

# The Politics of Legislative Debate in Switzerland\*

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## Abstract

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## Introduction

Legislative debates in the Swiss parliament have attracted an increasing interest among scholars recently. While early work relying on speeches has used them mostly to document positions taken in parliamentary debates (see, for instance Niehr, 2000; Häusermann, Mach and Papadopoulos, 2004; Cheng, 2015) the research related to Steiner, Bächtiger, Spöndli and Steenbergen’s (2005) work on deliberative quality of parliamentary debates, which focused also on Switzerland (see also Bächtiger, Steenbergen and Niemeyer, 2007; Bächtiger, Niemeyer, Neblo, Steenbergen and Steiner, 2010), has led to another set of analyses (e.g., Pedrini, Bächtiger and Steenbergen, 2013).

More recently, mostly due to the easily available speech data from the Swiss parliament and new tools to analyze them, several studies have engaged in more comprehensive analyses. Schwarz, Traber and Benoit (2017) analyze speeches on two issues to assess whether speeches allow for more fine-grained information on party dissent than roll call votes, while Frech, Goet and Hug (2018) use machine-learning tools (developed by Peterson and Spirling, 2018) to assess how close MPs are to their party in their speeches (for a detailed evaluation of these tools in the context of British debates, see Goet, 2019 (forthcoming)). More descriptive analyses are provided by Gerber (2019), Schwarz (2019), Zumofen (2019), while Bailer, Bütikofer and Hug (2019) compare speech activities of MPs moving from the lower to the upper house, finding considerable institutional effects.

Much of this work, however, does hardly consider the institutional contexts in which these speeches are produced, especially as the Swiss parliament has undergone over time considerable changes (see Sieberer, Müller and Heller, 2011). Amongst other this has led, according to Vatter (2018, 20f), to the Swiss parliament mutating from a “Redeparlament” (speaking parliament) to a “Arbeitsparlament” (working parliament), this, however, only since the second half of the 20th century. According to Vatter, this is due to change from ad-hoc to standing committees, and thus to the increased the strength of the latter (see relatedly Lüthi, 1996; Lüthi, 1997; Sciarini, Fischer and Traber, 2015).

Consequently, in this chapter we discuss in detail the way in which debates, and thus speeches, are regulated in the two chambers of the Swiss parliament. While the lower house has quite strict rules giving committee presidents ample speaking time and assigning party group leaders considerable control, the upper house has only few restrictions. In both houses, however, committee presidents are much more engaged in debates and more senior members are more active as well.

These elements are likely to be linked with the almost unique character of the Swiss political system with an “assembly-independent” government in which the executive can not be removed during a legislative period. As the seven member executive is also largely proportionally composed of by representatives from the largest parties, elections only marginally (and belatedly) affect the partisan make-

up of the government. As the electoral system for the lower house corresponds to an open-list proportional system, and the one for the upper house is largely majoritarian, elections have a heavy dose of personalization. Our analyses of speeches suggest that the resulting personalization operates mostly through the highly coveted positions of committee presidencies.

In the remainder of this chapter we first discuss the institutional and party system background highlighting the importance of the electoral system and the candidate selection. We then present the institutional setting in which legislative debates occur. This highlights how the settings differ in the lower house compared to the upper house. Initial analyses of debate participation show that gender is still an important element, especially among the parties on the right. This effect, however, is muted to some extent in the upper chamber, where the parties on the extreme right simply have no female representatives. When finally analysing more systematically debate participation, gender loses much of its importance and seniority and committee chairmanships appear to be the main driving forces in speech activities. In the conclusion we put these results in a broader context.

## Institutional and party system background

In their comprehensive categorisation Shugart and Carey (1992) place Switzerland in the category of “assembly-independent” regimes. Such regimes are characterized by a maximal separation of the survival of government and parliament, while the president has no authority over the cabinet. This comes about, in the Swiss system, by the fact that parliament is elected for a fixed four-year term, and after each election, the seven members of the government (Federal Council) are elected individually in a joint session of the two chambers of parliament. Once elected, these members of government cannot be removed during their term, and they select, according to a seniority rule, one from amongst themselves to serve as president for a one-year term. While at the birth of Switzerland in 1848 all government members belonged to the Radical party (FDP), over time a party-proportional system led to the installation of a grand coalition comprising the Radicals, the Social-democrats (SP, the Christian-democrats (SVP) and the People’s party (SVP, see Caluori and Hug, 2005).<sup>1</sup>

This self-imposed proportionality together with strongly developed instruments of direct democracy led to a system in which elections only marginally and belatedly affect the composition of the government (for a discussion and analysis of these changes, see Caluori and Hug, 2005). Elections, for the most part, have been run according to a proportional representation system since 1919 (see

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<sup>1</sup>For a short period of time the Bourgeois-democratic party (BDP) occupied a seat as well, as a member of the People’s Party who did not suit the party was elected by parliament, but then ejected from her party. Subsequently a new party, the Bourgeois-democratic party, was formed.

Lutz, 2004). In that year, for the first time, and following a constitutional change adopted in a referendum, the 200 members of the lower house were elected according to a PR system, in which the cantons correspond to the electoral districts. The number of seats are distributed proportionally across the 26 electoral districts, with the requirement that each canton has at least one seat in the lower house.<sup>2</sup> The upper house, copied on the example of the US Senate (Rappard, 1941), comprises two seats for each canton, except six smaller ones (previously called “half-cantons”) that only have one seat. As the electoral system for the election of the upper house is determined in the cantonal constitutions, there is some variation. While almost all cantons adopted a majoritarian system (with two rounds, but with different thresholds), two cantons, namely Neuchatel and Jura, adopted a PR system.

The majoritarian character of the upper house election in almost all cantons, and the same character for elections to the lower house in small cantons with one or few seats, ensure that the elections are quite personalized. Another feature of the electoral system, namely its open list character, reinforces this personalization even further. Parties propose party lists with a fixed order of candidates in the districts in which they run. The voter, if she uses such a list unmodified, casts as many votes for the party as there are seats in the district (this even if a party has not selected as many candidates as there are seats). She may, however, also modify such a list by adding (and possibly crossing out) some candidates.<sup>3</sup> If the latter are from other parties, the latter get the corresponding vote(s). The voter may also use a blank list and enumerate herself all the candidates whom she wants to elect. Each party then obtains votes as a function of the number of its candidates on this list. Once all votes are tallied, in each district seats are assigned to parties according to the Hagenbach-Bischoff largest remainder system.<sup>4</sup> Then in a second step the individual votes in each party are calculated, and the candidates with the highest number of personal votes are elected (as a function of the number of seats the party has obtained in the first distribution). This results in a very personalized electoral system, in which even list positions are not that central for election success.

For the selection of candidates cantonal parties are the actors in charge.<sup>5</sup> At the federal level these cantonal sections combine to form national parties (Ladner, 1999; Ladner, 2001; Ladner and Brändle, 2001). Given, the importance of the cantonal parties, one might expect that the party system is fragmented

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<sup>2</sup>In cantons with only one seat in the lower house elections are run according to a plurality system.

<sup>3</sup>It is also possible to list a candidate twice to indicate a stronger preference.

<sup>4</sup>In this process also the alliances (“apparentement”) among different lists are taken into account (for an innovating analysis of this system, see Lüchinger, Schelker and Schmid, 2019).

<sup>5</sup>Gruner, Daetwyler and Zosso (1975) provides a detailed discussion of candidate selections for the 1971 national election. We are in the process of collecting and coding detailed information on the selection processes of all cantonal parties.

and differs strongly among cantons. Armingeon (1998) argues, however, that despite some regional differences, elections are still a largely national affair. If there are regional and/or cantonal differences they come about by the fact that in some cantons only few seats are to be gained in national elections. Thus, in these cantons the format of the party system differs considerably from the one that is found in cantons with several dozens of seats at the national level, simply due to the effects of the electoral system.

## The institutional setting of legislative debate

The rules governing debates in the two chambers have evolved over time and have incrementally become stricter (for a review of these changes see the appendix and Lüthi, 2019). The current standing orders of the two chambers both contain rules that restrict the legislative debate.<sup>6</sup> The restrictions are weakest in the upper house and concern only the order in which MPs may intervene. In general the President of the upper chamber recognizes MPs for their intervention, and it is in this order that they speak. For initial debates on proposals the rapporteur of the relevant committee is recognized first, followed by the other members of the committee, after which the remaining MPs may take the floor. The rapporteur, as well as members of the government assisting the debates may intervene at any time, as may all MPs, provided a statement about them or an element of their speeches has been referred to. As in addition speech time is not limited, speeches of MPs of the upper house are on average longer and more numerous per MP (see below and Bailer, Bütikofer and Hug, 2019).

In the lower house speech is much more regulated and restricted. Opportunities to participate in debates are granted by the President of the lower house upon written requests. The order of the submission of the requests normally determines the sequence of speeches. Spokespersons of the party groups and the authors of formal proposals speak, however, first. The committee rapporteur and members of the Federal Council may demand to speak at any time, as can all MPs when their person or a statement by them is referred to. Speeches cannot exceed five minutes, except for the initial statements by the rapporteur of the committee who may speak for 20 minutes, and no MP may speak more than twice on an item of business. Authors of proposals may speak for an unlimited time. In addition, after each speech every MP and member of the Federal Council may ask a precise question on a specific point, to which the speaker may respond.<sup>7</sup>

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<sup>6</sup>In the appendix we report the relevant excerpts from the two standing orders.

<sup>7</sup>This rule, introduced in 1995, has also led to some abuses approaching almost a “filibuster” according to a journalist (<https://www.nzz.ch/schweiz/die-wahlkampf-session-beginnt-mit-einem-steilpass-fuer-die-svp-ld.1506484>, accessed September 9, 2019). In a debate on the law implementing the new constitutional article on mass immigration, the members of the Swiss People’s Party posed repeatedly

These general rules in the lower house may, however, be superseded as a function of the form of debate under which an item of business is debated. In *free debates*, which normally occur when popular initiatives are debated, all MPs may participate in the debate (subject to the rules discussed above). In *organized debates*, which occur when new bills or interpellations are introduced, speaking time is allocated to the party groups proportional to their size. Party groups themselves allocate subsequently this time among their members. In *group debates* (the most frequent ones) only the committee rapporteur, the speakers of the party groups and proposers can participate in the debate. In some of these *group debates* normal speaking time (see above) may be cut in half. In *short debates* only the speakers of the committee minority may speak, while in *written procedures* no debate takes place.

The discussion of these rules suggests that the two chambers of the Swiss parliament differ considerably with respect to the facility with which individuals may intervene in debates. While in the upper house all MPs may freely participate in debates, and thus this chamber is located at one extreme of Proksch and Slapin's (2014) categorisation, party groups play a more important role in the lower house. This is due to the fact that apart in *open debates* (mostly) on popular initiatives where all MPs may intervene, in all other debates participation is either limited to spokespersons of party groups (or rapporteurs of the committee minority) or speaking time is allocated internally in party groups.

## Who participates in legislative debates?

With the rather late introduction of female suffrage at the national level in the 1970s<sup>8</sup>, women have entered politics rather belatedly. While with respect to participation rates, except for a small cohort effect, men and women participate more or less equally in elections and referendums, they are still a minority in the Swiss parliament. As women, provided they are selected, do no longer face higher hurdles to be elected, this suggests that the smaller share of women in parliament has to do with recruitment (Gilardi, 2015) and selection. In this regard the Swiss political parties perform unequally as Figure 1 reveals.<sup>9</sup> While two parties, i.e. the Greens (GPS) and the Social-democrats (SP), have almost achieved gender-equality in their ranks, the remaining parties fare less well, and this even more so when one moves to the right of the ideological space.

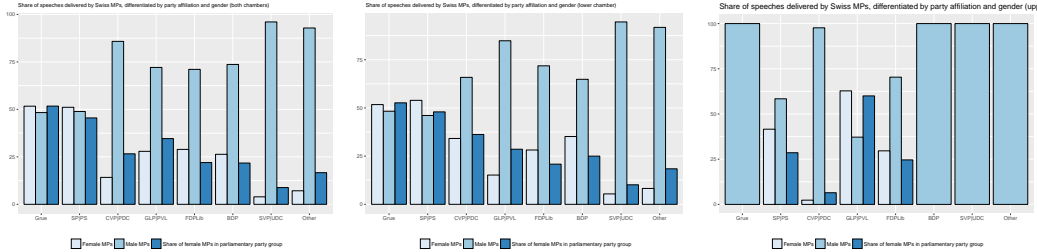
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questions to their party group leader to extend the debate.

<sup>8</sup>Female suffrage existed in some cantons and municipalities already before (see Banaszak, 1996), while a federal court had to impose this right upon a last hold-out canton in the 1990s

<sup>9</sup>In a campaign for the 2019 National election called "Helvetia ruft" a categorisation of cantonal parties was proposed, as a function of whether they were *role models*, *willing to learn* or *male fortresses* (see "Frauen erwarten deutliches Plus" NZZ am Sonntag, October 6, 2019, 10). Interesting to note is that each of the major parties has some cantonal sections in the two extreme categories with the exception of the Greens who no longer have *male fortresses*.

Figure 1: Gender and debate participation in the lower and upper houses



When it comes to debate participation as a function of gender one notes similar differences (for related analyses, see Gerber, 2019).<sup>10</sup> While in the Green and Social-democratic party the share of speeches by females corresponds closely to the share of female MPs, in three parties, namely the Christian-democrats (CVP), the Green-liberal (GLP) and the People’s Party (SVP), the males are more talkative, the opposite is the case in the Radical (FDP) and the Bourgeois-democratic party (BDP, see first panel). When breaking down this analysis by chamber, one notes that with one exception these same patterns hold. The exception is the CVP in which females and males participate in debates in equal measure in the lower chamber.

This implies that in the upper house male members of the CVP are more talkative, as is borne out in the third panel of Figure 1. This panel also shows that in three party groups, namely the GPS, the BDP and the SVP, only males speak, as their representations in the upper house are unisex. Notable is also the fact that in all remaining party groups, with the exception of the CVP, females speak slightly (GLP and FDP) or even notably (SP) more than their male colleagues.<sup>11</sup>

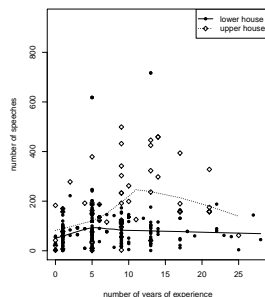
When it comes to seniority our data show (Figure 2) that in the upper house experience appears to affect speech-making, while this is less the case in the lower house.<sup>12</sup>

<sup>10</sup>The data used from here on covers all speeches in the lower and upper houses in the time period 1999-2015 (for information on how this data was collected, see Frech, Goet and Hug, 2018).

<sup>11</sup>We note that given the open-list electoral system list positions are hardly on important element in determining speech activities. This even more so as list may be linked in alliances, and a particular seat might be won due to such alliances, and in addition, the main party list may be linked in so-called “sous-apparetements” with other lists (e.g., youth, female or regional lists) where the same candidates appear as on the main list, often even twice.

<sup>12</sup>Information on the seniority stems from the dataset compiled by Turner-Zwinkels, Huwyler, Bailer, Frech, Manow and Hug (2019). We restrict here, as in the following analyses, the time period covered to the 47th (2003-2007) and the 48th legislative period (2007-2011). In the appendix we report graphs subdividing these two legislative periods.

Figure 2: Seniority and ebate participation in the lower and upper houses



## What is the role of intra- and interparty politics in legislative debates?

Simple analyses of speech frequencies according to gender (see above and Gerber, 2019) or party group (see Schwarz, 2019) are problematic, as the rules discussed above affect these findings. As in the most frequent debate type in the lower house only party group spokespersons may speak, finding effects for gender may simply reflect whether a party group may have a female party group leader. Similarly, for the same reason in small party groups it will appear that one MP (the party group spokesperson) dominates strongly, while in larger groups the party groups (institutionally determined) dominance is partially muted. Thus, in what follows we provide more systematic analyses about the number of speeches and their length. We employ a quasi-poisson model which accounts for overdispersion.<sup>13</sup>

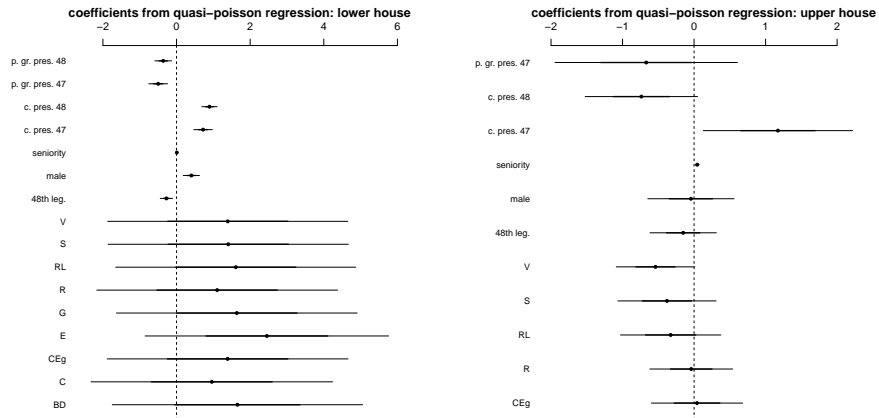
The results reported in Figure 3<sup>14</sup> first of all suggest that in terms of speech-making there are hardly any differences among the party groups, and this independent of the chamber. In both cases the estimated party group coefficients are attached with considerable uncertainty. With some exceptions, the remaining estimated coefficients come with much less uncertainty. For the lower house, two sets of results stand out. In both legislative periods party group leaders spoke on average less, while committee presidents occupied more frequently the debate stage. While the latter effect also materializes (though with much more

<sup>13</sup>We ignore an important complication in the analysis of our data, namely that the number of possible speeches varies across MPs. Thus, our results, given the non-linear specification of the model, will be biased. We ignore these biases as there are no completely clean fixes. While for MPs that retired during a legislative term or replaced a retiring MP, we could control for the log (due to the functional form of poisson-models) of the number of days/months they were in office. This raises the question, however, whether absences (illness, other duties etc.) should also be accounted for, and whether the restrictions on the number of possible speeches (especially in the lower house) should be controlled for as well.

<sup>14</sup>The underlying regression tables appear in the appendix.



Figure 3: Explaining the number of speeches in the lower and upper houses (47th and 48th legislative period)



uncertainty) in the 47th legislative period in the upper house (there was no party group president in the upper house in the 48th legislative period), the effects for committee presidents are more mixed. While for the 47th period we find a positive effect, this effect turns negative for the 48th legislative period.

Gender, according to our results, appears to matter only in the lower house, with males participating more frequently in debates.<sup>15</sup> In the upper house gender appears not to make a difference at all. Seniority, reflecting what we already saw above, has a positive effect on speech-making, but this effect is substantively important only in the upper house. This is likely due to the highly regulated debates in the lower house. As additional analyses reported in the appendix reveal, seniority appears, however, to increase speech activity in the lower house in the 48th legislative period. For this reason we illustrate this substantive effect in Figure 4.<sup>16</sup> The figure nicely shows that freshmen, on average, make only some 70 speeches, while extremely seasoned parliamentarians intervene on average up to some 120 times.

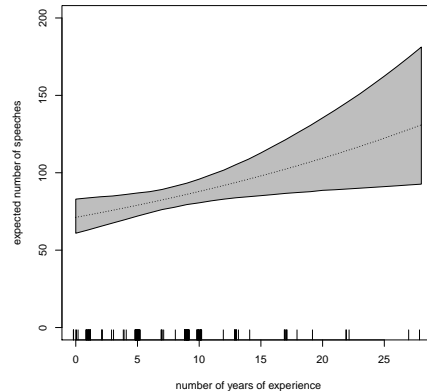
## Conclusions

The analyses of speeches have over the last decades become more prevalent also on the Swiss parliament. Many early studies attempted to use debates basically

<sup>15</sup>Additional analyses per legislative period suggest that this result is driven by the data from the earlier legislative period (see appendix).

<sup>16</sup>When generating these average differences due to seniority we kept all other covariates constant at their observed values (Gelman and Hill, 2007, 466) and averaged the predicted values stemming from 1000 simulated coefficients over all observations.

Figure 4: Substantive effect of seniority for MPs in the lower house (48th legislature)



to find additional information on the stances politicians and parties defended on particular topics, while more recent studies attempt to use speech-data more systematically. Many of these studies, however, neglect the way in which these speeches are produced, which relates to the institutional context.

While the electoral system employed for both the lower and upper house creates incentives to seek personal votes, the way in which speeches can be used in this endeavour differs across the two chambers. While the smaller upper house allows for rather free-flowing debates, the latter are (in most cases) tightly regulated in the lower house. Despite these institutional differences, some commonalities appear in the analyses we presented in this paper. Contrary to what might have been presumed, party group leaders in both chambers participate less frequently in debates than all other members. On the other hand, committee presidents, especially in the lower house due to their reserved speaking time, participate more frequently. In the upper house, this effect only materializes in one of the legislative periods analyzed. Gender and seniority also have to some extent different effects in the two chambers. In general gender, despite a more equal gender distribution in the lower chamber, appears still to play a role in speeches. In the upper house, with some parties not even being represented by women, males do not speak more often than females. This seems to suggest that the tightly regulated debates in the lower house affects the speak-making of women. Seniority, finally, appears to increase speech-making, but this effect is especially prevalent in the upper house. Interesting to note is that in the more recent legislative period MPs with more experience appear also to be more active in speeches in the lower house.

While our results shed new light on speech-making in the two chambers of

the Swiss parliament, they also raise a series of questions. Foremost, we have analyzed only at the surface the consequences of the rather strict rules of debate participation in the Swiss lower house. As the institutional effects appear to be much stronger in this chamber, the question then becomes whether some biases due to gender (and to some extent seniority) are also related to the internal rules that party groups adopt for assigning MPs to committee presidencies and perhaps even more importantly, the rules that are adopted for allocating speech-time to their members.<sup>17</sup> Only when having detailed information on these internal processes may we shed a more piercing light on debates in the Swiss parliament.

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<sup>17</sup>We are not aware of any studies on these aspects and are in the process of collecting information on these issues.

# Appendix

In this appendix we provide additional information on our data and the analyses we carried out, as well as a more detailed description of the rules regulating speech-making in the two chambers of the Swiss parliament.

## Data

Tables 1 and 2 report the descriptive statistics of the numeric variables for the lower and upper house analyses. Table 3 list the party groups and their abbreviations.

Table 1: Descriptive statistics for data for lower house

Statistic	N	Mean	St. Dev.	Min	Pctl(25)	Pctl(75)	Max
talk	386	92.526	84.636	1	56	123	717
seniority	386	6.547	4.785	0	5	9	28
commissionpresident_47	386	0.142	0.350	0	0	0	1
commissionpresident_48	386	0.381	0.486	0	0	1	1
fractionpresident_47	386	0.135	0.342	0	0	0	1
fractionpresident_48	386	0.311	0.463	0	0	1	1

Table 2: Descriptive statistics for data for upper house

Statistic	N	Mean	St. Dev.	Min	Pctl(25)	Pctl(75)	Max
talk	65	178.431	129.381	1	78	233	499
seniority	65	9.292	6.461	0	5	13	25
commissionpresident_47	65	0.262	0.443	0	0	1	1
commissionpresident_48	65	0.600	0.494	0	0	1	1
fractionpresident_47	65	0.031	0.174	0	0	0	1

Table 3: Party group names and abbreviations

<b>name</b>	<b>party group</b>
Bourgeois democratic party (BDP)	BD
Radical-liberal party (FDP)	RL
Radical party (FDP, before fusion with the liberals)	R
Green Party (GPS)	G
Green liberals (GLP)	GL
Evangelical party (EVP)	E
Social-democrats (SP)	S
Christian-democrats (CVP)	C
Christian-democrats and Evangelical party (CVP, EVP)	CE
Christian-democrats and Evangelical party and Green liberals (CVP, EVP, GLP)	CEg
Swiss People's party (SVP)	V

## Additional analyses

Figure 5 reports the link between seniority and speech-making, showing that the general trend reported in the main text still holds (see Figure 2). Table 4 reports the results of our quasi-poisson models for the two chambers. Tables 5 and 6 report the results for the same two chambers, but subdivided for the two legislative periods covered. Figures 7 and 6 depict these results graphically.

Figure 5: Debate participation in the lower and upper houses and seniority in the 47th and 48th legislative periods

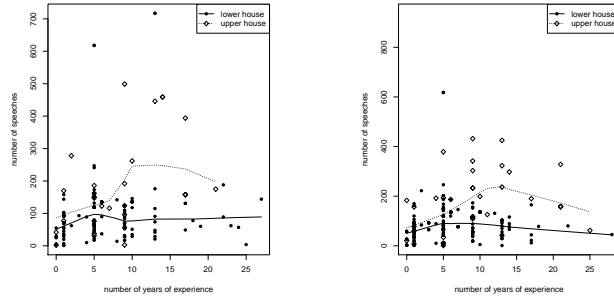


Figure 6: Explaining the number of speeches in the lower house (47th and 48th legislative period)

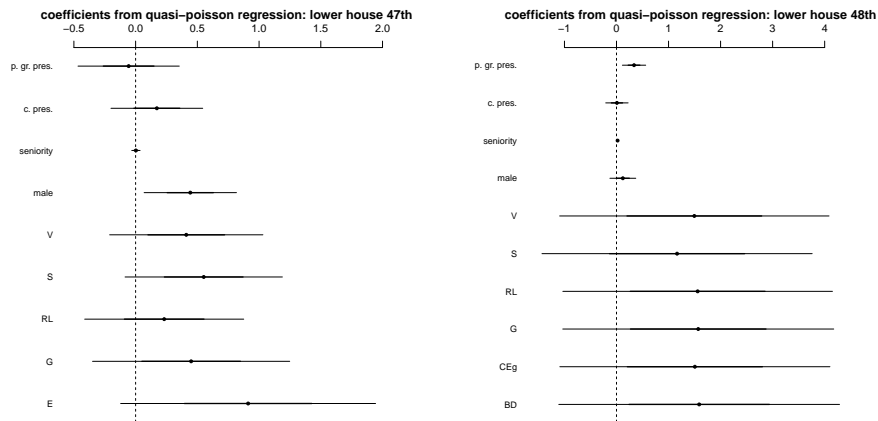


Table 4: Analyses of speech-making by legislative chamber

	<i>Dependent variable:</i>	
	talk	
	(lower house)	(upper house)
BD	1.654 (1.700)	
C	0.957 (1.640)	
CEg	1.388 (1.636)	0.051 (0.342)
E	2.453 (1.654)	
G	1.637 (1.635)	
R	1.103 (1.635)	0.135 (0.327)
RL	1.609 (1.631)	-0.207 (0.397)
S	1.404 (1.632)	-0.279 (0.346)
V	1.392 (1.630)	-0.313 (0.318)
48	-0.275*** (0.084)	-0.067 (0.240)
male	0.403*** (0.111)	-0.071 (0.319)
seniority	0.007 (0.008)	0.040*** (0.014)
commission president 47	0.721*** (0.126)	0.356 (0.235)
commission president 48	0.894*** (0.103)	0.167 (0.243)
fraction president 47	-0.499*** (0.128)	0.307 (0.653)
fraction president 48	-0.362*** (0.113)	
Constant	2.638 (1.633)	4.771*** (0.380)
Observations	386	65

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 5: Analyses for lower house by legislative period

	<i>Dependent variable:</i>	
	talk	
	(47)	(48)
E	0.911*	
	(0.516)	
BD		1.588
		(1.349)
CEg		1.506
		(1.297)
G	0.450	1.571
	(0.399)	(1.302)
RL	0.232	1.559
	(0.322)	(1.295)
S	0.552*	1.164
	(0.319)	(1.298)
V	0.410	1.495
	(0.310)	(1.294)
male	0.443**	0.122
	(0.187)	(0.124)
seniority	0.002	0.021**
	(0.017)	(0.009)
commissionpresident_47	0.172	
	(0.186)	
fractionpresident_47	-0.057	
	(0.205)	
commissionpresident_48		0.008
		(0.108)
fractionpresident_48		0.337***
		(0.112)
Constant	3.897***	2.630**
	(0.306)	(1.295)
Observations	192	194

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

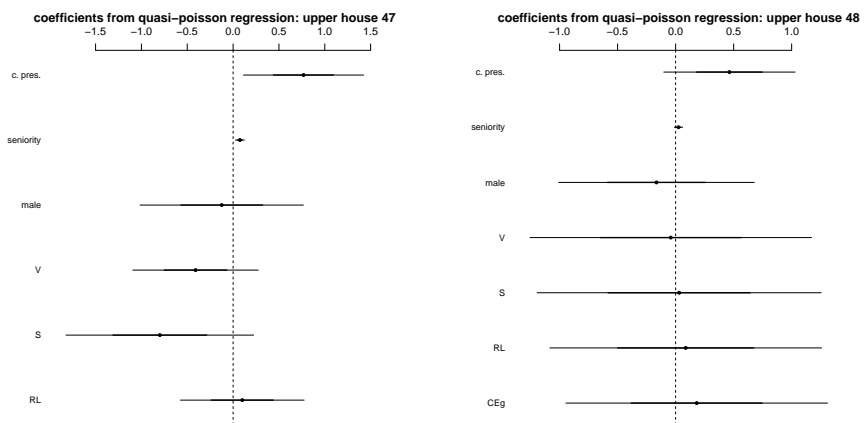


Table 6: Analyses for upper house by legislative period

	<i>Dependent variable:</i>	
	talk	
	(1)	(2)
CEg		0.182 (0.564)
RL	0.100 (0.337)	0.087 (0.585)
S	-0.799 (0.512)	0.030 (0.612)
V	-0.410 (0.342)	-0.042 (0.607)
male	-0.124 (0.445)	-0.165 (0.422)
seniority	0.074*** (0.025)	0.025 (0.018)
commissionpresident_47	0.768** (0.327)	
commissionpresident_48		0.464 (0.283)
Constant	4.530*** (0.459)	4.690*** (0.714)
Observations	29	36

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Figure 7: Explaining the number of speeches in the upper house (47th and 48th legislative period)



## Rules of Speech in the National Council

Source: Standing Orders of the National Council (SO-NC) of 03.10.2003 (Version of 01.01.2018) <https://www.admin.ch/opc/en/classified-compilation/20030895/index.html>

The Standing Orders (SO-NC) define which types of debates exist in the National Council, who is allowed to speak and for how long. The Right to Speak After a written request to speak, the right to speak is formally granted by the president of the national council. The rules do furthermore specify that no one may speak more than twice on the same matter (Art. 41 (5)). Group spokespersons and the MPs submitting formal proposals are allowed to speak before the others. Otherwise the order usually follows the order in which the right to speak was requested (Art.41 (3, 4)). Furthermore, the Councils standing orders grant any member of the council the right to respond immediately to comments relating to his or her person or to clarify a statement he/she has made (personal statement, Art. 43). Groups may explain their voting intentions before the final vote (group statement, Art. 43). Committee rapporteurs and the representative of the Federal Council may request the right to speak in any form of debate (Art. 46(3)).

Speaking Times Depending on the form of debate, committee rapporteurs and the representative of the national council usually get a maximum of 20 Minutes of speaking time. Group's spokespersons are allowed to speak for five minutes (10 in introductory debates). Speaking time is not limited for persons submitting formal proposals, authors of parliamentary initiatives and procedural requests and individual speakers and the representative of the Federal Council (Art. 44). In many instances (in organised debates) speaking time is allocated to the groups based on their size. It is then up to the leadership of the political group to allocate the speeches/speaking times to their members (Art. 47 (2-4)).

Forms of Debates According to Art. 46 SO-NC each item of business takes one of five forms: In open debates anybody may speak. Introductory debates, debates on reports, or considering an interpellation may take the form of organised debates (Art. 47(1)). In organised debates the speaking time is allocated to the political groups based on their size, who then allocate the speaking time/speeches to their members (Art. 47 (2-4)). In a group debate only the spokespersons of the political group and parliamentarians proposing amendments are allowed to speak (Art. 48(1)). When group debates are time limited, the speaking times for the speakers (group spokespersons, committee rapporteurs, representative of the council) are halved (Art. 48(1)). In short debates only "the rapporteurs for the committee minorities" are allowed to speak (Art. 48(2)).<sup>1</sup> In the written procedure no speeches are held (Art. 49).

Particularities In the constitutive sitting of the NC the "the Oldest Member and by the youngest designated member of the Council elected for the first time" speak (Art. 1a) Incidental questions: " At the end of a speech, any member of

the Council and the representative of the Federal Council may ask the speaker a brief and precise question on a specific point relating to what he or she has said; they are not permitted to state or justify their point of view" (Art. 42(1)). The speaker has to respond immediately to incidental questions.

Changes over time Changes relative to the Forms of considerations; prior to the modifications of 03.10.2008 that came into force on 02.03.2009, the distinction between group debate and time limited group debate didn't exist (art. 46 (1)). The form then called "reduced debate" was ruled by the same principles as the current form of group debate, with only the spokespersons of the political group and parliamentarians proposing amendments being allowed to speak (art. 48 (1)). The current form of art. 46 (4, 5) dates back to the modifications of 21.06.2013 that came into force on 25.11.2013. In (4), which states that irrespective of the forms of consideration, the author of a parliamentary initiative, a motion or a postulate may provide a verbal statement, the newer version adds that the first person to request the rejection of that text shall also be given the right to speak. In addition to that, (5) was added, which states that "irrespective of the form of consideration, during the preliminary examination of a cantonal initiative, a Council member from the canton that is author of the initiative may provide a verbal statement of reasons for the same provided a majority of the canton's members of parliament appoint that Council member to do so." The current form of art. 47 (2) dates back to the modifications of 25.09.2015 that came into force on 30.11.2015. Prior to these, speaking time in organized debates was simply deemed to be "limited" while (3) stated that the president ought to allocate speaking time between committee rapporteurs, federal council representatives and groups in a fair way. (3) was abrogated and (2) changed to its current form, with group speaking time now proportional to their size in the council.

Former revision 1990-2003 Source pp. 18-43 especially Chapitre 6: Délibérations art. 63-72

The Right to Speak After a written request to speak, the right to speak is formally granted by the president of the national council. If the president wishes to take part in the discussion, he or she passes the direction of debates to the vice-president during that period of time. Unless they are making only brief declarations, members of the council speak from the tribune (Art. 63). The right to speak is generally granted in the order in which it was requested, but the president may group interventions based on their theme, while making sure that language and opinions alternate in a fair way in the debate. Group representatives and members of the council presenting proposals are the first to be given the right to speak (art. 64 (1)). Committee rapporteurs and representative of the Federal Council shall be granted the right to speak whenever they ask for it (art. 64 (2)). Point of orders and personal statements are treated right away; current debates are halted until a decision is reached regarding the point of order (art. 64 (3)). The president may warn any MP who goes off topic, starts a personal polemic or repeats himself. If any MP ignores two warnings,

the president may propose to the council that the right to speak be withdrawn from them. (art. 65 (1, 2)). Speaking Times Committee rapporteurs and the representative of the national council usually get a maximum of 20 Minutes of speaking time during introductory debates, the president may rule on exceptions (art 71 (1)). Group's spokespersons are allowed to speak for 15 minutes; other speakers developing proposals are allowed 10 minutes, while 5 minutes are given to the following category of speakers (art 71 (2)): Speakers making a general statement. Group spokespersons in discussions by articles (art. 67, Discussion by articles) Authors of motions, postulates, interpellations and parliamentary initiatives if their positions diverge from those of the Federal Council, of the Committee or from those of another member of the Council. Those who speak on the same subject for the second time (no one may speak more than twice on the same subject) (art. 72 (3)) The president closes the debates when there are no further requests to speak or when the total speaking time is elapsed (art. 72 (1)). Once this is decided, committee rapporteurs and the representative of the Federal Council may briefly react to the interventions, after which members of the council may make brief rectifications or personal statements relative to these responses (art. 72 (3)).

Forms of Debates The forms of debates and the rules governing them in the 1990 revision are substantially the same as in the early versions of the 2003 revisions (art. 68-69). One difference pertains to the fact that the Conference of group presidents makes a proposition to the council regarding the program of the session and the way in which matters will be treated. Relevant modifications between 1990 and 2003 as found under this address : 04.10.1991 Changes in articles 68 and 69, the bureau takes up the tasks until then devolved to the Conference of group presidents. 06.10.1995 Changes in article 71 (1, 2) regarding the rules governing speaking time: group spokespersons now have 10 minutes speaking time instead of 15 during introductory debates. 19.12.1997 Minor addition in article 71 (2) to the list of people allowed a speaking time of 5 minutes, namely "authors of mandate projects". 18.12.1998 Addition of article 64a (Questions to the speakers). When a speaker has finished speaking, the members of the council and the representatives of the Federal Council may each ask a brief and precise question on a specific point of the declaration; they may not develop their intervention (1). The question may only be asked if the speaker agrees to it (2). The speaker responds immediately and succinctly (3). Modification of article 71 (2), members of the council wishing to develop their proposition now have 5 minutes instead of 10 previously.

## **Rules of Speech in the Council of States**

Source: Standing Orders of the Council of States (SO-CS) of 20.06.2003 (Version of 01.06.2015) <https://www.admin.ch/opc/en/classified-compilation/20030743/index.html> The Standing Orders (SO-CS) define which types of de-

bates exist in the Council of States, who is allowed to speak and for how long. The Right to Speak After a request to speak, the right to speak is formally granted by the president of the national council, who normally grants the right to speak in the following order: the committee rapporteur, the committee members and finally the members of the council. Among the members of the council, the right to speak is normally granted in the order of the requests; the President may however group speakers when deemed appropriate (Art. 35 (3, 4)). Furthermore, the Council's standing orders grant any member of the council the right to speak out of turn to respond briefly to comments relating to his or her person or to clarify a statement he/she has made (personal statement, Art. 36), or if they wish to make a point of order (Points of order, Art. 39). Committee rapporteurs and the representative of the Federal Council shall be allowed to speak when they request to do so (Art. 35 (5)).

Speaking Times There are no rules limiting speaking times in the standing orders of the Council of States. The President closes the debate if there are no further requests to speak (Conclusion of the debate, Art. 40).

Forms of Debates According to the standing orders of the National Council, the rules stated above apply to any and all debates taking place, as there are no distinctions between different forms of considerations as in the National Council.

Particularities There are no further particularities in the standing orders of the Council of States that pertain to speeches or the right to speak.

Changes over time The articles mentioned above have not changed since the formulation of the current revision of 20.06.2003. Sources of modifications that took place: 2008 2011 2013 2014 2015 Previous revision of 24.09.1986 Source RO-1987-02 pp. 2-22, especially Chapitre 6: Délibérations, Art. 53 to 57

The right to speak After a request to speak, the right to speak is formally granted by the president of the national council (Art. 53 (1)). The standing orders establish that the first to speak are the committee rapporteurs, the members of the committee may submit a request to speak immediately thereafter. After this, the general discussion is open and members of the council may speak in the order in which they submitted their request. Committee rapporteurs and the representative of the Federal Council shall be allowed to speak whenever they request to do so (Art. 54 (1, 2)). The right to speak out of turn may be granted when a member of the council asks for compliance to the standing orders, wishes to make a point of order or to answer to a personal comment. If a point of order is made, deliberations are halted until the council has ruled on it (Art. 54 (3)).

Speaking Times There are no rules limiting speaking times in the standing orders of the Council of States. The President closes the debate if there are no further requests to speak (Conclusion of the debate, Art. 57).

Changes 1986-2003 According to the modifications' page, the relevant articles did not change over the life cycle of the 1986 revision.

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