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From the Principle of Majority to that of Minority?

Democratization is a creeping sickness which has befallen all western democracies. The will to self-determination is evident nowadays in all spheres of human activities and appears to be something like a test of self-realization. Pluralism of opinion is the elixir of life of the political parties and has become one of the most often used slogans. The more the representative and direct democracy sells itself to parliamentary doctrine without bounds, the more the principle of majority is weakened and undermined by considering the minorities, the more easily self-destructive forces come into play which endanger freedom and self-determination.

Certainly, the picture of self-destruction of democracy through an excess of democracy need not become a reality. Yet a look at the new history shows us examples of democracies which run aground due to excessive parliamentary doctrine, to party

squabbles and lack of leadership. Should such experiences not be salutary also to our own country? Is not our democracy also getting more and more vulnerable in spite of a maximum of people's rights and a barely surpassable offer of information? Who puts the brake on in our country when the legislative machinery runs wild? Is one not trying to find in vain new instruments in the proposed new Federal Constitution in order to stem out hypertrophic plebiscite demands, to simplify the state apparatus and to find ways and means to keep further expansion of state activities under firmer control. Would a so-called «Open Constitution» not add even more unrest to legislating? Is it not a fact that for many years over half of the citizens do not go to the poll? Is not the notion no longer to be taken for granted that the citizen identifies himself with the state in Confederation, Cantons and Communes and thus takes an active part in forming the faculty

of will-power? Our laws are decided upon by a majority of the electorate, it is true, but by a minority of all citizens. The highest power is thus only executed by a minority, and the behaviour of the silent majority may be interpreted as agreement, rejection or disinterestedness.

Under these circumstances it is difficult to understand why the call for more democracy has by no means come to a halt and the flood of Initiatives has not abated either. Professor Riklin of the Graduate Institute of Economics and Social Sciences in St. Gall, in a study on voting participation in a direct democracy, reaches the conclusion that intensity in a direct democracy inevitably leads to low voting participation. Proposals for making our democracy a living reality, as they have been made by constitutional lawyers and politologists for many years, have to date hardly found an echo in political everyday life.

We shall have to live also in the future with the imperfections of a system whose weaknesses we know. But that certainly does not mean that we want to increase the recognized mistakes and shortcomings without limit. Well-

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known constitutional experts have for many years pointed out the dangers of constantly extended popular rights and consequent decline of the capacity of leadership at all levels of administrative activities. Most constitutional lawyers are agreed that an excess of democracy impedes political consensus in view of the multitude of political parties and alternative movements and of almost unlimited possibilities of communication. This development indicates a further decline in voting participation and an ever stronger closing up between consensus and dissension. This is already evident in parliamentary performance. To complete the picture, we must add the fact that defeated minori-

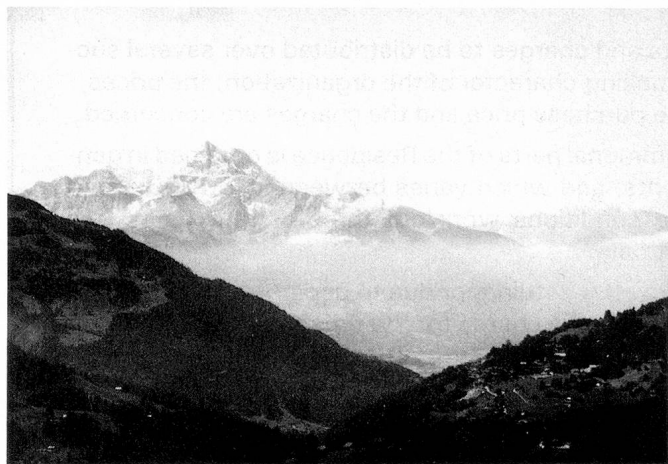
ties do not want to submit to the popular decision and immediately take steps to provoke a further plebiscite in the same matter. This, in effect, means sabotage of a popular decision. With the intention of evading such agitated and overhasty legislation, the Neuchâtel constitutional lawyer, Jean François Aubert, proposed that after the acceptance of a law, a waiting period of several years should be introduced before a revision of that law could be undertaken. Such a proposition does in no way aim at silencing the minorities, but it should act as a warning not to wear out excessively the tolerance of the majority. There is no doubt that democracy is and will remain the best of all

political systems, inspite of its shortcomings. It guarantees a measure of personal freedoms and creative political power. It is, whether we believe it or not, part of the much praised quality of life. But it must never happen that consensus and dissension and voting absenteeism should create a stalemate situation and that our country should, in the long run, be governed by minorities. A «law of opposition» against legally achieved legislation is not compatible with our democracy and forfeits the claim to tolerance to which the political minorities have a right.

Max Korthals

Editor of the «Weekly Bulletin» of Bank Julius Bär

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