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# The Swiss Observer

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## HOW TO WORK THE POLL OF THE PEOPLE.

John St. Loe Strachey, the eminent writer and advocate of The Poll of the People, in the March issue of "The Nineteenth Century" prefaces his subsequent detailed description of how the Referendum works in Switzerland, by these sentences:

Many persons who are interested in the Poll of the People, in spite of the fact that it is used so freely and easily in Switzerland and in every State in the United States, and also in Australia and Canada, seem to think that there are somehow insuperable difficulties to applying it in Great Britain. We often hear such expressions as "It would not fit into our constitution," "You could not get people to understand it here," and so forth. As a matter of fact, it would be the simplest thing in the world to establish it in the United Kingdom.

## THE REFERENDUM IN SWITZERLAND.

Before I enter into some of the objections that have been raised against the Poll of the People I desire to draw attention to the actual working of the Referendum in Switzerland.

Democracy, taken as a whole, is a system of government with the fewest drawbacks. It is *per se* the most just, the most reasonable, and the most practical. It is, however, open to certain serious drawbacks, especially when, as in the modern State, it is necessary for Democracy to be worked through representative institutions. These representative institutions tend to produce in effect, if not in name, a governing oligarchy; and this tendency is enormously increased by a strict Party system. Finally, representation and the Party system together are very apt to establish conditions under which Democracy, instead of producing what it was intended to produce and what all honest men desire that it should produce—majority rule, or the Will of the People—produces government by a minority.

The remedy, as the Swiss found and as the States of the American Union have found, is to supplement representation, which is of course necessary in large States, by lodging an ultimate veto power over the work of the representatives of the People in the hands of the People themselves. *This is the Referendum or Poll of the People.*

Though Switzerland did not invent the Referendum, the Swiss stage is a very good one on which to watch the working of the direct application of the will of the majority. The popular veto over Federal legislation is of three kinds. First, there is the oligarchy Referendum

ALL COMMUNICATIONS TO BE ADDRESSED TO—

THE EDITOR, *THE SWISS OBSERVER*,  
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under which all alterations in the constitution of the Swiss Federal Republic must be sent to Referendum, i.e., must be submitted to the Yes or the No of the whole body of the citizens. Next there comes the optional or facultative Referendum, under which 30,000 voters, or eight Cantons through their representatives, may apply to the Government to have any law passed by the national legislature submitted to the vote of the electors before it comes into operation.

In addition, there is something which in appearance partakes of the nature of the Referendum or Poll of the People, but which is in essence different. That is the Initiative. Under the Initiative 50,000 voters can petition that a certain Bill set forth either by them or by the Federal Parliament should become part of the constitution. When such a petition is made, the Bill is submitted straight to the Vote of the People without undergoing debate or criticism in the Federal Parliament. I may add that this system, with a slight variation, is to be found in the constitutions of almost all the Cantons as well as in the Federal System.

An excellent account of the working of the Referendum and the Initiative in Switzerland is given by Mr. Robert C. Brooks, an American writer, in a book lately published in America and London, *The Government and Politics of Switzerland*. Mr. Brooks begins by noting that the Referendum in Switzerland does not prevent reform when reform is needed and also desired by the People. During a period of forty years in Switzerland there were twenty-one amendments passed by the Swiss Federal Legislature, and all but five were accepted; that is, sixteen were passed. During the same time only two amendments were added to the Constitution of the United States. There will, of course, be a conflict of view as to whether the Veto of the People as a whole was wisely or unwisely exercised; but it may be said with certainty that the tendency of the Vote of the People was not anarchial, or wild, or Socialistic. On the contrary, it was, I hold, inspired by a wise and yet not obstinate conservatism.

What one may call necessary legislation was never vetoed. When economic and financial subjects were referred to the People they were dealt with in accordance with reason and moderation. The People, for example, showed no tendency to be attracted by unsound finance. But this is not all. A French Swiss jurist has pointed out that the benefits of the Referendum are to be seen not so much in the Bills actually vetoed as in the phantom pile of Bills which were never even introduced into the Legislative Assembly, because it was quite clearly perceived that they would be referred to the People, and that on