney (eds), *Referendums around the World*. Washington, Dc, USA: AEI Press

Kriesi, Hanspeter and Alexander Trechsel. 2005. *The Politics of Switzerland*. Cambridge: Cambridge University Press

LeDuc, Lawrence. 2002. Opinion Change and Voting Behaviour in Referendums. *European Journal of Political Research* 41/6: 711-32

Linder, Wolf. 2004. Direct democracy. In Ulrich Klöti et al. (eds), *Handbook of Swiss Politics*. Zurich: Neue Zürcher Zeitung Publishing

Linder, Wolf. 1998. *Swiss Democracy*. Basingstoke: Macmillan

Neidhart, Leonhard. 1970. *Plebiszit und pluralitäre Demokratie*. Berne: Haupt

Papadopoulos, Yannis. 2002. *Peut-on imaginer d'organiser des référendums à l'échelle européenne et à quelles conditions ?* Policy paper No. 2. Paris: Notre Europe

Papadopoulos, Yannis. 1998. *Democratie directe*. Paris: Economica

Svensson, Palle. 2002. Five Danish Referendums on the European Community and European Union: a Critical Assessment of the Franklin Thesis. *European Journal of Political Research* 41/6: 733-50

Trechsel, Alexander. 2004. Popular votes. In Ulrich Klöti et al. (eds), *Handbook of Swiss Politics*. Zurich: Neue Zürcher Zeitung Publishing