The Politics of Switzerland

Continuity and Change in a Consensus Democracy

Hanspeter Kriesi and Alexander H. Trechsel

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Despite Switzerland's small size, its political system is one of the most complex and fascinating among contemporary democracies. The rich, complex mixture of centuries-old institutions and the refined political arrangements that exist today constitute a veritable laboratory for social scientists and their students. Often presented as the paradigmatic case of political integration, consensus democracy and multinational federalism, the Swiss model has become a benchmark case for analyses in comparative politics, political behaviour and other related fields. Written by two leading experts on Swiss politics, this book presents a definitive overview for scholars and students interested in Switzerland's political system at the beginning of the twenty-first century. By focusing on its intricacies but also taking in larger issues of general interest, the broad scope of this study will appeal to all those interested in contemporary European politics and democratic systems.

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CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press The Edinburgh Building, Cambridge CB2 8RU, UK Published in the United States of America by Cambridge University Press, New York

www.cambridge.org Information on this title: www.cambridge.org/9780521844574

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First published in print format 2008

ISBN-13 978-0-511-43415-0 eBook (Adobe Reader)

ISBN-13 978-0-521-84457-4 hardback

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Preface

Despite Switzerland's small size, the Swiss political system is in many respects one of the most complex and fascinating among contemporary western democracies. It not only builds upon historical developments that started centuries ago, but the unique structure of its society, the richness of its political institutions, its complex political arrangements and the multifaceted pressures for reform constitute a laboratory for any scholar in the social sciences. Often presented as the paradigmatic case of political integration, consensus democracy, multinational federalism and direct-democratic decision making, the Swiss political system has become a benchmark case for analyses in comparative politics, political behaviour, European studies and related fields.

Surprisingly, however, social scientists and policy experts outside Switzerland rarely include the Swiss case in their comparative work. This is in large part due to the still (quantitatively) meagre research output published in English and the limited availability of data and sources on the Swiss political system. Of course, these two shortcomings interact and create a vicious circle. With the present introduction to Swiss politics, we hope to take a step towards bringing Switzerland into the mainstream of comparative work.

The present volume starts out with the development of the modern state and focuses on the process of state formation within the federalist framework. In addition, the introductory chapter discusses the ambiguous concepts of Swiss nationhood and Swiss political culture. Chapters 2 to 5 introduce the Swiss polity, the structures and institutions of the Swiss political regime. This regime is characterized by a unique combination of institutional structures, which is crucial for understanding its functioning. In these four chapters we provide a thorough overview of the three main political institutions – neutrality, federalism and direct democracy – as well as of the Swiss system of government. Although neutrality, federalism and direct democracy are not exclusive features of Switzerland, it is their combination inside the same constituency which is unparalleled. This institutional framework accounts for Switzerland's status as the paradigmatic case of consensus democracy and offers a structure with an exceptionally large number of veto points.

Having laid the structural and institutional bases for understanding the Swiss political system, we then focus on politics involving the citizens, political parties and interest associations in chapters 6, 7 and 8. The discussions cover fundamental processes in the Swiss political system. Voting behaviour in elections and referendums, the role of interest associations within the policy process, as well as a comprehensive presentation of the Swiss party system and cleavage structure, constitute the main topics discussed in this part of the book.

The remaining chapters 9, 10, and 11 address three major policy domains. We concentrate on the issues which are currently most salient in Swiss politics. First, we discuss economic policies. This is not only one of the most important policy domains in any liberal democracy, but Swiss economic policy has also undergone profound changes in the more recent past. Second, public policies related to social welfare receive particular attention and allow us to put the Swiss model into a comparative perspective. Finally, Switzerland's relationship with the European Union is of utmost importance for the Swiss political system and is therefore carefully discussed in the closing chapter of this book.

For many years, we have taught classes on Swiss politics from undergraduate to PhD level in Swiss, European and American universities. We are grateful to our students who have enriched our understanding of this complex topic by engaging with us in discussions and debates throughout the years. The same goes for our colleagues in the field, many of whom have helped us by providing detailed suggestions and critique to earlier versions of our arguments. They are too numerous to be mentioned here individually but our gratitude reaches out to all of them.

More specifically, we would like to thank a number of persons who have helped us in finding the data and information we used for this book: Dominik Furgler, Roman Kolakovic, Stefan Schmid and Karin Siegwart (Federal Department of Foreign Affairs, Berne), Tobias Zellweger (Research and Documentation Centre on Direct Democracy, Geneva). Furthermore, we acknowledge the substantial feedback on earlier versions of the manuscript provided by Fernando Mendez (European University Institute). Special thanks go to Mel Marquis, Andrew Glencross and Mario Mendez (European University Institute) who greatly helped us in the copy-editing of the volume. We would also like to thank Gabriella Unger for her professional secretarial assistance. Finally, our gratitude goes to John Haslam from Cambridge University Press. His help was essential for completing this book.

Hanspeter Kriesi and Alexander H. Trechsel Zurich and Florence

Abbreviations

ACS	Automobil Club der Schweiz/Automobile Club
AHV/AVS	de Suisse Alters- und Hinterbliebenen-Versicherung/ Assurance vieillesse et invalidité
ASM/APSM	Arbeitgeberverband der Schweizer Maschinenindustrie/Association patronale suisse de l'industrie des machines
ASTAG	Schweizerischer Nutzfahrzeugverband/ Association suisse des transports routiers
AUNS/ASIN	Aktion für eine unabhängige und neutrale Schweiz/Action pour une Suisse indépendante et neutre
CNG/CSCS	Christlich-nationaler Gewerkschaftsbund/ Confédération des syndicats chrétiens de Suisse
CSP/PCS	Christlichsoziale Partei/Parti chrétien-social
CVP/PDC	Christlichdemokratische Volkspartei/Parti démocrate-chrétien
EDU	Eidgenössisch-Demokratische Union
EVP/PEP	Evangelische Volkspartei/Parti évangélique suisse
FDP/PRD	Freisinnig-demokratische Partei/Parti radical-democratique
FPS	Freiheitspartei/Autopartei
GPS/PES	Grüne Partei der Schweiz/Les Verts
GBI/SIB	Gewerkschaft Bau und Industrie/Syndicat industrie et bâtiment
GSOA	Gruppe für eine Schweiz ohne Armee
LdU/AdI	Landesring der Unabhängigen/Alliance des indépendants
Lega	Lega dei Ticinesi
LPS/PLS	Liberale Partei der Schweiz/Parti libéral suisse

List of abbreviations

OECD	Organization for Economic Cooperation and
00001	Development
OFCOM	Office of Telecommunications
OFEA	Office of Foreign and Economic Affairs
PdA/PdT	Partei der Arbeit/Parti du Travail
POCH	Progressive Organizations of Switzerland
SAV/UPS	Schweizerischer Arbeitgeberverband/Union patronale suisse
SBV/USP	Schweizerischer Bauernverband/Union suisse des paysans
SBV/SSE	Schweizerischer Baumeisterverband/Société suisse des entrepreneurs
SD/DS	Schweizer Demokraten/Démocrates suisses
SGB/USS	Schweizerischer Gewerkschaftsbund/Union syndicale suisse
SGV/USAM	Schweizerischer Gewerbeverband/Union suisse
001,001111	des arts et métiers
SMUV/FTMH	Schweizerischer Metall- und
51410 471 114111	Uhrenarbeiterverband/Fédération suisse des
	travailleurs de la métallurgie et de l'horlogerie
SP/PS	Sozialdemokratische Partei/Parti socialiste
51715	suisse
SVP/UDC	00000
SVF/UDC	Schweizerische Volkspartei/Union
TCS	démocratique du centre
105	Touring Club der Schweiz/Touring Club de
VOCUNTE	Suisse
VCS/ATE	Verkehrs-Club der Schweiz/Association
	transport et environnement
VHTL/FCTA	Gewerkschaft Verkauf, Handel, Transport,
	Lebensmittel/Fédération du commerce, des
	transports et d'alimentation
VKMB	Vereinigung zum Schutz kleiner und mittlerer
	Bauern
VSA/FSE	Verein schweizerischer Angestelltenverbände/
	Fédération des sociétés suisses d'employés
VSM/SSCM	Verein schweizerischer Maschinen-
	Industrieller/Société suisse des constructeurs de
	machines

1 The development of the modern Swiss nation-state

1.1 State formation

Until the French Revolution, the Swiss Confederation remained no more than a loose alliance of thirteen cantons with strong ties to allied territories such as Geneva, Grisons or Valais, plus subject territories (e.g. Vaud, Argovia, Thurgovia, Ticino or Valtellina) of their component units or of the federation as a whole. The Confederation exercised only limited governmental capacity. The only stable institution that the Thirteen and their allies maintained was a permanent assembly of delegates - the Diet, which met regularly in order to discuss matters of common interest, especially of war and peace. Together with the ancient pact from the thirteenth century and some other agreements, the national peace treaties, concluded after the religious civil wars in the sixteenth and seventeenth centuries, constituted the fundamental law of the Confederation (Körner 1986: 398). Most importantly, in the first peace of Kappel in 1529, which had put a temporary end to the war between the cantons that had converted to the new Protestant creed and the cantons that remained Catholic, the belligerents had promised to no longer interfere in each other's religious affairs. The formula chosen already stated the principle of what would later become a 'defensive' kind of federalism. The second peace of Kappel confirmed the preceding formula in 1531: each camp promised to respect the religious choices made by the other one. As far as common affairs were concerned, the first national peace treaty introduced one more innovation: the powerful Protestant canton of Zurich obtained agreement from the majority of the Catholic cantons that, for common affairs, future decisions would no longer be taken by majority vote but by a procedure called 'amicabilis compositio' (amicable agreement) at the time, i.e. by a consensual mode which gave every canton a right of veto. The contrast with the surrounding absolutist monarchies was striking. Christin (1997: 203f.) concludes that the federalist structures such as the ones adopted by the Swiss Confederates or the Dutch Republic were better able than the absolutist monarchies to deal with the challenge of religious confrontation and to find compromises which allowed very diverse territories to coexist peacefully over a long period: the weakness of the central state, the sovereignty of the member states in religious affairs and the institutionalization of procedures for negotiation and arbitration opened the way to political equilibria and complex pacification systems which combined the recognition of cantonal peculiarities with the preservation of the common interest.

The old regime of the Swiss Confederation collapsed when Napoleon's troops swept through the Jura and conquered its territory. During the French occupation (1798 to 1802) the basic principles of a modern state, modelled after the highly centralized French pattern, were introduced, just as elsewhere in the occupied territories in Europe. But, contrary to the Netherlands, where the French occupation replaced the existing underdeveloped central state with a durable unitary structure, the centralized state did not last for very long in Switzerland. Upon the withdrawal of the French troops in 1802, multiple rebellions broke out. Only Napoleon's intervention and the imposition of a new constitution in 1803 kept the country together. With this so-called 'Mediation act', Napoleon restored considerable autonomy to the cantons. After the defeat of the French, the Swiss returned almost completely to the old confederate order in 1815. The subsequent drive for Swiss unification led by the Radicals (the liberals) was opposed by seven Catholic cantons – Lucerne, Uri, Schwyz, Unterwald, Zoug, Fribourg and Valais - who wanted above all to defend their cantonal autonomy and who eventually formed a mutual defence league (Sonderbund) to protect their interests. The conflict ended in military confrontation - first in a kind of guerilla warfare (1844-5) and then in a short, unbloody civil war (1847) between the radical majority of cantons and the cantons of the Sonderbund. The war lasted for twenty-six days and left hardly more than a hundred dead (Andrey 1986: 590). Following the defeat of the conservative forces, the Diet of the Confederation elaborated the first federal Constitution in 1848, which represented a cautiously liberal compromise between the victorious Radicals and the Catholic Conservative losers of the war. Ratifying the new Constitution proved to be a difficult endeavour. While in some cases (Fribourg and Grisons) the cantonal Parliaments decided, most cantons had to refer to a popular vote. Nine out of the twenty-five cantons rejected the Constitution by majorities reaching up to 96 per cent (Kölz 1992: 609). In the canton of Lucerne, the Constitution was only adopted because the persons not voting were counted among its supporters. In spite of this opposition, the Diet adopted the new Constitution in the autumn of 1848. As observed by Tilly (2004: 197), '[m]ilitary, diplomatic, and popular confrontations from 1830 to 1847 came close to shattering the Swiss federation forever. Switzerland could easily have split into two separate countries, one mainly Protestant, the other almost entirely Catholic. It could also have split into multiple clusters of cantons . . . But Switzerland survived as a direct result of its war settlement.'

The hard-won new Constitution established a federal system, not a unitary state. The cantons lost their sovereignty, but they retained important powers. The price the victors paid for the acceptance of the new state by their adversaries was a far-reaching decentralization of political authority. The new centre was to be weak: the essence of political power rested with the cantonal authorities, which allowed the Catholic losers a large measure of control over their own territories. For many Radicals, the number of concessions that had to be made was too great and they subsequently pressed for a more centralized state. But they met with great resistance: a first reform package containing no less than nine proposals dealing mainly with questions of citizenship and civil liberties was rejected by a popular vote in 1866. Similarly, a first attempt to totally revise the Constitution was rejected in 1872. It failed because of joint opposition from the Catholic cantons and the French-speaking Protestant cantons. The attempt to unify the civil and penal codes proved to be the main obstacle. Two years later, a modified proposal, which took into account the critique of the French-speaking Radicals with respect to the unification of the two legal codes, was adopted by a majority of the population and all cantons except for the seven Catholic cantons of the former Sonderbund and the equally Catholic Appenzell Inner Rhodes and Ticino. As in 1848, the population was once again divided between a Radical part and a Catholic Conservative part (Kölz 2004: 624).

The new Constitution of 1874 definitively broke down the economic boundaries between the cantons. Among other things, it introduced the freedom of commerce and trade and improved the freedom of residence. Overall, the new Constitution was business-friendly and

in favour of progress. It was also a democratic Constitution, since it introduced the institution of the optional referendum. Calls for more direct democracy had been made in Switzerland since the 1830s, when the veto was first introduced in Saint Gall and Basle-Country. Several cantons followed these examples in the early 1840s, but the wave was quickly stopped after the cantons dominated by Radicals realized that the use of the veto (an early version of the popular referendum) could contribute to the fall of a Radical government, as it did in the case of Lucerne in 1841. A motion demanding the veto thus was turned down in Zurich in 1842. It was only in the 1860s that the democratic movement, a broad coalition of farmers, artisans and workers, gained more momentum. After its initial success in the canton of Zurich in 1867–9, the paradigm of direct legislation spread decisively to other cantons and was also introduced in the new Federal Constitution. However, the new Constitution did not usher in a centralized state. It also did not fundamentally change the statute of the cantons. The dream of many a German-speaking Swiss Radical to create a national unitary state following the French example had been frustrated (Kölz 2004: 625).

The Constitution of 1874 still provides the fundamental framework for the Swiss federal state. The basic federalist structure remains the same, the only change concerns the numerous shifts of competences from the cantons to the federal government which took place in the course of the following 125 years. Although numerous, these shifts were by no means guaranteed in advance, and always implied intense political struggles between the centralizing reformers and the defenders of the cantonal prerogatives. As Lüthy (1971: 31) pointed out, Swiss federalism has always been an 'anti-centralism', which considered the federal government if not an enemy, then at least a necessary evil which one had to live with but not give in to. From then on, the federal government had to play the role of a stop-gap, i.e. it had to assume all those tasks which the cantons were no longer capable of assuming, but would still cede only reluctantly to the problem-solver of last resort. Chapter 3 will follow these shifts in more detail.

In the aftermath of 1874, the political climate deteriorated, since the Catholic Conservatives did not accept the progressive, centralizing and secular goals of the new Constitution. With the optional referendum, they now had obtained a powerful weapon to mobilize against the radical legislation which attempted to implement these goals. Until the partial revision of the Constitution in 1891, no less than nineteen proposals were attacked by optional referendums, of which two-thirds were successful (Kölz 2004: 633). In 1891, a partial revision introduced the popular initiative into the Constitution. This revision was a reaction to the grievances of the Catholic Conservatives. At the same time, their first representative was elected to the Federal Council. These concessions allowed for the integration of the Catholics into the Swiss nation-state, which led them to abandon their obstructionist use of the optional referendum.

Until World War II, the continuous modifications of the distribution of competences in the federalist state as well as the numerous popular initiatives led to 140 partial revisions of the Constitution of 1874. The key ideas of the Constitution were no longer recognizable, the language appeared outmoded and several of its elements out of date, while there remained glaring omissions in other respects, for example with regard to the bill of rights (Kölz 2004: 906f.). The general sentiment that there was need for a new Constitution grew stronger in the 1960s, and after thirty years of tinkering a new text was adopted by popular vote in 1999. The new Constitution brought the old text formally up to date, but included only a few substantive changes. A total revision in the classic sense would have had little chance of success. To avoid a cumulation of oppositions, the government chose a 'modular system' of reform: as a first step, the old Constitution was to be rewritten to bring it formally up to date; subsequent steps would revise those chapters that were most in need of reform - popular rights, the Federal Court and the system of government, to mention but the most obvious ones. Since then, only the reform of the Federal Court has been adopted, in a popular vote in March 2000.

According to the French standards of Badie and Birnbaum (1982: 212), Switzerland has 'neither a real centre, nor a real state'. Although they exaggerate somewhat, there is a kernel of truth in their quip. One and a half centuries of stepwise centralization of legislative competences have reinforced the federal government, but it still has to confront powerful cantons who jealously guard their prerogatives. Not least among these is the power to tax. There is probably no better indicator of the continuing weakness of the Swiss central state than the distribution of public revenues over the three levels of the federal state: the federal government gets only about one-third of this revenue, while the municipalities obtain somewhat more than a quarter and the

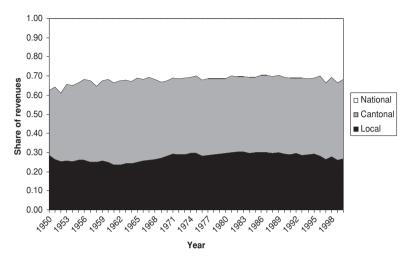


Figure 1.1 Shares of public revenues obtained by the three levels of government (percentages) $\sum_{n=1}^{\infty} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i$

Source: Federal Ministry of Finance, Berne, 2004.

cantons 40 per cent. As shown by figure 1.1, this distribution of fiscal power has hardly changed at all over the post-war period.

1.2 Nation building

Religion mattered in the process of European nation building, and the Reformation constituted a first major step in that direction. However, language, as the most obvious and pervasive expression of identity and distinctiveness, became even more important for nation building in Europe and elsewhere. Switzerland is one of the few European countries where *religion* constituted the crucial issue for the formation of the modern Swiss nation, while language hardly mattered at all, despite the fact that the Swiss are divided into four different language communities (speaking, respectively, French, German, Italian and Romansch). In 1848, the new Radical state elite came from all language communities, and the main criterion used in recruiting them was their participation in the Radical movement. Wimmer (2002: 246) argues that when they founded the modern Swiss state of 1848, the elites from all parts of the small country knew one another rather well thanks to the activities of an associational network in which they were embedded: 'After

their rise to power, they were able to rely on this densely woven network of relations stretching all over the country, penetrating deeply into the society, and transcending class and linguistic boundaries.' For Wimmer, Switzerland is a perfect illustration of his thesis that 'nationbuilding takes an inclusive, trans-ethnic form when the networks of civil society organisations are dense enough to allow the new political elites controlling the modern nation-state to legitimise their rule and to mobilise political support without having to resort to an ethnic constituency and the practice of ethnic favouritism and clientelism' (2002: 241).

These networks of civil society were, however, essentially elite networks and did not integrate the population at large consisting of the different language communities. Moreover, Wimmer overestimates their integrative character since they did not extend to the Catholic Conservatives, who essentially withdrew into their cantonal 'homelands' where they kept an independent power base. The federalist structure of the country allowed for a large degree of self-regulation of the different cultural communities. In Switzerland, federalism constituted a functional equivalent to 'pillarization', i.e. the formation of separate organizational infrastructures by each culturally defined community, in other culturally divided European societies such as Austria, Belgium and the Netherlands. Federalism and pillarization not only create culturally segmented communities but also contribute to their peaceful coexistence in the new nation-state. Lehmbruch (1967: 33ff.) has already observed the analogy between these two mechanisms in his comparison of Switzerland and Austria, where he compared the Swiss 'sectionalism', i.e. the territorial and horizontal integration of federalism, with the formation of 'Lager', i.e. the pillarization or vertical integration of Austria.

However, under the impact of the process of industrialization, the territorial segmentation of religious groups started to break up. In Switzerland, industrialization gave rise to the emigration of hundreds of thousands of Catholics from their 'homelands' in the Catholic cantons to the new industrial centres in predominantly Protestant regions. In the diaspora, these Catholics made direct contact with other religious communities and with socialism. As shown by Altermatt (1991) and, in a comparative perspective, by Righart (1986), it was at this point that the process of pillarization, i.e. the construction of the Catholic organizational structure, began. Both authors point out that this