



Citizen participation through direct legislation: a road to success? A perspective from Switzerland

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Abstract

Citizen participation is generally considered crucial to ensuring that policies effectively address public needs. But there is a long-running debate over how far such participation should go. This article focuses on one of the most far-reaching forms of citizen participation in public policy making—direct legislation—and asks to what extent it can bring about good governance outcomes in the political, economic and social spheres. Focusing on the case of Switzerland, where direct legislation is established and frequent, the article draws on existing studies to discuss long-term impacts of citizen participation in public policy-making. The evidence shows that, in the Swiss case, direct legislation contributed to consensual politics, a favourable environment for economic development, as well as high citizen satisfaction. The conclusion discusses to what extent these findings generalise beyond the Swiss case.

Keywords citizen participation · direct legislation · referendums · Switzerland

1 Introduction

The essence of public policies is to address public problems and to provide public goods. Knowing the public's grievances, demands or desires is indeed crucial for devising appropriate policies. There is a general consensus in theory and practice that the participation of citizens is needed at some point of the policy process and in some form. But there is a long-running debate about when and how precisely this should happen, and how far such participation should go.

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Sherry Arnstein's famous "ladder of citizen participation" (1969) is an early presentation of the multiple ways in which citizens can be involved in public policy making. The ladder starts with *non-participation* at the bottom (where citizens only receive information about a project but cannot express their opinion), continues with *tokenism* in the middle (where citizens can express their opinion but decision-makers have full discretion about whether they want to take this opinion into account), and features *citizen power* at the top (where citizens make decisions that are binding). The ladder has been criticised as insinuating that citizen participation is genuine only at the top rungs, whereas the middle and lower rungs are merely instrumental to decision makers. However, different forms of citizen participation, no matter how consequential they are, can be functional to the policy process. This idea is captured by later concepts, such as Archon Fung's "democracy cube" (2006), which argues that forms of citizen participation should be distinguished along three dimensions: selection of participants (restricted vs. universal), mode of communication or decision (information vs. bargaining), as well as authority and power (consultation vs. binding decisions). Depending on where they are positioned on these three axes, formats of citizen involvement can play different roles in the policy process.

This paper focuses on *direct legislation*, the most consequential format of citizen involvement in policy-making, featuring citizens' rights to participate in making decisions that are legally binding. Generally, this involves the aggregation of citizens' preferences via referendum voting, and the term of "direct democracy" is therefore often used as a synonym to direct legislation. I will also use the two terms interchangeably in this paper. Over the last decades, the use of direct legislation has increased across the globe (Qvortrup, 2024). But simultaneously, recent popular votes have cast doubts about the desirability of this instrument of citizen participation. Most famously, the 2016 Brexit referendum was criticised as an ill-informed decision that was detrimental for the United Kingdom's economy, exacerbated political conflicts, and reinforced societal divisions (Hobolt, 2016): a "democratic failure" as one prominent observer put it (Rogoff, 2016).

However, the United Kingdom, with its extremely limited experience of direct legislation, might not be the best place to look at for an examination of the impacts of this instrument of citizen participation. The next section therefore presents an overview of the practice across the globe. It shows that one country clearly stands out, namely Switzerland, in which almost half of all national level referendums worldwide were held so far since the early 20th century. The following sections therefore focuses on the Swiss experience to discuss three topics in which the pros and cons of citizen participation are most controversial: its impacts on politics, on the economy and on individual citizens. This will be done mainly on the basis of existing studies. As we will see, there is converging evidence to show that, in Switzerland, direct democracy led to the pacification of political conflicts, to favourable conditions for economic growth, and to increased citizen satisfaction with democracy and with life in general. Extensive direct legislation, it is argued, was instrumental to Switzerland's political, economic and social success. In the conclusion, we discuss to what extent these findings can be generalised to other contexts.

2 Direct legislation across the world

Direct democracy is globally on the rise (Altman, 2011). If we operationalise it as the holding of referendums at the national level, the occurrence of direct legislation worldwide has proliferated since the mid-20th century (Qvortrup, 2024). More precisely, we can see a steady increase of the number of referendums per year throughout the world, from less than five in 1900 to roughly fifteen per year in 2023 (Fig. 1). While this general upward trend is clearly discernible, there are also some peaks in the 1950s and 1990s, mostly related to the second respectively the third wave of democratisation (Huntington, 1993), when popular votes on new constitutions were held in the wake of decolonisation (notably in Africa in the second wave) or transitions to liberal democracy (especially in Central and Eastern Europe after the collapse of the Soviet Union).

A closer look at the occurrence of referendums in different countries shows that direct legislation today is used in countries on all continents, and in both democracies and autocracies (Brüggemann et al., 2023: 13 ff.). The top ten list—reproduced in Table 1 below—features countries in Europe, the Americas but also Oceania. While most of these countries can be considered democracies according to the Regime of the World (RoW) classification (Coppedge et al., 2022), there is also one closed autocracy featuring among the top ten countries, namely Egypt.

The top ten list reproduced in Table 1 also identifies Switzerland as the lone forerunner by far. In the period between 1900 and 2023, more than half of all ballot dates worldwide (287 out of a total of 592) have occurred in Switzerland, and almost half of all referendums worldwide (625 out of a total of 1372) have been voted upon here. Due to the increasing number of referendums in other countries in the second half of the 20th century, Switzerland's lead has somewhat diminished over time. Nevertheless, still about one fifth of all referendums worldwide were held in Switzerland in the last decade (Brüggemann et al., 2023). Switzerland therefore remains the world champion in direct democracy. At the same time, Switzerland performs highly in other fields, too. It is characterised by extraordinary political stability, as a grand coalition of the same four political parties rules the national government since 1959

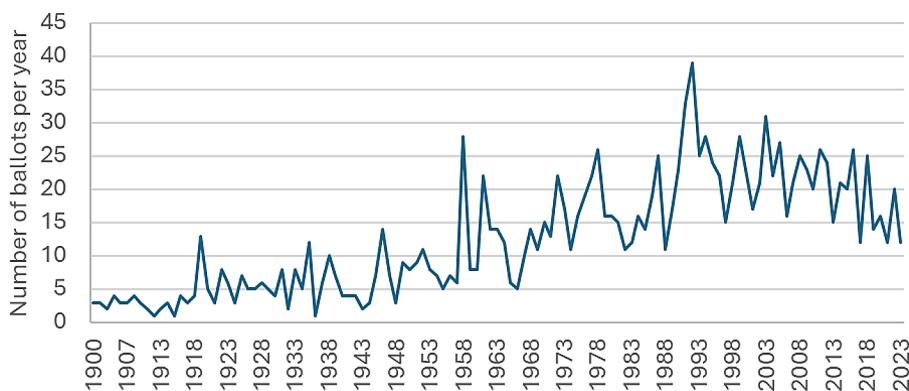


Fig. 1 National level referendums across the world: all countries 1900–2023. Source: c2d referendum database 2023 (<https://c2d.ch>)

Table 1 National level referendums across the world: top ten countries 1900–2023

Country	Number of ballot dates	Number of referendums
Switzerland	287	625
Liechtenstein	88	115
New Zealand	43	117
Ireland	31	42
Egypt	27	30
Italy	26	81
Uruguay	25	38
Australia	24	53
Slovenia	21	29
Norfolk Island	21	25

Notes: Countries ordered according to the number of ballot dates. A referendum is defined as a popular vote on an issue of policy that is organised by the state on a given date— the ballot date. Often, several issues of policy are voted on the same ballot date, which is why the number of referendums can exceed the number of ballot dates

Source: referendum database (2023) (<https://c2d.ch>)

(with only minor changes in the last decades) (Papadopoulos & Sager, 2024). World Bank data shows that, with a GDP per capita of roughly 93'000 USD (in 2022), it is among the top ten of the world's richest countries.¹ And a recent report shows that, against the backdrop of a globally decreasing public support for democracy, Switzerland is part of the “‘island’of democratic stability” (Foa et al., 2020: 12) with more than 90% of its citizens declaring themselves satisfied with democracy.

3 Direct legislation in Switzerland

Arguably, the effects of direct legislation depend on the underlying logic of the institutions through which it is enacted. Before we can discuss the impacts of direct legislation in Switzerland, we thus need to understand its workings. A useful typology has been proposed by Setälä (2006), classifying institutions of direct democracy according to whether they are (a) decision-controlling or decision-promoting, and (b) according to whether they are triggered automatically, by representative institutions, or by the citizens. In Switzerland, three of these five possible types of direct democratic institutions exist at the national level and are enshrined in the federal constitution (see Stadelmann-Steffen & Leemann, 2024). Two of them are decision-controlling instruments (one automatic, one bottom-up), the third one is an instrument of bottom-up decision-promotion. First, the so-called *mandatory referendum* requires that whenever government and parliament decide to amend the constitution, or Switzerland to adhere to organisations of collective security or to supra-national organisations, a popular vote is held to confirm or reject this decision. Second, the *optional referendum* stipulates that citizens can ask for parliament bills to be submitted to a popular vote. If they manage to collect 50'000 signatures from fellow citizens within the 100 days following the publication of said parliament bill, the bill needs

¹<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=CH> (accessed on 10th of June 2024).

Table 2 Use of direct democracy in Switzerland: number of objects voted and government success rate (1848–2020)

Number of votes and government success rate (in %)	1848–1900	1901–1960	1961–2020	Total
Optional referendums	26 (30%)	39 (44%)	128 (68%)	193 (58%)
Mandatory referendums	27 (48%)	61 (75%)	152 (75%)	240 (73%)
Popular initiatives	5 (80%)	41 (87%)	174 (91%) [§]	220 (90%)
Total	58 (43%)	141 (69%)	454 (78%)	653 (74%)

Source: own calculations based on Sciarini (2024: 412)

to pass a popular vote before it can enter into force. Third, the *popular initiative* enables citizens to propose a partial or complete revision of the federal constitution if 100'000 citizens sign this proposal within 18 months, which is then submitted to a popular vote. While decisions on parliament bills challenged in optional referendums simply require a majority of the votes, decisions on mandatory referendums and popular initiatives require a so-called double majority, meaning that not only a majority of the overall votes is necessary, but also a majority of the votes in at least 12 of the 23 cantons (the provincial government level). This double majority requirement is a constitutive element of Swiss federalism designed to protect territorial minorities in small cantons against overriding by the more populous ones. Note that direct democratic institutions also exist in the cantons, as well as at the local, i.e. the municipality level. In some cantons, direct democracy is even more extensive than at the national level, featuring instruments such as the so-called *financial referendum* stipulating that expenditures decided by government and parliament need to be confirmed in a popular vote, either in an optional referendum, or even a mandatory referendum when they exceed a certain threshold.

3.1 Impact of direct legislation on politics in Switzerland

The difficulties of rhyming comprehensive citizen participation with political stability are a classic argument in criticisms of (direct) democracy. Drawing on their experience with the ancient Athenian model of democracy, Greek philosophers Plato and Aristotle criticised democracy as plagued by intrigue, factional conflicts and political instability, undermining the rule of law, civic virtue and the well-being of the community (Held, 2006: 15 ff.). This line of argument is also found in contemporary critiques of direct democracy, claiming that the binary logic of popular votes may foster ideological polarisation, deepen societal divisions, exacerbate conflicts between citizens and the political elite and, ultimately, jeopardize governability (see Crozier et al., 1975; Sartori, 1987).

While the mandatory referendum is enshrined in the constitution of modern Switzerland since its inception in 1848, the other two institutions were introduced in the late 19th century: the optional referendum in 1874, the popular initiative in 1891. This happened against the backdrop of a long-running conflict between conservative defenders of traditions and regional prerogatives on the one hand, and liberal promot-

ers of economic and political modernisation on the other hand. The liberals, who had won the civil war of 1847, were in a hegemonic position in the following decades. To oppose the control of the state by the liberal bourgeoisie, revisionist conservative forces fought for the introduction of direct-democratic instruments and were soon joined in their efforts by the classes suffering the fallouts of progressive industrialisation and market capitalism in the late 19th century. After the new direct democratic instruments had been introduced, the liberal-dominated government was increasingly challenged by the conservatives who successfully used the referendum to leverage their opposition against governmental decisions. Table 2 shows that, in the second half of the 19th century, the government's success rate at the ballot box was rather low. Less than half of government decisions submitted to mandatory referendums passed the popular vote in this period. And in optional referendums, the government did not get its way in more than two thirds of the cases. In this first period, direct democracy clearly reduced the government's capacity to legislate.

However, Table 2 also shows that this is no longer true in the subsequent periods in which an increase of government success in direct democratic votes can be observed. The political system had obviously found ways to address the governability challenge. Two elements are key in this context.

First, the gradual enlargement of the government was important. In Switzerland, government is elected by parliament² that therefore also decides on its composition. After the conservatives had successfully used the referendum, following its introduction in 1874, to block decisions by the liberal majority, they were eventually admitted to the government, with the first non-liberal minister elected in 1892. Subsequently, government was enlarged not only by the election of further conservative ministers, but also of representatives of other parties who had successfully called referendums. Political forces who proved their ability to veto the government and block the legislative machinery were eventually co-opted into government so that they can participate in shaping governmental policies instead of criticising or blocking them ex-post (Caluori & Hug, 2005). This strategy of systemic inclusion of opposition forces culminated in 1959 with the election of two representatives from the Social Democratic Party, alongside those from the Liberal Party, the conservative Christian Democrats, as well as the agrarian Swiss People's Party. Since that year and up until today, the Swiss federal government is composed by representatives of these four major parties who, together, have always totalled more than 70% of vote shares in federal elections.³ In an international perspective, Switzerland clearly is a case of an oversized government coalition. The reason behind is to ensure governability in the face of the legislative risks and uncertainties caused by direct democracy.

² The Swiss system of government has been qualified as «directive government» and thereby constitutes its own type, in between the well-known distinction of parliamentary and presidential regimes (Müller, 2008). It bears most resemblance to the parliamentary regime, as the members of the government— the Federal Council— are elected not by the citizens but by parliament. However, it differs from parliamentary regimes in that the government is elected for a fixed term (one legislature, i.e. four years) and cannot be dismissed. At the same time, the government does not have the power to dissolve parliament.

³ There was, however, an interlude of seven years (2008 to 2015), with a fifth party in government— the Burgeois Democratic Party— formed by dissidents of the Swiss People's Party following a row over the selection of candidates to governmental elections (see Papadopoulos & Sager, 2024: 198).

Second, over the decades, procedures and practices have developed to root legislative decisions in a broad societal and political consensus (Sciarini, 2024). This notably includes the institutionalisation of a pre-parliamentary phase of consultation, in which the government seeks the opinion of stakeholders on legislative proposals before these are submitted to parliament. Attention is paid, in particular, to the opinion expressed by interest organisations or political parties who are resourceful enough to successfully launch a referendum and/or campaign to convince voters to reject a bill. If a legislative proposal encounters strong opposition by such referendum-capable groups, the government often ‘sands down the edges’ before submitting the proposal to parliament. This pre-parliamentary consultation procedure, formally institutionalised in the first half of the 20th century, helps the government to elaborate legislation that is broadly accepted. But also the parliament has learned that legislative acts may not pass the referendum hurdle if they are only supported by narrow majorities. Rather than relying on ‘minimal winning coalitions’ the Swiss parliament seeks to foster consensus among the major forces present, or at least to elaborate bills that are supported by a large majority of its members. Indeed, the degree of acceptance of an act in parliament is mirrored by its acceptance in the plebiscitary arena. It thus appears that, like Damocles’ sword, the risk that a piece of legislation is challenged and rejected in a popular vote hovers over the entire legislative process and pushes the political elite to seek broad support for decisions. The procedures and practices that developed to this end have ensured that the vast majority of parliamentary decisions are accepted by wide margins. In the last decade, only about 5% of the legislative acts were challenged in a referendum, of which over 70% were approved in the popular vote (Sciarini & Tresch, 2024: 412).

Finally, direct democracy has contributed to the pacification of social conflicts through its integrative effect on protest mobilisation (Giugni, 2024). Referendums and popular initiatives are widely used by social movements, thus helping to channel protest into the political system and make sure grievances are put on the agenda. Moreover, the opportunities provided by direct democratic institutions have a moderating effect on the action repertoire used by protest movements: collecting signatures for an optional referendum or a popular initiative can seem more promising to challenge a government decision than letting off steam by taking to the streets and throwing stones (Kriesi & Wisler, 1996).

In Switzerland, large coalition governments and consensus seeking elites have resulted, over the decades, in rather high levels of government success, in spite of frequent direct legislation by citizens. Nevertheless, popular votes still entail a “dose of uncertainty” (Papadopoulos, 1995: 425) and maintaining governability is a constant challenge.

3.2 Impact of direct democracy on the economy

With respect to the economy, critics of direct legislation have argued that frequent citizen involvement is detrimental in that it slows down the political process, when in fact the current times demand quick adaptation to changing conditions (Bodmer & Borner, 2005). Moreover, it is argued that direct legislation opens the door to state interventionism and high taxes, as the electorate has stronger preferences for redis-

tributive policies, thereby entailing a so-called “Robin Hood effect” (Downs, 1957). Political economists have argued that especially in a context of social inequality, (direct) democracy will serve as an instrument to the poor majority to extract wealth from the rich minority (Acemoglu & Robinson, 2006).

Given the significance of the issue, many scholars have studied the impacts of direct democracy on economic policy and taxation in Switzerland in the last decades. Empirically, these studies are often based on comparisons between the Swiss cantons. As the extent of direct democracy varies across cantons, these provide a neat scientific laboratory to investigate the effect of direct democracy on a range of dependent variables. The evidence produced by these studies is rather straightforward: frequent and extensive direct legislation is *not* associated with detrimental economic policies. Referendums, on the one hand, have an inhibiting effect on government expenditures, as they create a further veto against spending decisions (Feld & Matsusaka, 2003; Freitag & Vatter, 2006; Funk & Gathmann, 2013; Emmenegger et al., 2022). On the other hand, popular initiatives were not found to lead to increased government spending, as voters behave fiscally conservative, and tend to prefer lower taxes over an increase of government services (Freitag & Vatter, 2006). Studies also find that direct democracy has a compressing effect on taxation and public debt (Feld & Kirchgässner, 2001). Empirically, the alleged “Robin Hood effect” of direct democracy is therefore not confirmed—very much to the contrary. A study on the effect of direct democracy on income redistribution (welfare and non-welfare spending) shows that in cantons with more extensive direct democracy, redistribution is weaker than in those with less extensive direct democracy (Feld et al., 2010).

The evidence from these studies on the economic impacts of direct democracy in Switzerland thus converges in the sense that they all show that direct democracy tends to shape economic policies in ways that create a favourable environment for economic development and growth. Investigating the relation between direct democracy and economic performance, Freitag and Vatter (2000) indeed found that economic performance indicators such as per capita GDP and annual growth in Swiss cantons are associated with extensive direct democracy in these cantons.

3.3 Impact of direct democracy on citizens

One of the most controversial questions with respect to direct legislation is whether citizens are competent enough to make reasonable choices. Unlike elections that take place all four years or so and involve to choose candidates or parties based on more or less vague electoral programmes, direct legislation sometimes asks citizens to express their preferences about policy issues that are much more complex. Elitist theorists of democracy (Schumpeter, 1976; Sartori, 1987; Brennan, 2016) thus famously argued that citizens are unable to make competent decisions on issues removed from their everyday experience.

Compared to other Western democracies, Switzerland is known for a generally low electoral turnout (Franklin, 2004). Turnout is also rather low in votes on referendums or popular initiatives. In fact, the increasing frequency of popular votes over time (see Table 2) was paralleled by a steady decrease of the proportion of citizens turning out at the ballot box. In recent years, the average turnout has stabilised at

about 45% on average (Sciarini & Tresch, 2024: 418). What is more, analyses of factual knowledge questions asked in post-vote surveys conducted since the 1980s have found that among those citizens who do turn out, about one third only has a very limited understanding of the objects put to vote (Gruner et al., 1983; Bütschi, 1993; Kriesi, 2005; Colombo, 2018). While both turnout and voter competence vary strongly across votes—some objects are easier to understand or mobilise more than others—the impression gained from these figures is one of a citizenry that is overburdened by the high pace and complexity of direct legislation.

A closer look, however, yields a more differentiated picture. First, regarding turnout, studies using temporal participation data (e.g. Tawfik et al., 2012) have established that, over time, only 20 per cent of the electorate never vote. Out of ten federal votes, roughly 20 per cent of the electorate always participate, while 60 per cent participate in one to nine of these votes. The majority of the citizens are thus “selective voters” (Dermont, 2016), and their participation is related to the intensity of the campaign: the more intense the campaign the more likely it is that they participate. Campaign intensity was also found to play a role, second, for voters’ knowledge on an object put to vote, alongside the characteristics of the object. More complex objects are associated with low competence, but an intense campaign improves voters’ understanding of objects that are voted upon (Kriesi, 2005; Colombo, 2018). Besides, studies on opinion formation processes have found that, even when they do not have a good understanding of the ballot proposal, citizens are generally able to vote consistently with their preferences, thanks to the use of heuristics in which cues offered by elite actors play an important role and help to avoid arbitrary voting (Milic, 2012).

It would therefore seem premature to consider that Swiss citizens are overburdened by direct legislation. Very much to the contrary: as the influential work by Frey and Stutzer (2000) has suggested, direct democracy goes along with feelings of happiness. Drawing on comparisons between cantons, Frey and Stutzer found that in cantons with extensive direct democracy, citizens’ satisfaction with life is higher, and conclude that “direct democracy makes people happy” (2000). Replications of these analyses with more extensive data cast some doubts on the robustness of this relationship (Dorn et al., 2008). Nevertheless, a more recent study finds evidence that, while there is no direct effect of direct democracy on self-reported happiness, extensive direct democracy is associated to higher satisfaction with democracy (Stadelmann-Steffen & Vatter, 2012). Citizens in a political system with frequent popular votes tend to have a more positive view of how democracy works and therefore have a more favourable view on the functioning of their political system.

4 Conclusion

The aim of this article was to use the Swiss experience for a discussion of three controversial topics relating to direct legislation: its impact on politics, on the economy, as well as on individual citizens. Regarding the impact on politics, the evidence reviewed suggests that, in the Swiss case, the political system developed procedures and practices that established less conflictual and more integrative or consensual

ways of politics, essentially driven by the question to maintain governability. Regarding the economic impacts, the evidence shows that direct legislation contributed to reducing government expenditures, taxation and public debt and thereby contributed to creating a favourable economic environment. Finally, the Swiss experience also shows that, in spite of placing high demands on the citizenry, direct legislation is associated with strong satisfaction with democracy. We can therefore conclude that if Switzerland performs well in terms of political stability, economic well-being and system legitimacy, this is not in spite of frequent direct legislation, but because of it.

Of course, the interesting question is to what extent the insights gained from the Swiss case are generalisable. First, with respect to the relationship between direct democracy and consensualism, internationally comparative research suggests that this relationship also holds in other contexts. For instance, in his discussion of the experiences in Switzerland and Uruguay, Altman (2008) suggests that the existence of direct democracy might explain why Uruguay has not experienced the large social crisis plaguing other South American nations. Mechanisms of direct democracy, as it were, created a channel through which citizens could express themselves and protest through a formalized framing. In a similar vein, the comparative study of 25 EU countries by Vatter and Bernauer (2009) finds that strong direct democracy goes along with broad multi-party coalitions in government, suggesting that power-sharing is a general strategy to anticipate opposition expressed in popular votes and thereby maintain governability. Referendums can thus be seen to create incentives to the extension of governing coalitions in general – and not only in Switzerland (Vatter, 2009).

Second, evidence from other national contexts also suggests that the braking effect of direct democracy on government spending is not limited to Switzerland. Indeed, Matsusaka's (2008) study of the US finds that states with extensive direct legislation spend and tax less than others. However, he qualifies this finding in that this effect was limited to a period in the second half of the 20th century. Hence, direct legislation is not fiscally conservative as such but merely keeps policies closer to the publics' preferences – which were fiscally conservative as it happened. This conclusion ties in nicely with the more recent findings by Geissel et al. (2023) who, in an internationally comparative study on referendum impact in Europe, found that the social and political context in which the decisions take place are key to understanding the substantial impact of direct legislation. Third, however, international evidence on the contribution of direct legislation to system legitimacy is lacking (Vatter et al., 2019). This is unfortunate, as studies on citizens' views of democracy have suggested that the representation crisis that has resulted in a strengthening of populist movements in established democracies (Kriesi, 2020) also portends a strong emphasis on more direct forms of democracy as an alternative to the representative systems (Mohrenberg et al., 2019). But to what extent institutions of direct legislation could contribute to solving this legitimacy crisis remains an open question to date that requires further research.

At a more general level, the lessons from the Swiss experience suggest that frequent use of direct democracy can contribute to political stability, economic well-being and high system legitimacy. Hence, direct legislation by citizens does not inevitably lead to the "lunacy" that critics have identified in the Brexit referendum

(Rogoff, 2016). But the Swiss case also shows that, to reap the benefits of direct legislation, the development of mechanisms allowing for more consensual and integrative elite politics is key. The road to success in the practice of direct legislation, it appears, lies in mastering the “art of compensation” (Ossipow, 1994) of the governability risks induced by the potential unpredictability of popular votes.

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