The Birth of Modern Direct Democracy: Switzerland and New England

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Outline of the Lecture

- 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

- 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
  - Early form of referendums
  - Discussion and deliberation before voting
The Swiss Experiences of Direct Democracy

- 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 → approval
The Swiss Experiences of Direct Democracy

- The return to federal structure
  - Instability resulting from the unfair constitutional referendum
  - Napoleon intervened and imposed a new constitution in 1805, 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

- 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
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 referendum
New England’s Experiences of Direct Democracy

- 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 Folkmoot
  - 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

- 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

- 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
镇会在现代新英格兰

新英格兰年度镇会会议平均业务出席率（1996年注册选民百分比）

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<th>Population Range</th>
<th>37 Connecticut Towns</th>
<th>121 Maine Towns</th>
<th>138 Massachusetts Towns</th>
<th>60 New Hampshire Towns</th>
<th>13 Rhode Island Towns</th>
<th>81 Vermont Towns</th>
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未加权平均

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<th>13.72</th>
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<th>24.50</th>
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加权平均

|        | 6.90 | 28.17 | 11.89 | 22.60 | 5.33 | 26.03 |
Modern Direct Democracy

- 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

