Switzerland is unique in basing so much of its politics on what is called ‘direct democracy’ and having many issues decided by popular vote something which, as Möckli says, is something very different from electing individuals. As one of the main pillars of popular sovereignty, it is used to give an ultimate imprimatur to constitutional revisions and other key decisions. Hence after votations it is customary to say that ‘the sovereign has spoken’. And, to protect such popular votes, the Constitution prevents the Federal Tribunal from overruling them, regarding the people as a better guardian of the public good than the best judges. And such is its legitimacy that if issues have been decided by votation, the result is normally accepted. Equally direct democracy is very much a matter of more day-to-day politics at all three levels of the state. In fact, cantons and communes make even more use of it than the Confederation.

Hence Switzerland can claim more votations than the rest of the world put together. Moreover, it has used them in a far wider range of issues than in other countries, including external ones. Yet, outside Switzerland this is less appreciated than it should be. This is especially odd as many Swiss authorities argue that it has a major influence on the political system as a whole, educating the public, encouraging power-sharing and respect for minorities and forcing policy-makers to be moderate and consensual. With the threat of a referendum hanging over them, there is a real need to avoid alienating doubters. As Aubert has said, some of the most effective votations have been those which never took place. Hence, even though it is a majoritarian mechanism, it is accepted because it smooths down rough edges.

Moreover, Bohnet and Frey see it as a paradigm of popular control which has ensured that the country has become a flexible, free market
economy with a slim-state apparatus. Conversely, there is also much criticism of direct democracy. Both Borner and Germann argue that it has choked off, or at least slowed down, political innovation, allowed lobbies to defend their interests and complicated Swiss foreign policy. This is because it unfairly empowers traditionalist elements in society and unnecessarily hampers government.

Before we can resolve this debate, we need to ask exactly what forms Swiss direct democracy now takes and how, and for what, it is organized. What emerges is that, although some of the claims made for it are less convincing when very divisive issues have to be faced and there are other difficulties, the process is still firmly entrenched. So it seems set to remain the major factor in Swiss politics. And this is something that needs to be appreciated.

The forms of direct democracy

One problem in understanding direct democracy lies in the terminology used. Thus the British talk not of direct democracy but of referenda, by which they mean ‘one-off’ plebiscites to supplement the essential business of choosing a party to govern. Not only does direct democracy in Switzerland go well beyond this but the Swiss take a ‘referendum’ to be a particular kind of direct democratic instrument and not a generic term. To ignore this is to misconceive the nature of direct democracy in Switzerland. Hence, as already suggested, it is better to use generic Swiss terms like ‘votazione’.

The range of issues subject to direct democratic decision has steadily expanded over the years since the 1820s. Then, drawing on historic practices in the mountain cantons and the enforced import of the idea from Revolutionary France, liberals introduced votations at cantonal level, usually for constitutional matters but also for ordinary legislation, mainly as a right of veto. Nationally it was used to approve the 1848 constitution and then, under pressure from the emerging democratic movement, extended in 1874 to a challenge on legislation. More significant still was the introduction of the possibility of partial amendment of the constitution by popular vote in 1891. By then direct democracy was also further expanding at local levels beyond the legislative initiative introduced in mid-century.

Thereafter, direct democracy was used more frequently and on a wider scale. In 1921 some treaties were made subject to popular approval as, in 1949, were ‘urgent’ government acts. The radicalism of 1968 gave an even greater boost to direct democracy so that votations