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# How Does Direct Democracy Matter? The Impact of Referendum Votes on Politics and Policy-Making

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YANNIS PAPADOPOULOS

## DIRECT DEMOCRACY IN THE FEDERAL POLITICAL SYSTEM

Throughout the world, referendum procedures display a wide variety of forms. A majority of European countries and more than one-third of UN members have had some form of referendum in their history. In Switzerland – the country with the largest number of referendums held at the nation level<sup>1</sup> – this variety is highly codified. The referendum has been mandatory for any constitutional change since the beginnings of the federal state in 1848. The domain of mandatory referendums has subsequently been extended to the ratification of major international treaties and for membership in supranational organisations. In addition, constitutional referendums have been held increasingly frequently owing to the constraints of federalism. In federal Switzerland, the growth of central state activities – a typical feature of most modern welfare societies – systematically requires formal approval by a double majority of voters *and* cantons.

The focus of this account is not, however, the consequences of mandatory referendums. Instead it is concerned with referendum mechanisms that result from pressure ‘from below’, which differentiate Switzerland, Italy at the national level (to a lesser extent), plus several American states from the many other countries with referendum institutions.<sup>2</sup> As a rule, the countries where referendums are used most frequently are those where referendums can be initiated from below. In Switzerland, notwithstanding the increase in mandatory votes (206 since 1848),<sup>3</sup> referendums generated by a petition from below are more than half of the total: 132 optional referendums since the constitutional reform of 1874, and 127 popular initiatives since the reform of 1891.<sup>4</sup>

These referendums share the property of *not* being under the control of the political system.<sup>5</sup> By way of petition, a number of citizens (be it an

absolute number or a proportion of the electorate, of voters in a previous election, or suchlike) can, as a rule at any time, decide that an issue should be submitted to a vote. The outcome of this vote is not merely consultative but binding. What matters here is that the initiative for the vote originates in part of the electorate, not in a political institution – the presidency, the government, the majority or even a minority in parliament. Hence, as viewed by those ‘above’, these referendums cause more uncertainty than referendums which can be anticipated because of constitutional provisions, or those decided in a discretionary way by political bodies: ‘[t]ypes of popular votes in this category probably raise the most questions and problems regarding the compatibility and integration of the referendum phenomenon with constitutional representative government’.<sup>6</sup> Significantly, Swiss citizens were not granted these referendums by the governing elites. The referendums were introduced into the constitution under pressure from reform movements in the second half of the nineteenth century, after a number of cantons had accumulated some experience with them.

There are two types of referendum ‘from below’ in Switzerland at the federal level (and others at the cantonal level):<sup>7</sup>

1. the optional referendum (henceforth ‘referendum’): if 50,000 voters sign a petition opposing a bill 90 days after its passage in the bicameral Parliament, the bill must then be approved by a majority in a referendum vote in order for the bill to be enforced;
2. the popular initiative (henceforth ‘initiative’, equivalent to ‘propositions’ in the United States): if 100,000 signatures are collected within 18 months to propose a constitutional amendment,<sup>8</sup> then a referendum must be held. The outcome will be binding, provided a majority of voters *and* of cantons supports the proposal.

Thus, it appears that referendums and initiatives serve different functions in Switzerland.<sup>9</sup> The optional referendum allows a group of citizens to attempt to overrule an existing decision, whereas the right of initiative enables citizens to put radically new proposals on the agenda. Optional referendums close the legislative process and thus seek to correct ‘sins of commission’, whereas initiatives open the process, attempting to correct the parliamentary majority’s ‘sins of omission’.<sup>10</sup> Referendums result in ‘votes of control’, and initiatives result in ‘votes of promotion’.<sup>11</sup> It can be argued that the latter are even less under the control of the system, for their impulse is not conditioned by any prior decision of parliament. Hence, initiatives more strongly constrain the margin left to representatives.

There is little doubt then that '(semi-) direct democracy matters'.<sup>12</sup> It matters when the outcomes of referendum votes are not those desired by the federal government or by a majority of parliamentarians. It matters even when these outcomes are congruent with their wishes, for the voice of the people confers additional legitimacy on policy choices. However, here we should scrutinise the more subtle *indirect* effects of direct democracy and their overall impact on the Swiss political system. On one hand, direct democracy mechanisms that remain uncontrolled are expected to block the choices of the ruling elites (referendum) or to upset their priorities (initiative). These mechanisms can engender governability problems, because they may cause 'irritation' to the political system, as sources of 'noise' impeding its ordinary operation. On the other hand, as viewed 'from below', they are a useful resource likely to modify the power balance in favour of outsiders confined to a marginal position in the official decision-making process.<sup>13</sup> Consequently, established elites and organisations will also, in all likelihood, do their best to influence the outcome of uncontrolled referendums: by making recommendations to the rank-and-file and their sympathisers, by campaigning in the media, and so forth. Yet, the attitudes and behaviour of the populace can always surprise the rulers, making referendums more than a simple reproduction of the balance of forces in parliament. For example, approximately one in four bills rejected by the voters were supported by *all* parties in the federal grand coalition as well as most interest groups, and were opposed solely by very marginal national-populist parties.<sup>14</sup> As a result, those in power often try to erect protective barriers and defensive mechanisms, as a form of risk management, to cope with the uncertainty caused by referendums emanating from below. Thus, individual referendum votes are not only decisive for policy outputs, but also direct democracy as an institution requires that the political system as a whole adjusts to the pressure caused by it.

Political actors do modify their behaviour in response to the challenge of direct democracy. This is by no means a simple, deterministic 'iron law' of direct democracy. There is no mechanistic process, whereby the universal constraints of direct democracy dictate a single appropriate response by political actors: political systems are not 'trivial' mechanisms.<sup>15</sup> Strategies and choices in politics are, more often than not, the outcome of reflection, calculus, routine, inheritance from the past, and so forth, as stated in the vast literature on rational choice, bounded rationality or path dependency. Consequently, similar pressures exerted from below, by virtue of direct-democracy mechanisms, can be interpreted very differently and can trigger diverse responses by actors socialised in different settings, as is shown by comparative research on the issue.<sup>16</sup>

Nevertheless, it can be argued that adaptive behaviour to the challenge of direct democracy has taken three forms in Switzerland. These are the major strategies pursued by elites in order to lessen risks arising from the referendum. The first two strategies aim to *prevent* recourse to direct democracy, the third to *steer* the processes it engenders:

1. Widening the executive formula, to encompass all parties likely to make efficient use of the referendum if not co-opted as partners in the governing coalition (it should be remembered here that inclusive grand coalition governments are typical power-sharing devices in consociational democracies).
2. Anticipating the veto risk by negotiating *ex ante* with opponents to the policy reforms that originate in government or parliament. Bills are amended as early as in a pre-parliamentary phase, to incorporate the claims of '*referendumsfähig*' actors (associations, parties and movements that enjoy a reputation of winning majorities in referendum votes). Alternatively, these bills are simply withdrawn if they encounter too much opposition.
3. Negotiating *ex post* when recourse to direct democracy cannot be prevented. This occurs in the case of initiative promoters whose claims can be partially met in a formal counter-project (a more moderate constitutional amendment also requiring a double-majority referendum vote) or, more frequently, can be met in legislative amendments that will not necessitate a popular vote (unless challenged by an optional referendum).

One section is devoted to each of these strategies, before an examination of whether this institutionalist approach thoroughly captures the dynamics of the Swiss political system, and before conclusions on the validity of the traditional functions of direct democracy today.

#### THE GRAND COALITION AS A DISINCENTIVE TO USING DIRECT DEMOCRACY

In Switzerland, direct democracy contributed to the advent of consensual practices in spite of, or rather because of, its majoritarian characteristics as a decision mode. Consensual practices have been established to prevent or to moderate the use of direct democracy. This well-established thesis on the impact of the referendum originated with Leonhard Neidhart, in a pioneering work that was neo-institutionalist *avant l'heure*.<sup>17</sup> Following this

line of thought, direct democracy is the most important ‘*Konkordanzzwang*’:<sup>18</sup> a constraint that forces political elites to adopt a strategy of co-operation rather than confrontation. In his *Democracies*, Arend Lijphart may have been too hasty in concluding that direct democracy is specific neither to majoritarian nor consensual democracies, though he was right in considering the great variety of its forms that prevents almost all generalisation. Direct democracy is typically a majoritarian device. As a result, where direct democracy is well-established, it may in the long run trigger consensual responses to avoid it, although – as noted earlier – this is by no means necessary.<sup>19</sup>

The first group to make successful and extensive use of the referendum was the Catholic-Conservative Party in the second half of the nineteenth century. Although they managed to keep control over their cantonal strongholds thanks to federalism,<sup>20</sup> the Catholics had been excluded from the central government since their defeat in the *Sonderbund* war and the creation of the Swiss federation in 1848. Hence, the referendum proved to be a useful tool. It enabled them regularly to challenge important decisions of the incumbent Radical Party, which concerned the centralisation of competences and secularisation of society. In 1891, this result, together with the rise of the socialist movement that forced the bourgeoisie to silence its internal contradictions, led the parliament to elect the first Catholic-Conservative member of the collegiate federal executive. Prior experience with coalition government in the cantons (which are frequently laboratories of institutional innovation) helped allay fears about what was an important novelty at the time.

Gradually, through a process of learning and imitation, other parties with a strong referendum power also joined the federal government, leading to the so-called ‘magic formula’ of seven members. The ‘magic formula’, unchanged since 1959, safeguards the representation of the four major parties in principle in proportion to their electoral strength: two federal councillors (ministers) for the Radicals (now a right-wing party, mostly representing business interests), the Christian Democrats (ex-Conservatives, mostly based in Catholic cantons), and the Socialists. In addition, there is one member for the Swiss People’s Party (SVP, initially an agrarian splinter of the Protestant Radical milieu, but increasingly a nationalist-populist party, and today the strongest party in the country). Parties able to demonstrate a ‘blackmailing power’ through direct democracy thus managed to convert this into ‘coalition power’.<sup>21</sup>

The case of the Socialists, however, shows the limits of this integrative process, and illustrates its non-mechanistic character: ‘paths’ are not always straightforward in path-dependency patterns. Their first member of the

federal government was elected in the middle of World War II in 1943, in an atmosphere of 'holy alliance' between the major social and political forces of the country. Prior to this, the Socialist Party had had to water down its programme dramatically and had made considerable efforts for over a decade to be accepted as a partner in the governing coalition. By 1943, its representation in the Federal Council was similar to that of the People's Party, which was ideologically much closer to the Radical and Conservative incumbents, and had been accepted as a partner much earlier, although it only had half the electoral strength of the Socialists. It was not until 1959 that the Swiss Socialists obtained representation in government proportional to their electoral support. This suggests that, even if rulers 'learned' from their opponents' frequent use of direct democracy, this learning process took considerable time and was also influenced by the ideological profile of those who were to be co-opted.

Notwithstanding these qualifications, the magic formula in turn seems to have had some impact on the practice of direct democracy: since the 1960s, the proportion of bills challenged by referendum has fallen to just seven per cent. In addition, when referendum votes do take place, voters more frequently support government policies. Although only 54 per cent of parliamentary decisions submitted to the vote (mandatory and optional) between 1848 and 1960 survived the challenge, this proportion increased to 72 per cent between 1961 and 1999. This change is particularly striking in the case of bills submitted to referendum by petition. It was not only the proportion of bills challenged that decreased, while the increase in the total number of optional referendums was simply due to increased legislative activity by parliament. Prior to 1960, a majority of bills challenged were rejected by the people (41 out of 65). Subsequently, only a minority of them was rejected (26 out of 67).

What is more, we observe in Switzerland a differentiation between direct and representative democracy.<sup>22</sup> This created a 'fragmentation of political risks':<sup>23</sup> it is possible that the safety valve of direct democracy has prevented opposition parties from gaining more influence in the sphere of electoral competition and of parliamentary politics. This isolating cocoon prevents contagion from the referendum to the representative scene and could help explain the low volatility of the federal party system. To give but one example, the strong support for xenophobic popular initiatives contrasts with the weak electoral support for parties backing these initiatives.<sup>24</sup> The differentiation of the systems of direct and representative democracy has been a major ingredient for the overall integrative role of direct democracy in Swiss politics.

The effects of direct democracy on elite behaviour and on the mechanics of decision processes are not limited to impacts on the composition of the federal executive. 'Governmentalising' opponents to public policies is only the formal aspect of their co-optation, a way to neutralise their veto power by awarding them some influence. Other less formal aspects – albeit strongly consolidated now and no doubt equally, if not more, relevant<sup>25</sup> – accompany this facet of co-optation, and will be surveyed in the next section.

#### EX ANTE NEGOTIATION AS AN ANTICIPATION OF DIRECT DEMOCRACY

Not only have opposition parties gradually been co-opted into the federal government, but the views of any group considered to be a credible user of direct democracy are considered too. The decision process is long and complex,<sup>26</sup> with a high level of institutional redundancy. Several phases succeed one another, with actors playing 'nested games', seeking in each phase to anticipate the power balance in the next one, particularly in the most decisive referendum phase.

There are several moments when, in a direct or in an indirect manner, the Damoclean sword of the referendum shapes actors' behaviour:

- The decision process often begins with a pre-parliamentary phase, more frequently when decisions seem important. Sometimes, in addition, an expert committee will meet regularly to draft a preliminary version of the bill.<sup>27</sup> Despite the name, the members of these preparatory bodies are primarily representatives of social forces that count. Their activities thus combine the principles of 'intellectual cogitation' and of 'social interaction'.<sup>28</sup> Furthermore, according to interviews given by their members, their work takes place in the shadow of the referendum, whether mandatory (a majority must be obtained) or optional (the referendum would better be avoided).<sup>29</sup> This is not to say that these very respectable experts, who happen to defend particular interests quite openly, would overtly make threats. The experts internalise the 'second face' of power sketched by Peter Bachrach and Morton Baratz in their *Power and Poverty* in a much more subtle way. It leads them to self-censor with respect to actors having blackmail potential – even those not represented on the committee.
- In a substantial number of cases, the pre-parliamentary phase continues beyond the usual informal contacts between the federal bureaucracy and



various groups. The process continues with the highly institutionalised ‘*Vernehmlassungsverfahren*’, whereby major groups are officially consulted on a first draft of a bill. The outcome of these consultations is then analysed and interpreted by the administration. Even in the absence of conclusive empirical findings, it can be reasonably argued that, the greater an actor’s referendum power, the more consideration is given to its support or criticisms.<sup>30</sup> The federal executive must then choose between simply presenting the bill in parliament, amending it, or withdrawing it. The federal executive thereby remains an important filter in the decision process. But perhaps the real power lies in the hands of high bureaucrats who are better able to assess the life chances of a bill, or, ultimately, in the hands of actors with veto power, as a result of the referendum.

- There is another veto point: the federal parliament, where bills are debated before being submitted to a popular vote. The power of parliament is subject to some controversy in Switzerland, since the Federal Assembly makes few amendments to government bills, and only recently has its input into federal legislation grown.<sup>31</sup> But it cannot be said that the parliament merely ratifies decisions made informally in the pre-parliamentary phase. The pre-parliamentary phase cannot perfectly anticipate parliamentary behaviour. Some bills that proved to be very controversial in parliament had undergone intensive pre-parliamentary consultations. This suggests that, when conflict is acute at the outset, consociational procedures do not absorb conflict and that they have reached their limits.<sup>32</sup> More importantly, a simple parliamentary majority is not enough to avoid defeat in a subsequent referendum.<sup>33</sup>

The plurality of veto points makes it all the more necessary to form wide coalitions around reforms. The inevitable consequence is a bias toward incrementalism in policy-making.<sup>34</sup> Stripping Swiss consensual politics of the sacred aura that surrounds it, Franz Lehner and Benno Homann reduce it to attempts at securing parliamentary support *and* popular majorities. Yet this is not an easy task either. Even when a bill is widely supported in parliament, many actors – and sometimes governing parties too – may shift their position in the referendum campaign.<sup>35</sup> As a result, the level of parliamentary consensus has no impact *at all* on a bill’s chances of success when challenged by the optional referendum.<sup>36</sup>

In sum, before addressing the systemic impacts of the initiative, we can conclude that the threat of the referendum was quickly perceived as a source of stress and uncertainty. The referendum is more frequently used for

'deterrence' rather than 'incapacitation'" (Jon Elster): preventing a bill from being voted on by parliament instead of vetoing a law already passed by parliament. Integrative devices are crafted to preclude recourse to the referendum by incorporating opponents into the political system in a number of ways. In order to limit the referendum risk, policy designers became very prudent about bold innovations and ambitious reforms. Preventive strategies, such as the '*Vernehmlassung*', which reduce the risk of a challenge by optional referendum, strengthen the influence of distributive coalitions that fear losing their rents. Once again, because the referendum is seldom used, it achieves its impact indirectly rather than directly. This weapon protects entrenched interests, inhibits the achievement of redistributive goals and engenders a pro-status quo bias. This includes not only social measures, but also any policies that entail some form of resource reallocation. Scholars frequently observe a link between consensual politics and conservatism, which they explain by the *de facto* contractual, and not vertical, nature of policy-making. The most commonly cited example is federal regimes that require the additional consent of territorial sub-units in policy-making.<sup>37</sup> However, the referendum imposes similar constraints that make it hard to bring about far-reaching innovations.

The pursuit of compromise was rewarding, however, as only seven per cent of parliamentary bills were challenged by referendum. The increased transaction costs caused by bargaining are thus the price to be paid for anticipating and neutralising the referendum risk. It must be added, however, that this form of consociational decision-making was adopted by the political elites as a reaction to the 'direct-majoritarian'<sup>38</sup> institutions that their predecessors had been forced to establish. Besides, this strategy of referendum avoidance is not always successful. When referendums cannot be avoided, the prospects for bills can be grim. It is also a sign that preventive remedies were not of much use. Alain Valéry Poiry came to the surprising conclusion that bills were more likely to achieve a popular majority when they had *not* been submitted to debate in the pre-parliamentary phase!<sup>39</sup> This contention underlines the strong element of unpredictability inherent in the referendum.

#### EX POST NEGOTIATION AS MANAGEMENT OF DIRECT DEMOCRACY

Avoiding the referendum is clearly a preventative strategy *vis-à-vis* direct democracy. It is badly needed because when a referendum on a bill is requested, the vote takes place with no further possibility for bargaining. Yet

the political system has some manoeuvring room with respect to popular initiatives as well. When popular initiatives appear on the agenda, it is proof positive that the government and parliament were unable to anticipate some social demands and thus prevent this occurrence. Initiative pressure is, however, less than is the case with the optional referendum. Experience has shown that initiatives rarely achieve the required double majority of citizens and cantons (only 12 of 127 votes since the end of the nineteenth century). Thus, initiative promoters have less blackmail potential than referendum promoters do. They are typically outsiders, such as environmental movements, trade unions or left-/right-wing militant groups.<sup>40</sup> Nevertheless, initiatives also cause indirect effects. They also trigger negotiations. These, however, occur *ex post*, after the initiative has been deposited with the required 100,000 signatures, not *ex ante*, as is true for attempts to pre-empt a referendum.

A central institutional technology gives rise to the indirect effects of initiatives. The parliamentary majority may to some extent endorse an initiative request,<sup>41</sup> and, in response, the initiative promoters may withdraw their text. Almost one-third of initiatives have been withdrawn by their promoters. It is estimated that the parliament responded in some way to more than half, at least until the end of the 1970s.<sup>42</sup> It is also estimated that one-third of initiatives led to an informal response: a law repealed or amended, or a vote for new regulations. In these cases, half of the initiatives were withdrawn.<sup>43</sup> The same applies to initiatives that resulted in formal counter-projects (constitutional amendments). In other words, most initiative withdrawals can be attributed to a direct or indirect response from parliament, which was acceptable to initiative promoters.<sup>44</sup> Besides, the voters have approved almost all formal counter-projects once the initiative was withdrawn.<sup>45</sup> The systemic effects of initiatives are not restricted to the very few that passed the referendum test.

Overall, we note substantial openness and receptivity to popular initiatives in the political system. There is room for bargaining and giving consideration to the claims formulated by the proponents. Thus, even when the use of direct democracy is not anticipated, the federal elites are not wholly inactive. They have often responded to the initiative pressure, and have reached agreement with initiative promoters. The consequences of managing direct democracy are not the same for initiatives and optional referendums, however. Through their indirect effects, initiatives strengthen the pluralist dimension of the political system. As a rule, they stimulate novel options that would otherwise be neglected or, worse yet, be deliberately ignored.<sup>46</sup> Unlike the referendum, the initiative is an

accelerating mechanism. Although we have just noted that this can be the basis for compromise, the initiative originates with a proposal that has circumvented the filters (expert committees, '*Vernehmlassung*', bicameralism and the like) of the standard decisional process, which usually water down innovations. Thus, initiatives may upset the priorities set by established elites and may create an arena where the power balance is more favourable to preferences marginally represented elsewhere. This is the mainstream view on the impact of the initiative, a view which has not gone unchallenged in the literature.

Indeed, there is a gloomier side to the integrative capacity of the political system: the initiative deradicalises social movements. Instead of focusing on the systemic effects of the initiative, Rudolf Epple-Gass<sup>47</sup> has adopted the view from the bottom. He holds that initiatives are a double-edged sword that should be considered a constraint upon rather than a resource for social movements. Initiatives fragment claims into single issues, at the expense of global alternatives. What is more, according to this author, it is not true that the content of initiatives is unnegotiated. Although this is formally true, in practice initiative promoters moderate their claims in advance, anticipating that only modest innovations will be sufficiently acceptable to trigger the positive responses referred to above.

Besides, direct democracy restricts the action repertoire of social movements. As a result of organisational bounded rationality and routine, movements find it harder to opt for less familiar, less institutional and less conventional strategies. They rule them out even when these are more profitable to the achievement of their targets.<sup>48</sup> To these negative effects we may add the high costs of signature collection and campaigning, which meet with varying degrees of success. Between 1979 and 1992, no more than 60 of 98 initiatives achieved the threshold of 100,000 signatures.<sup>49</sup> Furthermore, integrative behaviour is also selective in its impact. Right-wing established parties seldom have to resort to initiatives, but when they do they are more likely to withdraw them subsequently. This clearly indicates that insiders have other means of gaining influence and that their blackmail potential through the initiative is higher too.

Finally, not only do the high costs of initiative campaigns deter minor groups from using them, but they also seem to strengthen the oligarchic component of larger organisations. Efficiency requires professionalisation, resulting in the bureaucratisation and centralisation of organisations.<sup>50</sup> Briefly put, the integrative effect of the initiative has its own price in democratic losses: organisational selectivity and some degree of elitism. If we add these considerations to the blackmail potential of established groups

capable of threatening an optional referendum, then we come to a view of direct democracy that seriously challenges its emancipatory potential.<sup>51</sup> But this is yet another story ...

#### THE LIMITATIONS OF THE INSTITUTIONALIST THESIS

In previous sections, it appeared that direct democracy – in the form of referendum or initiative – not only matters directly, but also matters more indirectly. This form of pressure from below led to considerable modifications in elites' behaviour, and, in that sense, Leonhard Neidhart's thesis remains relevant. Nevertheless, the impact of direct democracy on compromise politics ought to be qualified. There is a degree of 'helvetocentrism' in Neidhart's argument, which does not fully capture all the dynamics of compromise politics. As noted earlier, similar mechanisms of direct democracy from below did not result in similar integrative responses in other systems. In addition, a number of countries, including Switzerland, are subject to pressures for concertation that have nothing to do with direct democracy. For example, consociational democracies were characterised by acute cleavages, mainly religious or linguistic. These impose a cooperative ethos on leaders of the various subcultures, necessary to work out agreements to counteract the centrifugal effects of social heterogeneity in these countries.<sup>52</sup>

To be sure, several points still remain to be elucidated in the study of consociational decision-making. Some points require a return to the neo-institutional paradigm, such as the still unexplored role of institutional design in appropriately addressing crucial sources of conflict. Others require familiarity with the dimensions of deliberative democracy.<sup>53</sup> For example, which arguments had more resonance in debates among political leaders, and how did the leaders learn to coexist peacefully? The conceptual lens of consociationalism, however, remains relevant for understanding the origins of compromise-seeking.

In Switzerland, the first major concession by rulers was a constitutional compromise on centralisation in 1848. This compromise took place in the absence of any referendum pressure, because all mechanisms of direct democracy by petition were introduced into the constitution much later. After winning a short civil war against the Catholic-Conservative cantons, the Swiss Radicals (a liberal secular party mainly based in Protestant urban areas that recruited then from the rising bourgeois class) left much power to the cantons. This enabled the defeated Catholic Party to remain a dominant force locally. Although excluded from the federal executive until 1891, the

Catholic Party kept the upper hand in its strongholds: consociationalism appears then much as a strategy for preventing the repeat of past traumas.

It can be argued that the acceptance by radical elites a few decades later of reforms that introduced into the federal constitution provisions for direct democracy 'from below', or the subsequent co-optation of those who successfully resorted to them would have both been impossible without a prior experiential learning of consensual politics.<sup>54</sup> Hanspeter Kriesi and Dominique Wisler<sup>55</sup> attribute the willingness of the Radicals in power to make concessions with respect to direct democracy to yet another condition specific to the Swiss setting: the weakness of coercive resources under control of the central power, that made harder to defeat opponents.

Switzerland also belongs to the grouping (which partially overlaps with consociational democracies) of small states with very open economies that make them vulnerable to the fluctuations of the international environment.<sup>56</sup> Here, the aetiology of compromise-seeking differs considerably from the consociational model. Internal cultural factors no longer matter, but international market constraints do. Being vulnerable to the international economy is thought to force politicians, bureaucrats and representatives of major associations to set up co-operative mechanisms in social-economic policy. Domestic concertation is thought to result in a decisive comparative advantage against competitors.

Consociationalism and this version of corporatism are not mutually exclusive, however, although they are responses to different problems, in different areas of policy-making. Domestic concertation might be easier in countries where elites have learned from a consociational tradition. Arend Lijphart and Michael Crepaz pointed out the parallels between consociationalism and neo-corporatism. Frans Van Waarden went so far as to argue that, for the Netherlands (and this also holds true for Switzerland), there is a causal relation between these two modes of conflict-resolution, which is more than an isomorphism.<sup>57</sup> Thus, a Swiss exceptionalism that is attributed to the peculiarities of domestic institutions like direct democracy must then be qualified.

Moreover, a fair number of institutional arrangements are functionally equivalent to direct democracy by similarly encouraging self-restraint by decision-makers to avoid vetoes. To give one example, consider systems of checks and balances, where parliamentary majorities live under the threat from institutions with a dissuasive blackmail potential, like the presidency or a constitutional court. Ultimately, we do observe social-economic limitations on policy-making, with private business interests exerting their blackmailing power by threatening 'exit', in favour of more propitious

national settings (*'Standortkonkurrenz'*). No government will readily ignore that risk.<sup>58</sup> If we take into account these constraints that act as incentives to pragmatism, moderation and compromise-building, then direct democracy is just one more constraint. It increases the deterrent power of actors outside the political system – associations, firms, social movements, and so on – actors who, strictly speaking, would have counted anyway. Switzerland can thus be depicted as a polity where constraints act cumulatively on decision-making, which enhances the pressure for co-operative behaviour.

To be sure, comparative studies also tend to confirm the validity of institutional theses *à la* Neidhart, other things being equal (for example, the standard explanatory variables used in the 'does politics matter?' debate on social-economic policies). According to Ellen Immergut's rigorous survey of health reforms in Switzerland, compared with those in France (during both 4th and 5th Republic) and Sweden,<sup>59</sup> the very liberal and pro-status quo orientation of Swiss health policy results less from an unfavourable balance of power between left and right, than from the cumulative effect of veto points. In this case, the optional referendum was the rescue for opponents defeated in both Chambers of Parliament. Yet this confirmation highlights anew the limits of the virtuous role of direct democracy. This proliferation of veto points can be conducive to policy stalemates, as opponents not incorporated in the decisional procedures are awarded additional chances to block reforms and to impair innovation.<sup>60</sup> It seems that these limits of the integrative potential of direct democracy are increasingly prevalent.

#### A CHANGING ROLE FOR DIRECT DEMOCRACY?

Unlike Italy or some American states, overall the structural coupling between representative and direct democracy has been harmonious in Switzerland. It is also thanks to the systemic responses to referendum and, to a lesser degree, to initiative pressure that this country can be portrayed as 'a paradigmatic case of political integration' (Karl Deutsch). However, almost all observers criticise the high price that has been paid: a lack of innovative capacity in the political system, slow decision-making, adjustment difficulties – European integration is a case in point<sup>61</sup> – or predominantly piecemeal policies, as demonstrated by health politics studied by Ellen Immergut. The trade-off for these costs has been the system's superior integrative capacities, which, in comparative terms, enjoyed very high levels of mass support until very recently.<sup>62</sup> But are things changing now?

Considering first the fate of direct democracy, we can expect a decline in integrative capacities to result in more bills being challenged by

referendum. Yet the optional referendum remains a seldom-used weapon. Notwithstanding a slight increase since 1970 compared to the decade immediately following the advent of the 'magic formula', the proportion of bills challenged holds steady below a threshold of ten per cent. As shown in previous sections, it is true that the most efficient referendums are those that did not take place because government or parliament acceded to the demands of powerful veto groups. Opponents then achieve their aims by other means, as they can merely make threats to use the referendum, without having to carry them out. Although it is hard to say if important legislation was obstructed by such threats, quantitative data do not support the argument of non-decision power. The number of bills voted on in parliament regularly increased, nearly doubling between the 1950s and the 1990s. Stability in the use of the referendum weapon is all the more puzzling as survey data clearly demonstrate that the Swiss federal system underwent a decline of confidence in government and parties, and the emergence of widespread feelings of political alienation.<sup>63</sup> This loss of legitimacy is more severe in Switzerland than in other systems because popular support had dropped from very high levels.

By contrast, the system's integrative capacities *vis-à-vis* popular initiatives seem to have weakened considerably. Since the 1970s, the number of initiatives has doubled. This is due primarily to the increasing complexity and differentiation of Swiss society, which leads to an increase in particularistic demands. Nevertheless, it also illustrates the limits of systemic adaptiveness: fewer issues are being adequately addressed by public authorities. What is more, the proportion of initiatives withdrawn after successful bargaining also decreased: no less than half in the post-war period, but only slightly more than one-quarter since the 1970s (32 of 122). Thus we simultaneously observe more initiatives and fewer satisfactory results (from the promoters' standpoint). A similar polarisation can be observed in the debates on initiatives in parliament. While in the past initiatives were usually rejected by an overwhelming majority of MPs across the political spectrum, they are now accepted by left-wing MPs and rejected by right-wing MPs.<sup>64</sup>

The question remains: why does the left mostly support popular initiatives to promote demands ignored by the right-wing parliamentary majority, without *also* making use of the optional referendum to challenge decisions made by the same majority? The Left-Right conflict in direct democracy is confined to popular initiatives. Between 1987 and 1999, nearly two-thirds of referendum votes with a Left-Right divide in party recommendations were initiatives (23 of a total of 37), which represent less



that one-third of the total number of referendums (37 of 111). Almost none of the mandatory referendums (two of a total of 34) were marked by Left–Right conflict. This is hardly surprising given their nature, for a popular vote must take place even in the absence of any opposition. What is more interesting is that less than one-third of optional referendums (12 out of 39) caused a Left–Right conflict.<sup>65</sup> It is hard to explain the Left restricting its action repertoire in this way. Nevertheless, we know that the optional referendum is typically a pro-status quo device. So, when the Left parties disagree with the content of some reforms – finding them too timid, for example – and decide to challenge them by referendum, their only hope is a return to the status quo ante, which may not be desirable.

According to Kriesi,<sup>66</sup> however, the Left has recently started to make more use of the optional referendum as well. The most plausible explanation could be that the late advent of neo-liberal beliefs in Switzerland, combined with influence from outside,<sup>67</sup> unleashed an unprecedented wave of criticism about Swiss inflexibility on the part of mainstream economists as well as strong pressures from business interests and right-wing politicians, in favour of deregulation and liberalisation. As a result, Switzerland has in the last decade embarked upon large-scale changes in federal social-economic policies.<sup>68</sup> The demand for reform comes then predominantly from bourgeois forces, with the Left seeking to defend the former level of welfare measures.<sup>69</sup> It is therefore reasonable to expect that the Left will tend to use the referendum weapon too.

Yet there does not appear to be any confirmation of stronger backing of optional referendums by the Socialist Party. Instead, there are cyclical tendencies. Only during the 1975–79 and 1991–95 legislatures were a significant portion of optional referendums structured around Left–Right conflict. But this portion is not very important (27.3 per cent in both periods). During all other legislatures since 1971, including the last one, the fraction did not exceed 13.6 per cent. What happens is that votes on some recent reforms have split the Left. Soft-liners – among them the Socialist Party – seek compromises. Hard-liners – usually minor parties and associations – are eager to fight reforms through the referendum. Interestingly, reforms that led to a Left opposition in the referendum (like the first attempt to amend labour legislation) failed. In contrast, reforms where compromises had been reached, by combining retrenchment with improvement measures, avoided or survived the referendum obstacle (for example, unemployment insurance reform).<sup>70</sup> Even though the direction of policy change has shifted recently, one thing persists: the optional referendum is likely to split ideological camps into those who are satisfied

with the compromises they negotiated previously, and those that find the reforms too ambitious or want to stick with the status quo.<sup>71</sup>

What then is the overall assessment of the systemic role of direct democracy in Switzerland? As noted earlier, systemic responses to the optional referendum have been better able to maintain their integrative role than the responses to popular initiatives. On the whole, however, direct democracy did not prevent the advent of legitimacy problems. Other institutional technologies, like the grand coalition formula, did not perform better in preventing the impressive decline of diffuse support for political elites and parties among the mass public. In addition, the Socialists' participation in government is challenged by part of the Right, and the participation of the increasingly national-populist Schweizerische Volkspartei is disputed by supporters of European integration. Hence, Switzerland is facing a wider crisis in the integrative mechanisms at the centre of its institutional system.

Referendum votes on external relations<sup>72</sup> serve to highlight this crisis. To be sure, they are, in some ways, atypical. Switzerland is increasingly confronted by decisions negotiated abroad on a multilateral basis, and this leaves no further manoeuvring room at the domestic level. The only option is to say 'yes' or 'no' to their ratification. It is no longer possible to search for compromises that would reflect the domestic power balance. In these cases, people are more likely to reject parliamentary decisions and the gap between elite and mass preferences is wider. Opposition to internationalisation comes predominantly from the underdog strata of people who perceive themselves to be losers in the modernisation processes.<sup>73</sup> These referendums are, nevertheless, associated with lines of conflict that seriously undermine internal cohesion, either by weakening links between linguistic communities (the French-speaking Swiss are much less sceptical of European integration than the Swiss Germans) or by undermining prior compromises between economic sectors (namely domestic and export oriented).<sup>74</sup> These votes therefore mirror the decline in the integrative capacity of conflict resolution strategies which had been identified as the necessary cement of social integration in small, culturally divided countries that are open to international economic competition, by both consociational and neo-corporatist theory.

Hence it comes as no surprise that direct democracy is blamed today for isolation and lack of adjustment, not only by economists, but also by some media and politicians too. At the same time, the mass public widely supports direct democracy. This is also quite logical, for it enhances the public's opportunity to control political elites that are no longer trusted.

Direct democracy itself is becoming the object of controversy. People only support reforms of the referendum system that they expect will grant them more power. Interestingly, they believe that the increasing importance of foreign policy issues requires expanding citizens' participation.<sup>75</sup>

Yet elites increasingly believe that direct democracy threatens Switzerland's governability and adaptability to international factors. The government recently tried to increase the number of signatures required for petitioning initiatives and referendums. This measure was buried by a majority of parliamentarians, who knew it was doomed from the start.<sup>76</sup> To be sure, the plethora of veto points makes the system unreformable in practice,<sup>77</sup> but inflexibility has thus far been accepted as the price to be paid for enhanced legitimacy. This consensus is being eroded today. Switzerland is confronted not only by an institutional crisis, but also a 'crisis of crisis management'.<sup>78</sup> When adjustment problems are addressed, political elites find it difficult to overcome a nostalgic popular opposition, and legitimacy deficits thus come to the fore. Conversely, should the political establishment address the legitimacy deficit by, for example, giving a stronger voice to traditionalist opponents, then adjustment problems would no doubt become more acute.

This is indeed a gloomy picture. We note a weakening of the harmonious coupling between direct and representative democracy in Switzerland, and the decline of trade-offs between the outcomes of input- and output-oriented choices.<sup>79</sup> Yet this picture is based on a rather short-term view. A major lesson of Swiss political history is that the long-term virtues of direct democracy in terms of political integration should be kept distinct from its short-term vices. What is more, the former appears as an indirect consequence – a by-product of the learning processes – of the latter. It may be too soon to assess the present capacities of direct democracy and of the Swiss political system as a whole. However, there is also no guarantee that history will repeat itself.

#### NOTES

The author would like to thank Jan-Erik Lane and Margaret Canovan for their helpful comments.

1. Between 1848, when provisions for referendums were introduced into the federal constitution, and 1993, of the 799 national referendums held in the whole world, 414 national referendums had been held in Switzerland. Since the end of World War II, the Swiss share has increased even more to over two-thirds of the referendums held in the democratic polities studied in A. Lijphart's *Democracies* (New Haven: Yale University Press 1984). Data provided by Trechsel confirm this accelerating trend: approximately half of the votes held in Switzerland between 1848 and 1997 have taken place since the 1970s (see A. Trechsel, 'Volksabstimmungen', in U. Klöti *et al.* (eds.) *Handbuch der schweizerischen Politik* (Zurich: NZZ Verlag 1999), pp.557–88.

2. Provisions for referendums by petition can be found in the constitutions of some other countries, but this weapon is much less used elsewhere. See Y. Papadopoulos, *Démocratie directe* (Paris: Economica 1998), part I, chap. 2: 'Démocratie directe et systèmes politiques contemporains: une analyse comparée (Suisse, Italie, Californie)'.
3. This includes 'counter-projects' formulated by the Federal Assembly as a response to popular initiatives (see below).
4. Unless otherwise noted, data are taken from the web page of the Centre d'études et de documentation sur la démocratie directe (<http://c2d.unige.ch/index.msql>) at the University of Geneva. All data are accurate as of 6 July 1999, including information on all referendums held before the end of the 1995–99 legislature.
5. Control is one of the dimensions of Gordon Smith's typology of referendums: see his 'The Functional Properties of the Referendum', *European Journal of Political Research* 4/1 (March 1976), pp.1–23. Referendums are strongly controlled by the system when public authorities are able to determine the issues to be decided, the timing of the procedure and whether the vote is to be binding or not.
6. P.V. Uleri, 'Introduction', in M. Gallagher and P.V. Uleri (eds.), *The Referendum Experience in Europe* (London: Macmillan Press 1996), p.6.
7. See the very useful chapter on Switzerland by A. Trechsel and H. Kriesi, 'Switzerland: The Referendum and Initiative as a Centrepiece of the Political System', in Gallagher and Uleri (eds.), *The Referendum Experience in Europe*, pp.185–208. Provisions for direct democracy may vary considerably across cantons. On the whole, referendum practice is much more intensive in the German part of the country: see A. Trechsel and U. Serdült, *Kaleidoskop Volksrechte. Die Institutionen der direkten Demokratie in den schweizerischen Kantonen 1970–1996* (Basel: Helbing & Lichtenhahn 1999).
8. There is no right of initiative for ordinary laws at the federal level. This is mainly a formal limitation, however, which is frequently circumvented by initiative committees whose proposals for constitutional amendments, if accepted, imply to change the laws that are the real target of the initiative proponents.
9. This is not always the case. In California, for example, laws can be abrogated by legislative initiatives and in Italy, the 'referendum abrogativo' indirectly plays a propositional role as well.
10. A. Auer, *Le référendum et l'initiative populaire aux Etats-Unis* (Basel/Paris: Helbing & Lichtenhahn – Economica 1989), pp.14 and 35.
11. Uleri, 'Introduction', pp.10–11.
12. There is a substantial body of literature, and considerable controversy, about the factors that matter in policy-making. I adopt here a perspective that emphasises the impact of institutions, like direct democracy, which is a centrepiece of the political opportunity structure in Switzerland.
13. See Y. Papadopoulos, 'Analysis of Functions and Dysfunctions of Direct Democracy: Top-Down and Bottom-Up Perspectives', *Politics and Society* 23/4 (Dec. 1995), pp.421–48.
14. This depends, in turn, on a number of factors. In a study of all federal referendums held between 1970 and 1996, I found that people regularly follow elites' orientations in economic policy, but less frequently in the fields of foreign policy and immigration, both of which offer fertile soil to nationalists. See Y. Papadopoulos, 'Les mécanismes du vote référendaire en Suisse: l'impact de l'offre politique', *Revue française de sociologie* 37 (1996), pp.5–35. As a rule, many party sympathisers are not very familiar with the voting recommendations of 'their' party and tend to ignore them, not to mention the increasing numbers without any party identification whatsoever. See H. Kriesi, 'Le défi à la démocratie directe posé par les transformations de l'espace public', in Y. Papadopoulos (ed.), *Présent et avenir de la démocratie directe* (Geneva: Georg 1994), pp.31–72. Furthermore, for a number of reasons, ordinary citizens do not behave in the same way as political elites, being embedded in a different communication context and facing a different mix of incentives and threats. See the discussion in part II, chap. 2 ('Autour du débat contemporain entre élitistes et participationnistes') in Papadopoulos, *Démocratie directe*.
15. I refer here to the sociological theory of N. Luhmann: see in English his *The Differentiation of Society* (New York: Columbia University Press 1982).
16. See the chapter of my book on Switzerland, Italy, and California: Papadopoulos, *Démocratie directe*.

17. See his *Plebiszit und pluralitäre Demokratie* (Bern: Francke 1970), and also Carl J. Friedrich's law of anticipated reactions in his *Constitutional Government and Democracy* (Boston: Ginn 1950). Direct democracy also provoked the identification of wider social groups (the petty bourgeoisie, peasants, workers, etc.) to a common set of democratic values: see A. Tanner, 'Direkte Demokratie und soziopolitische Integration des Mittelstandes, der Arbeiterschaft und Bauern in der Schweiz 1830–1914', in Eckart Schremmer (ed.), *Wirtschaftliche und soziale Integration in historischer Sicht* (Stuttgart: Franz Steiner Verlag 1996), pp.184–212.
18. According to R.E. Germann's concept: see his *Staatsreform* (Bern: P. Haupt 1994).
19. In his book, Lijphart only counts the number of referendum votes. This quantitative approach neglects the study of their impact. A more recent article compensates for this shortcoming: 'Changement et continuité dans la théorie consociative', *Revue internationale de politique comparée* 4/3 (Dec. 1997: issue on 'Les démocraties consociatives'), pp.679–97. See especially pp.690–92, where he considers direct democracy in Switzerland as a consociative device. The link between type of political system and effective use of direct democracy came to the fore in an intercantal comparison: Adrian Vatter concluded that referendums and initiatives are more frequently used as counter-powers by active minorities excluded from the representative system in the more centralised cantons (with a weak communal autonomy) and in the cantons where governments approximate the majoritarian model. See his 'Die Wechselbeziehungen von Konkordanz- und Direkt-demokratie', *Politische Vierteljahresschrift* 38/4 (1997), pp.743–70. These conclusions were, however, qualified in A. Trechsel's recent study of cantonal direct democracy: see his *Feuerwerk Volksrechte. Die Volksabstimmungen in den schweizerischen Kantonen 1970–1996* (Basel/Geneva: Helbing & Lichtenhahn 2000), pp.109–23, 160–63, 182.
20. For the same reason, they were particularly strong in the second Chamber of Parliament, the *Ständerat* (Council of States) where all cantons have equal representation – as in the American Senate – whatever their size.
21. 'Blackmailing' and 'coalition' power are contrasted in G. Sartori's analysis of the role of parties, theoretically inspired by A. Downs' *An Economic Theory of Democracy* (New York: Harper and Row 1957): see his *Parties and Party Systems. A Framework for Analysis* (Cambridge: Cambridge University Press 1976). The Swiss case, however, shows that blackmailing power can be a fungible resource convertible into coalition power. In the sociological literature, blackmailing power is the property of actors who – by virtue of their resources in the form of authority, finance, organisation, information, or whatever – control much uncertainty, and as a result cannot be circumvented. See the seminal work by M. Crozier and E. Friedberg, *L'acteur et le système* (Paris: Eds. du Seuil 1981). Finally, for this power to exist, it has to be acknowledged by decision-makers. In Switzerland, decision-makers were quite frequently unable to anticipate the mobilisational capacities of marginal national-populist movements in direct democracy.
22. Smith, 'The Functional Properties of the Referendum', p.16, uses the metaphor of the 'isolating cocoon'.
23. M. Dobry, *Sociologie des crises politiques* (Paris: Presses de la Fondation nationale des sciences politiques 1986), p.167.
24. The recent electoral successes of the SVP, however, may mark a radically new phenomenon. This electoral success was sustained by intensive use of the initiative and of the referendum to pass national-populist-inspired policies, to veto more generous measures in immigration policy, and to perpetuate Swiss isolationism.
25. Hanspeter Kriesi, for example, contrasts the formal co-optation of the Left – which lacks influence on decisions – with the dominance of an informal 'core': a network of right-wing party members and leaders of economic associations. See his *Le système politique suisse* (Paris: Economica 1998, 2nd edn), chap. 9.
26. The most recent accounts of this process are Y. Papadopoulos, *Les processus de décision fédéraux en Suisse* (Paris: L'Harmattan 1997), and P. Sciarini's chapter 'La formulation de la décision', in Klöti et al. (eds.), *Handbuch der schweizerischen Politik*. See also two major works on the overall political system, Kriesi, *Le système politique suisse*, and W. Linder, *Schweizerische Demokratie* (Bern: Haupt 1999), which is a revised and extended version of his *Swiss Democracy* (London: Macmillan Press 1994).

27. See Kriesi, *Le système politique suisse* p. 196, who reinterprets data from the 1970s – the only available so far – collected by A.V. Poitry and presented in his *La fonction d'ordre de l'Etat. Analyse des mécanismes et des déterminants sélectifs dans le processus législatif suisse* (Bern: Peter Lang 1989). Assessment of decisional importance in advance is of course problematic, especially in the Swiss system where ordinary citizens have the final say. According to an index elaborated by E. Gruner and H.P. Hertig in their *Der Stimmbürger und die 'neue' Politik* (Bern: Paul Haupt 1983), pp.409–10, people seem to place more value on a referendum making safety belts compulsory than on one extending the referendum right to international treaties!
28. I refer here to the well-known distinction made by A. Wildavsky in *Speaking Truth to Power. The Art and Craft of Policy Analysis* (Boston: Little Brown and Co. 1979).
29. See R.E. Germann *et al.*, *Experts et commissions de la Confédération* (Lausanne: Presses polytechniques Romandes 1985), again the only study available, with the same problem of data obsolescence.
30. It should be mentioned however that a big business union recently complained that in the 'Vernehmlassung', the bureaucracy would not weigh positions in proportion to the importance of their advocates. I do not share this criticism. Waelti argues that a similar blackmailing power is awarded to cantons that, in exchange for their cooperation in implementing federal policies, manifest their claims in the consultation phase too. See S. Waelti, 'Institutional Reform of Federalism: Changing the Players rather than the Rules of the Game', *Swiss Political Science Review* 22/2 (Summer 1996), pp.113–41.
31. For a synthesis of recent – albeit fragmentary – findings, see Sciarini, 'La formulation de la décision'. For a discussion of Swiss parliamentary power considering institutional rules and parliamentary resources (for example the so-called 'Milizsystem' of – at least on paper – non-professional parliamentarians), see Papadopoulos, *Les processus de décision fédéraux en Suisse*, chap. 6.1 ('Dans quelle mesure le Parlement s'acquitte-t-il de ses fonctions?'). R. Lüthi maintains that the Swiss Federal Assembly is comparatively strong in her chapter on 'Parlament', in Klöti *et al.* (eds.), *Handbuch der schweizerischen Politik*, pp.131–57. Annina Jegher reaches similar conclusions regarding recent parliamentary influence on decision-making: see her *Bundesversammlung und Gesetzgebung* (Bern: Haupt 1999).
32. See Sciarini, 'La formulation de la décision'.
33. Even though implementation is rather unpredictable too, especially as federal legislation is usually enforced by the cantons or by non-public bodies, the so-called *parastaatliche Verwaltung*: see the research results presented by W. Linder in *La décision politique en Suisse. Genèse et mise en œuvre de la législation* (Lausanne: Réalités sociales 1987). It is widely believed, however, that the referendum confers additional legitimacy to public policies, reducing thus the risk of implementation conflicts, or that even a negative outcome of a vote is better than taking the risk to trigger mass mobilisation against a law. On the other hand, federalism allows opponents who were defeated in a nation-wide referendum to seek to exploit a more favourable power balance at the cantonal level in the implementation phase.
34. This argument is also used by P. Pierson regarding welfare retrenchment: see his 'Irresistible Forces, Immovable Objects: Post-Industrial Welfare States Confront Permanent Austerity', *Journal of European Public Policy* 5/4 (Dec. 1998), pp.539–60.
35. F. Lehner and B. Homann, 'Consociational Decision-Making and Party Government in Switzerland', in R.S. Katz (ed.), *Party Governments: European and American Experiences* (Berlin: de Gruyter 1987), pp.243–69.
36. P. Sciarini and A. Trechsel, 'Democratie directe en Suisse: l'élite politique victime des droits populaires?', *Swiss Political Science Review* 2/2 (Summer 1996), pp.201–32.
37. See F.W. Scharpf, 'Political Institutions, Decision Styles, and Policy Choices', in R. Czada and A. Windhoff-Héritier (eds.), *Political Choice* (Frankfurt/Boulder: Campus/Westview 1991), pp.28–53.
38. J.S. Fishkin, *Democracy and Deliberation* (New Haven: Yale University Press 1991).
39. See Poitry, *La fonction d'ordre de l'Etat*, pp.328–30.
40. It has been calculated that for 87 initiatives registered between 1974 and 1992, 27 were backed by Green associations, 11 by the Socialist Party and by trade-unions, and eight by national-populist organisations: see K.W. Kobach, *The Referendum: Direct Democracy in Switzerland* (Aldershot: Dartmouth 1993), p.101.

41. See above for the modalities of this reaction.
42. H. Werder, 'Das Politische System der Schweiz – Eine Skizze seiner Funktionsweise', in W. Linder *et al.* (eds.), *Planung in der Schweizerischen Demokratie* (Bern: P. Haupt 1978), pp.31–51.
43. Kobach, *The Referendum*, p.94. Clearly initiative promoters prefer informal reactions that do not entail a mandatory vote with its inherent uncertainty and the campaigning that precedes it.
44. B. Hofer, 'Die Volksinitiative als Verhandlungspfand', *Schweizerisches Jahrbuch für politische Wissenschaft* 27 (1987), pp.207–35.
45. Kobach, *The Referendum*, p.107. In contrast to this success, initiative and counter-project most often failed when simultaneously submitted to the vote. As late as 1987, voters hostile to the status quo had to choose between the two options, dramatically reducing the chances of either winning a majority. Thus, formal counter-projects were not only compromise-oriented but also strategically designed to split the reformist camp. It is interesting that the propensity to withdraw initiatives has recently declined. Although this is probably due to a change in the overall political climate (see below), it can be argued that initiative promoters can now better anticipate their chances and thus have fewer incentives to withdraw their proposal.
46. See J.-D. Delley, *L'initiative populaire en Suisse. Mythes et réalités de la démocratie directe* (Lausanne: L'Age d'Homme 1978), and L. Neidhart, 'Regierbarkeitsfragen in der direkten Demokratie', *Schweizerisches Jahrbuch für politische Wissenschaft* 23 (1983), pp.13–43.
47. R. Eppler-Gass, *Friedensbewegung und direkte Demokratie in der Schweiz* (Frankfurt: Haag+Herchen 1991). It ought to be noted however that the author's conclusions mostly rely on studies of the pacifist movement.
48. In a comparative study, Hanspeter Kriesi and Dominique Wisler also come to the conclusion that the repertoire of action of new social movements in Switzerland is more moderate than in other countries without direct democracy. See their 'Social Movements and Direct Democracy in Switzerland', *European Journal of Political Research* 30/1 (July 1996), pp.19–40.
49. Kobach, *The Referendum*, p.95.
50. Delley, *L'initiative populaire en Suisse*, maintains however that direct democracy confers more weight to the rank-and-file, whose co-operation is necessary for signature collection and voting campaigns.
51. For a more in-depth discussion of this argument, see Papadopoulos, *Démocratie directe*, part III, chap. 2 ('Référendum et citoyenneté: les promesses non tenues de la démocratie directe').
52. See the founding work by A. Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press 1974).
53. There is today a substantial literature on deliberative democracy and policy-making. For a good discussion on the current state of debate, see J. Elster (ed.) *Deliberative Democracy* (Cambridge: Cambridge University Press 1998).
54. This is the argument put forward by the path-dependency school. G. Lehbruch, for example, goes back as far as the eighteenth century to find the roots of peaceful resolution in religious conflicts in Central Europe. See his 'Die korporative Verhandlungsdemokratie in Westmitteleuropa', *Swiss Political Science Review* 2/4 (Winter 1996), pp.19–41.
55. H. Kriesi and D. Wisler, 'The Impact of Social Movements on Political Institutions: A Comparison of the Introduction of Direct Legislation in Switzerland and the U.S.', Cornell University, Institute for European Studies Working Paper 96/6 (1996).
56. A whole school of thought has now emerged around the seminal book by P.J. Katzenstein, *Small States in World Markets* (Ithaca: Cornell University Press 1985).
57. A. Lijphart and M. Crepaz, 'Corporatism and Consensus Democracy in Eighteen Countries: Conceptual and Empirical Linkages', *British Journal of Political Science* 21 (1991), pp.235–56; F. Van Waarden, 'Consociationalism and Economic Performance in the Netherlands', paper presented to the Conference on 'The Fate of Consociationalism in Western Europe', 29–31 May 1998, Center for European Studies, Harvard University. The overlap between the two models is not perfect, however, as a multi-nation comparison shows: see J.-E. Lane and S. Ersson, 'The Institutions of Konkordanz and Corporatism: How

- Closely Are They Connected?' *Swiss Political Science Review* 3/1 (Spring 1997), pp.5–29.
58. See the thesis on 'the structural dependency' of societies with respect to capitalism: C. Offe, *Contradictions of the Welfare State* (London: Hutchinson 1984).
  59. E. Immergut, *Health Politics, Interests and Institutions in Western Europe* (Cambridge: Cambridge University Press 1992).
  60. To veto points should be added the 'clearance points' previously identified in Pressman's and Wildavsky's seminal study of policy implementation. Swiss 'co-operative' federalism frequently leaves the implementation of federal decisions to cantonal administrations, where either political will or capacity may be missing. On the similarity between 'veto' and 'clearance' points, see B.G. Peters, *Institutional Theory in Political Science. The 'New Institutionalism'* (London/New York: Pinter 1999), pp.74–5.
  61. The requirement for a double majority (people and cantons) would make EU membership very hard to attain.
  62. High quality of democracy combined with good social-economic performance seem to be common features of the consensus type of democracies. See A. Lijphart, *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries* (New Haven/London: Yale University Press 1999).
  63. See, *inter alia*, C. Longchamp *et al.*, *Unterstützung von Bundesrat und Verwaltung* (Bern: GfS-Forschungsinstitut 1994), or any of the above-mentioned reference books on the Swiss political system.
  64. Sciarini and Trechsel, 'Democratie directe en Suisse: l'élite politique victime des droits populaires?'. Other studies conclude to a more general Left–Right polarisation in parliament, but Sciarini, 'La formulation de la décision' maintains that the votes taken into consideration cannot be considered representative.
  65. Information from our data base at the University of Lausanne. I wish to thank Jeremias Blaser for regularly updating the database and providing analyses.
  66. Kriesi, *Le système politique suisse*, pp.103–4.
  67. For this aspect of internalisation of globalisation, see the editor's introductory and concluding chapters in A. Mach (ed.), *Globalisation, néo-libéralisme et politiques publiques dans la Suisse des années 90* (Zurich: Seismo 1999). It should, however, be remembered that some demands for policy reform in contemporary states arise from domestic structural problems, unrelated to globalisation (slow growth, ageing populations leading to greater government commitments that entail more fiscal pressures, etc.): see Pierson, 'Irresistible Forces, Immovable Objects'.
  68. For the economists' view, see various essays by Silvio Borner, namely S. Borner *et al.* *Die Schweiz im Alleingang* (Zurich: NZZ Verlag 1994), where Swiss isolationism is attributed to the entrenched positions occupied by pro-status quo (welfare or protectionist) distributive coalitions. These coalitions are able to threaten recourse to the referendum in institutionalised concertation procedures, which are favourable to rent-seeking. For deregulatory manifestos that served as the basis for the reorientation of some major social-economic policies, see F. Leutwiler *et al.* *Schweizerische Wirtschaftspolitik im internationalen Wettbewerb. Ein ordnungspolitisches Programm* (Zurich: Orell Füssli 1991), and D. de Pury *et al.*, *Ayons le courage d'un nouveau départ. Un programme pour la relance de la politique économique de la Suisse* (Zurich: Orell Füssli 1996).
  69. There is also the protectionist-traditionalist coalition of the populist right fighting for the continued isolationism.
  70. G. Bonoli, 'La réforme de l'Etat social suisse: contraintes institutionnelles et opportunités de changement', *Swiss Political Science Review* 5/3 (Autumn 1999), pp.57–77. Swiss direct democracy typically belongs to the category of veto points listed by Pierson, 'Irresistible Forces, Immovable Objects', which are likely to discourage attempts at dismantling welfare provisions.
  71. In the 1970s, it was mostly the Right that split between its government faction willing to compromise with the Socialists to modernise the political system, and a more conservative and ultra-federalist 'preventive minority' also belonging to governing parties. See H. Kriesi, *Entscheidungsstrukturen und Entscheidungsprozesse in der Schweizer Politik* (Frankfurt: Campus 1980). Two decades later, the major division within the Right in government is between those who favour international opening and those of a more protectionist or even nationalist persuasion.



72. A generic category encompassing foreign policy issues, among them European integration, as well as relations with foreigners (immigration and asylum policy). On referendums on foreign policy issues see P. Sciarini and L. Marquis, 'Opinion publique et politique extérieure: le cas des votations populaires en Suisse', *International Political Science Review* 21/2 (2000), pp.149–71.
73. For Switzerland, see S. Kobi, *Des citoyens suisses contre l'élite politique. Le cas des votations fédérales, 1979–1995* (Paris: L'Harmattan 1999). On new cleavages related to the international dimension of politics, see H. Kriesi, 'The Transformation of Cleavage Politics', *European Journal of Political Research* 33/2 (1998), pp.165–185.
74. For an analysis of the cleavage between linguistic communities, see H. Kriesi *et al.*, *Le clivage linguistique: problèmes de compréhension entre les communautés linguistiques en Suisse* (Bern: Federal Office of statistics 1996). Conflicts between economic sectors have been emphasised by studies focusing on the reform of Swiss agricultural policy and of cartel legislation. See P. Sciarini, *Le système politique suisse face à la Communauté européenne et au GATT: le cas-test de la politique agricole* (Geneva: Georg 1994), and A. Mach, 'Quelles réponses politiques face à la globalisation et à la construction européenne? Illustration à partir de la révision de la loi suisse sur les cartels', *Swiss Political Science Review* 4/2 (Spring 1998), pp.25–49.
75. See Longchamp *et al.*, *Unterstützung von Bundesrat und Verwaltung*, and more recent *Univox* reports providing information on direct democracy.
76. Both those who have high expectations of reform and those who fear it probably overestimate its impact. A binary comparison of the cantons which differ most in the generosity of their direct democracy provisions (Geneva and Aargau) showed that institutional dissimilarities have only a limited and uneven influence on the practice of direct democracy and on voters' behaviour. See R. Lachat, 'Réforme des droits populaires: quel enseignement tirer de l'expérience cantonale?', Department of Political Science of the University of Geneva, 1998.
77. See the incisive remarks by Germann, *Staatsreform*.
78. A concept used by Offe, *Contradictions of the Welfare State*, to describe the strain caused by conflicting requirements of capitalist prosperity and social policy goals. I use it here in a different sense: for more details, see Y. Papadopoulos, 'De Charybde en Scylla: le système politique suisse entre crise de représentation et crise d'adaptation', in C. Honegger *et al.* (eds.), *Sociétés en construction. Identités, conflits, différences* (Zurich: Seismo 1996), pp.135–48.
79. I refer here to the distinction between institutional orders by Powell and DiMaggio and to the antinomy between policy choices as depicted by Fritz W. Scharpf. See W.W. Powell and P.W. DiMaggio (eds.), *The New Institutionalism in Organizational Analysis* (Chicago: The University of Chicago Press 1991), pp.1–38, and F.W. Scharpf, *Demokratietheorie zwischen Utopie und Anpassung* (Konstanz: Universitätsverlag 1970).