

# The Birth of Modern Direct Democracy: Switzerland and New England

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# Outline of the Lecture

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- ▶ The Swiss Experiences of Direct Democracy
- ▶ Referendums and Initiatives in Modern Switzerland
- ▶ New England's Experiences of Direct Democracy
- ▶ Town Meetings in Modern New England
- ▶ Modern Direct Democracy

# The Swiss Experiences of Direct Democracy

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- ▶ Early practice of direct democracy
  - ▶ *Rural Landsgemeinde* (cantonal assembly)
  - ▶ The first recorded meeting was held in 1294
  - ▶ All eligible male citizens attended an open-air meeting to vote on cantonal laws and decrees once a year
  - ▶ Voting by hands (non-secret ballot)
- ▶ Early form of referendums
- ▶ Discussion and deliberation before voting



# The Swiss Experiences of Direct Democracy

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- ▶ The institutionalization of constitutional referendums
  - ▶ 1798 Napoleon imposed the Constitution of Helvetic Republic on Switzerland
  - ▶ Unified the country and provided obligatory constitutional referendum
- ▶ The first nationwide constitutional referendum
  - ▶ Nationwide referendum was held on the fifth constitution in June 1802
  - ▶ It was announced beforehand that abstention would be treated as affirmative ballot
  - ▶ The voting results: 92,500 against, 72,500 in favor; 167,000 abstentions → approved!

# The Swiss Experiences of Direct Democracy

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- ▶ The return to federal structure
  - ▶ Instability resulting from the unfair constitutional referendum
  - ▶ Napoleon intervened and imposed a new constitution (Act of Mediation) in 1803, restoring the sovereignty of the cantons in a federal system
- ▶ The development of cantonal level direct democracy in 1830s
  - ▶ The liberals introduced the constitutional referendum, optional legislative referendum, and constitutional initiative
  - ▶ The conservatives wanted to extend the suffrage



# The Swiss Experiences of Direct Democracy

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- ▶ The Constitution of 1848 – referendum at the federal level
  - ▶ Obligatory constitutional referendum
  - ▶ Constitutional initiative
- ▶ Further development
  - ▶ 1860s cantons introduced the legislative initiatives
  - ▶ 1874 a new constitution introduced optional legislative referendum
  - ▶ 1891 partial constitutional initiative introduced
  - ▶ 1921 optional treaty referendum introduced



# Referendums and Initiatives in Modern Switzerland

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- ▶ The institution of direct democracy is higher than any other branch of the government
  - ▶ The Federal Assembly and the Federal Council must obey the popular will
  - ▶ The Supreme Court unable to declare a referendum/initiative unconstitutional
  - ▶ All referendums represent sovereign and binding decisions, which may only be overruled by another referendum
- ▶ Four types of federal referendums in Switzerland
  - ▶ Obligatory referendums on constitutional amendments
  - ▶ Constitutional initiatives
  - ▶ Optional referendums on legislation
  - ▶ Optional treaty referendums

# New England's Experiences of Direct Democracy

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## ▶ Early settlers in New England

### ▶ The Pilgrims:

- ▶ England → Netherlands → New England
- ▶ 1620: the Mayflower Compact
- ▶ The Plymouth Colony

### ▶ The Puritans:

- ▶ The Massachusetts Bay Company
- ▶ Outstanding shares of the Company were bought by the emigrants to ensure self-governance
- ▶ Government of the colony was established in 1630

## ▶ The Town Meeting

- ▶ An extra-legal and informal assemblage of the freemen
- ▶ Early form of town meetings





# New England's Experiences of Direct Democracy

- ▶ The operation of the *Folkmoot*
  - ▶ Managing a wide range of issues through public discussion and decision
    - ▶ Division of land, building of church, hiring of a minister, and admission of new inhabitants
  - ▶ Attendance was compulsory; absentees were fined
  - ▶ No officials elected and no town charters existed
- ▶ The emergence of town officials
  - ▶ In 1630s town officials (sometimes called 'selectmen') appeared
  - ▶ The number of selectmen and their duties varied
  - ▶ The official-holding was compulsory for those elected

# Town Meetings in Modern New England

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- ▶ Town meetings are still widely used today
  - ▶ New England states: Massachusetts, New Hampshire, Vermont, Maine, Connecticut
  - ▶ Other states: Michigan, Minnesota
- ▶ Main forms of town meeting
  - ▶ Annual town meeting
  - ▶ Special town meeting
  - ▶ Representative town meeting
  - ▶ The official ballot referendum system



# Town Meetings in Modern New England

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- ▶ Town meeting at a glance
  - ▶ The warrant (warning)
    - ▶ Notice of a forthcoming meeting and its agenda
  - ▶ The Annual Report
  - ▶ The pre-town-meeting meeting
    - ▶ Explaining and discussing the agenda items
  - ▶ Election of town officials
  - ▶ Conduct of business
    - ▶ The moderate
    - ▶ Advisory committees: budget or finance related
    - ▶ Planning board

# Town Meetings in Modern New England

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**New England Annual Town Meeting Average Business Attendance (Percent of Registered Voters by State, 1996)**

	37	121	138	60	13	81
	<i>Connecticut</i>	<i>Maine</i>	<i>Massachusetts</i>	<i>New Hampshire</i>	<i>Rhode Island</i>	<i>Vermont</i>
<i>Population Range</i>	<i>Towns</i>	<i>Towns</i>	<i>Towns</i>	<i>Towns</i>	<i>Towns</i>	<i>Towns</i>
499 and under	-	36.20	44.50	38.00	-	36.21
500-999	5.00	20.30	20.67	33.36	-	25.51
1,000-1,999	12.33	12.52	16.58	18.15	-	22.26
2,000-4,999	13.00	6.60	12.57	18.40	10.00	25.25
5,000-7,499	6.10	9.30	7.31	17.60	6.50	14.33
7,500-9,999	12.30	-	9.60	12.50	7.00	-
10,000-14,999	4.33	-	6.54	8.00	2.70	-
15,000-19,999	0.64	13.00	9.60	-	4.60	-
20,000-24,999	1.09	-	6.80	-	2.00	-
25,000 and over	0.90	-	3.00	14.00	6.00	-
Unweighted Average	8.80	16.32	13.72	20.00	6.54	24.50
Weighted Average	6.90	28.17	11.89	22.60	5.33	26.03

# Modern Direct Democracy

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- ▶ Problems of modern direct democracy
  - ▶ Participation rate: relatively low
  - ▶ The quality of the debate/discussion: uncertain and varied
- ▶ Issues being decided
  - ▶ Constitutional referendum: fundamental law
  - ▶ International treaty: sovereignty-related
  - ▶ Town meeting: local self-governance
- ▶ *De facto* representative democracy with a *de jure* guarantee of direct democracy

# Reading for Next Two Weeks' Class

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- ▶ LeDuc, Lawrence (2003) 'Theoretical, Conceptual, and Procedural Problems', in *The Politics in Direct Democracy*, Peterborough: Broadview Press, pp. 37~50.
- ▶ Uleri, Pier Vincenzo (1996) 'Introduction', in Michael Gallagher and Pier Vincenzo Uleri (eds.) *The Referendum Experiences in Europe*, London: MacMillan Press, pp. 1~17.
- ▶ Kriesi, Hanspeter (2005) 'The Structuration of Choice', in *Direct Democratic Choice*, Plymouth: Lexington Book, pp. 19~44.