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Direct Democracy, Federalism, and Institutional Resilience: Evaluating Political Stability and Citizen Participation in the Swiss Political System

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Abstract:

This article provides a critical political science analysis of the institutional architecture of Swiss democracy, evaluating the interplay between direct democratic instruments, cantonal federalism, and consensus-driven executive governance. As democratic systems globally face polarization, populist pressures, and institutional erosion, the Swiss model presents a unique case study in democratic resilience and power-sharing. Grounded in comparative politics and constitutional political economy, this study examines how popular initiatives, mandatory referendums, and the executive "magic formula" (*Zauberformel*) influence policy stability and social cohesion. Utilizing institutional analysis and legal-political synthesis, the paper assesses the operational friction between direct democratic popular votes and international law obligations. The findings demonstrate that while direct democracy enhances political legitimacy and policy responsiveness, it introduces systemic delays and legal compliance challenges. The paper concludes by proposing structural refinements to harmonize popular sovereignty with international treaty commitments.

Keywords: Political Science, Direct Democracy, Swiss Federalism, University of Bern, Comparative Politics, Public Policy, International Law, Institutional Resilience.

1. Introduction

In contemporary comparative political science, the crisis of liberal democracy is increasingly characterized by executive overreach, political polarization, and declining public trust in representative institutions. Many democratic regimes struggle to balance decision-making efficiency with public legitimacy. Within this comparative landscape, the Swiss Confederation stands as a distinctive institutional model that challenges standard democratic typology. Defined by semi-direct democracy, multi-tiered federalism, and a permanent multi-party executive coalition, Switzerland offers a compelling laboratory for analyzing institutional design and democratic stability.

The foundational principle of the Swiss polity is the diffusion of political power. Unlike majoritarian systems that concentrate authority within single-party parliamentary majorities or presidential executives, the Swiss system is deliberately engineered to prevent the accumulation of power. Power-sharing is institutionalized horizontally through consensus government and vertically through cantonal autonomy. Furthermore, sovereign authority does not reside solely in elected parliamentary representatives, but remains fundamentally rooted in the citizenry through direct democratic mechanisms.

This study examines the structural mechanics, institutional strengths, and inherent vulnerabilities of the Swiss political system. It addresses a core political science question: How do direct democratic instruments interact with federalism and executive consensus to maintain systemic stability, and what lessons does the Swiss model provide for contemporary democratic governance?

2. Theoretical Framework: Consociationalism and Constitutional Political Economy

To analyze the Swiss political architecture, political scientists rely primarily on Arend Lijphart's theory of consociational democracy (*Konkordanzdemokratie*). Lijphart contrasts majoritarian models of democracy—where winning coalitions exercise unchecked power—with consensus models designed to accommodate deeply divided societies. In Switzerland, historical religious, linguistic, and regional divisions were mitigated not through majoritarian dominance, but through institutionalized

power-sharing, proportional representation, and veto rights for minority groups.

Complementing consociational theory is the framework of constitutional political economy, pioneered by James Buchanan and Gordon Tullock. This paradigm analyzes political institutions as rules-based constraints that shape individual actor behavior and policy outcomes. Direct democratic instruments operate as constitutional veto points that alter the strategic calculations of political elites. Knowing that any major legislative act can be subjected to a popular referendum, parliamentary coalitions are structurally incentivized to draft inclusive, compromise-oriented legislation during the pre-legislative consultation process (*Vernehmlassungsverfahren*).

Furthermore, the concept of "subsidiarity" serves as a foundational norm in Swiss federalism. Subsidiarity dictates that political tasks should be handled at the lowest administrative level capable of resolving them efficiently. By delegating tax, educational, and municipal powers to local cantons and communes, the state reduces central government friction and aligns public services with local preferences.

3. The Architecture of Swiss Direct Democracy

Direct democracy in Switzerland is not an occasional consultative exercise, but a binding, continuous legal framework integrated into all levels of governance. The *Federal Constitution of the Swiss Confederation of 1999* provides three primary citizen-driven mechanisms at the federal level:

3.1. The Popular Initiative (*Volksinitiative*)

Article 139 of the Federal Constitution allows any group of citizens who gather 100,000 valid signatures within 18 months to propose an amendment to the Federal Constitution. The initiative bypasses parliamentary approval, forcing a nationwide vote. To pass, a popular initiative requires a "double majority": a majority of the popular vote nationwide (*Volksmehr*) and a majority of the 26 cantons (*Ständemehr*). This dual threshold ensures that populous urban cantons cannot unilaterally override smaller rural cantons.

3.2. The Mandatory Referendum (*Obligatorisches Referendum*)

Article 140 mandates that any constitutional amendment enacted by parliament, as well as membership in major international or supranational organizations, must be submitted to a direct vote of the people and the cantons. This mechanism guarantees that fundamental changes to the state order require explicit popular consent.

3.3. The Optional Referendum (*Fakultatives Referendum*)

Article 141 allows citizens to challenge any new federal statute or international treaty enacted by parliament. If 50,000 citizens gather signatures within 100 days of the law's publication, the statute is suspended and subjected to a nationwide popular vote requiring a simple majority. The optional referendum serves as a persistent check on legislative power, forcing lawmakers to seek broad consensus during parliamentary debates.

4. Executive Consensus: The "Magic Formula" and Concordance

At the executive level, Switzerland is governed by the Federal Council (*Bundesrat*), a seven-member collegiate body that functions as the collective head of state and government. Unlike cabinet systems where a government can be dissolved by a vote of no confidence, the Federal Council is elected by the Federal Assembly (*Bundesversammlung*) for a fixed four-year term, during which members cannot be removed from office.

4.1. The *Zauberformel* (Magic Formula)

Since 1959, the composition of the Federal Council has followed an informal political convention known as the "Magic Formula" (*Zauberformel*). Under this arrangement, executive seats are distributed proportionally among the major political parties representing the spectrum of Swiss politics:

- **The Swiss People's Party (SVP/UDC):** 2 seats
- **The Social Democratic Party (SP/PS):** 2 seats
- **FDP.The Liberals (FDP/PLR):** 2 seats
- **The Centre (Die Mitte/Le Centre):** 1 seat

4.2. Collegiate Governance and Concordance

Decisions within the Federal Council are reached through consensus and collective responsibility (*Kollegialitätsprinzip*). Once a decision is voted upon by the cabinet, all seven ministers must publicly defend the policy, regardless of their personal or party stance. This collegiate structure discourages executive polarization and ensures that policy changes occur incrementally through negotiation rather than sudden ideological shifts.

5. Institutional Tensions: Direct Democracy vs. International Law

While the Swiss system excels at delivering political stability and civic satisfaction, political scientists identify structural tensions between direct democracy and international legal obligations.

5.1. The Primacy of International Law

As a highly globalized economy integrated into international trade networks and European regulatory frameworks, Switzerland is bound by customary international law and treaty commitments, including the *European Convention on Human Rights (ECHR)* and agreements with the European Union. However, because popular initiatives allow citizens to introduce binding constitutional amendments, votes occasionally produce outcomes that conflict with international treaty obligations.

5.2. Legal Friction and Constitutional Dilemmas

Landmark popular initiatives—such as the 2009 ban on minaret construction, the 2014 initiative against mass immigration, and

initiatives regarding the expulsion of foreign criminals—highlighted this constitutional friction. When a popular vote approves an initiative that violates international law, the Federal Assembly is placed in an institutional dilemma: either implement the initiative strictly and breach international treaties, or interpret the legislative text loosely to preserve international compliance, thereby risking public accusation of ignoring sovereign citizen mandates.

Political scientists at the University of Bern and other Swiss institutions emphasize that this tension reflects a deeper theoretical conflict between constitutional liberalism (which prioritizes minority rights and international human rights norms) and pure popular sovereignty (which prioritizes democratic majority rule).

6. Comparative Evaluation: Replicability and Systemic Vulnerabilities

The Swiss model offers important insights for political scientists evaluating democratic reform, yet its structural features cannot be easily transplanted to other national contexts.

6.1. Prerequisites for Swiss Stability

The success of Swiss semi-direct democracy relies on specific socio-historical prerequisites:

- **High Levels of Civic Trust:** Effective direct democracy requires an informed, politically active populace and robust local media ecosystems.
- **Fiscal Federalism and Local Accountability:** Cantons and communes possess significant tax autonomy, ensuring that citizens directly experience the fiscal consequences of popular votes.
- **Institutionalized Compromise:** A political culture that views compromise as a strength rather than an ideological defeat.

6.2. Systemic Vulnerabilities

Conversely, the Swiss political system faces contemporary challenges:

- **Voter Fatigue and Low Turnout:** Frequent popular votes (held roughly four times per year) result in average turnout rates between 40% and 50%, raising questions about the representativeness of direct democratic decisions.
- **Influence of Asymmetric Campaign Finance:** Wealthy interest groups can deploy financial resources to influence initiative campaigns, potentially distorting public deliberation.
- **Slow Decision-Making Dynamics:** The requirement for pre-legislative consultations, parliamentary compromises, and referendum windows renders the Swiss legislative process notoriously slow, creating challenges in fast-moving global crises.

7. Policy Recommendations for Institutional Refinement

To preserve democratic legitimacy while ensuring legal stability in an interconnected world, Swiss institutional policy should consider targeted reforms:

7.1. Early Judicial Review of Popular Initiatives

Introducing a preliminary legal assessment mechanism by the Federal Supreme Court (*Bundesgericht*) before signature collection begins would identify initiative texts that conflict with peremptory norms of international law (*jus cogens*) or fundamental human rights treaties, providing clarity to voters and lawmakers.

7.2. Strengthening Campaign Finance Transparency

Enforcing comprehensive financial disclosure requirements for political parties and campaign committees during initiative and referendum campaigns would mitigate the risk of financial asymmetry influencing electoral outcomes.

7.3. Modernizing Pre-Legislative Consultations

Digitalizing and expanding public participation in the pre-legislative consultation process (*Vernehmlassung*) would allow broader segments of civil society—including younger demographics—to shape legislation before parliamentary finalization.

8. Conclusion

The Swiss political system demonstrates that direct citizen participation and executive consensus can produce exceptional institutional resilience, high public trust, and long-term socio-economic stability. By combining direct democratic tools with cantonal federalism and consociational power-sharing, Switzerland has successfully managed linguistic, cultural, and political diversity for over 170 years.

However, the model is not immune to structural challenges. The tension between popular sovereignty and international legal commitments highlights the delicate balance required in modern constitutional governance. As global politics becomes increasingly volatile, the Swiss experience demonstrates that democratic institutions must continuously evolve—balancing popular legitimacy with international law, and civic participation with institutional stability.

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