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«Sovereignty from below. Switzerland in the international context»

Summary of the speech by Beat Kappeler

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## Majority by the numbers – but by which numbers?

In democracies, the majority is supposed to rule. But this principle is violated in western European parliamentary democracies, and in consequence, in the European Union. At the same time, direct democracies like Switzerland are often criticized for winner-takes-all politics: a kind of dictatorship by the majority.

**Parliamentary democracies** combine two features that concentrate political power at the top. If a government loses an important (confidence) vote, constitutional or customary rules require the government to resign and to dissolve parliament. In order to prevent such a defeat, governments impose significant pressure on members of parliament, as do opposition leaders on their followers. Parliamentary votes in such cases are binding. And because governments are formed by party leaders, this pressure is exercised by them. Party leaders can impose sanctions on dissident legislators of the party – including exclusion from the party group, exclusion from the party, and exclusion from committees.

The most important sanction, however, is the influence of party leaders on the candidacy of members of parliament. Formally, of course, nominations are often decided by party conventions, but de facto, directives, ostracism, and party exclusion decided by party leaders are at work. Where party lists are submitted to voters, the ranking on those lists determines the outcomes.

The autonomy of those who are elected is further restricted because other activities, especially in economic affairs, are prohibited. Members of parliament therefore depend on their party leadership for income, status, and influence.

Such top-down power is also present in the EU. The Council of the EU is formed by cabinet ministers from member states, nominated by their parties. The Council approves directives of the EU-Commission, but cannot initiate them. For national approval, if necessary, decisions are sent to parliaments, which – see above – are dominated by party whips. Neither at the national nor the European level is power delegated from bottom-up.

**A real change towards democratic expression** requires abolishing the power of governments (i.e. party leaders) to dissolve parliament. Doing so would equalize the two powers, and necessitate collaboration and compromise, as in the US or in Switzerland, the “sister republics”. Even if that implies “log-rolling”, such a reform would transform them into “learning institutions”.

A second change should allow voters to choose the candidates directly on the party lists. In Switzerland, for example, a voter can eliminate names, cumulate them, or put candidates from other parties on the list. As a result, those who are elected represent many constituencies in society. Importantly, they can tell party whips: “Not you, but I won the seat for the party”. This reverses the flow of power – from voters to the elected, and from members of parliament to the party leadership and government. Bottom-up.

This reversed flow would also change power within the EU: the directives of the Commission and of the Council become a focus of debate and contention in national parliaments, without party pressure. EU activities would no longer be a forgone conclusion.

**At the same time, direct democracy** must not simply be a harsh expression of the views of only a majority of voters. For example, in a federal system, it may help to require that a majority of the federal units must approve a decision in order for a popular vote to be decisive. In Switzerland, for example, initiatives for constitutional amendments require the double majority of voters and of the 23 cantons.

In other countries, a minimum level of voter participation is required for a referendum to be valid – 30% in the Netherlands, 50% in Italy. Similarly, it is possible to require support by a certain number of signatures in order to propose a referendum. But there is another element that temper the “winner-takes-all”-features of direct democracy: Repetition. If the losing side of a referendum can regroup, renew its proposals, if referenda are frequent, the winners are not always the same, and errors can be corrected. An important element in this respect is the competing power of voters and governments to call referenda.

Because there are multiple avenues for direct democracy to express itself, all groups, the government, and the parliament, are forced to take into consideration interests or parties that could successfully organize a referendum. As a result, in Switzerland, there are extensive consultations before a proposal is considered in parliament. The institution of direct democracy gives many groups a more frequent and effective voice than occasional elections. In consequence, politics is much less elitist than in France, Britain, or Germany. As in the US, politics goes through town-hall meetings.

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