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No-one is above the constitution

The people are the source of power. But nothing is above the constitution, says Andreas Gross, political scientist, National Councillor and member of the Canton of Zurich Constitutional Council.

Swiss Review: *Are the people the supreme authority in the state?*

Andreas Gross: The people constitute the only source of legitimate power in a democratic system. But the people are never above the constitution which has granted them this power. Because the people are wise, they have limited their own powers. This is why there is a separation of powers. No-one is above the constitution, neither the government, parliament nor the Federal Court. But a majority of the people and cantons can amend the constitution at any time – the people have decreed this.

The average turnout at the ballot box is only 40 percent – does this still represent the “will of the people”?

A democracy includes the freedom to abstain from voting, in the knowledge that others will dictate the decision. A conscious decision not to vote is not undemocratic. At the federal level, the turnout is usually more than 45 percent, and on three occasions this year it exceeded 50 percent. That is a more intensive political culture than going to the ballot box every four years.

Are the people sufficiently well informed about the numerous initiatives and referenda?

The parliamentary process of building opinion and will is often less effective than in the public domain. In parliament, too many reach a decision along party lines. Cit-

izens wrestle with their opinions and come to much more varied conclusions. Parliament often has too little time at its disposal, and decisions are made faster, sometimes leading to the wrong decision.

Are the people always right in a democracy?

The people are not always right, but they are no less frequently wrong than parliament. Both are repeatedly accused of misguidedness and intolerance. Wrong decisions are part and parcel of any democratic system. That's why members of a democracy are entitled to review earlier decisions and try to change them.

Does direct democracy inhibit political and economic reform?

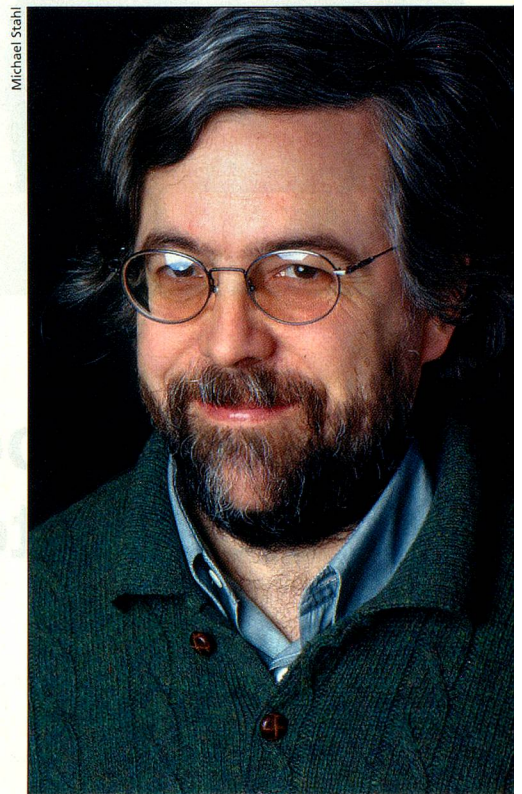
That is a very stupid criticism. Sometimes progress is a little slower in a direct democracy, but more interests and needs are taken into consideration. In recent years, more sweeping reforms have been enacted in Switzerland than in neighbouring countries. No-one in a direct democracy can dictate: everyone must convince everyone else. The economic elite often finds this too tedious. People who do not cater to the needs of democracy cannot complain about its shortcomings.

Does more democracy also mean better democracy?

Of course. The better organised a democracy is and the greater say its citizens have, the freer people can feel to create a society that meets their needs. As a member of the Canton of Zurich Constitutional Council, I am proud of having contributed to drawing up the most directly democratic constitution of all Swiss cantons and therefore in the world. Next February it will be put to the referendum.

Is the public opinion-forming process falsified through misinformation and emotive images?

The process whereby public political opinion is formed always entails simplifica-



SP National Councillor Andreas Gross.

tion, exaggeration, images and emotions. Demagogy cannot be ruled out. But we can level the playing field if we improve political education at colleges and high schools, where it is in a sorry state at present; and if political debates in the media were conducted in a more differentiated manner, and election campaigns were fairer. That includes ensuring greater transparency and equality in political parties' budgets. The parties should have sufficient funds to do their job. Right now, most can only obtain sufficient financing if their proposals attract business interests.

Interview Rolf Ribi

INTERNET

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