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Direct Democracy: a Risk or an Opportunity for Multicultural Societies? The Experience of the Four Swiss Multilingual Cantons

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Does direct democracy tend to endanger or to protect minorities in multicultural countries? The response to this question has been controversial. Some scholars believe that direct democracy may result in “disregard of basic minority rights”; others think that it “serves to protect minorities”. This paper explores the experience of Switzerland, a longstanding multilingual democracy and the country in which half of worldwide referendums and popular initiatives have been held. First, it points out some major methodological problems that research trying to quantify the cases of “minorisation” of linguistic groups needs to face. Second, it illustrates the relation between popular votes and the deepening of the linguistic cleavage in Switzerland in the 1990s. Finally, four case studies explore the experience of the multilingual cantons. In the vast majority of cases, the use of referendums and popular initiatives in the cantons has not caused particular problems for minorities, although from time to time one group or another is outvoted. Nevertheless, direct democracy has been a source of intergroup tensions and misunderstandings when the issues at stake were closely related to identity, culture, language, or balance of power between linguistic communities.

Does direct democracy tend to endanger or to protect minorities in multicultural countries? This question is critical, bearing in mind that in recent years there has been widespread dissatisfaction with representative forms of government and growing discussion of alternative forms of citizen inclusion in the political process, for example through direct-democratic procedures. In fact, in many Western countries institutions are changing to accommodate more direct citizen participation (Scarrow 2001). The use of direct-democratic institutions has also been growing rapidly in the post-communist countries of Central and Eastern Europe (Bützer 2001). Now, as many of these countries are “plural” or “multicultural” societies – that is, composed of more than one autochthonous cultural community – the question of the potential impact of direct democracy on relations between majority and minority populations deserves a closer examination.

1. Theoretical Framework

Much has been said on the general advantages and shortcomings of direct-democratic institutions such as referendums and popular initiatives (see Butler and Ranney 1978; Papadopoulos 1998; Gerber 1999; Kriesi 2005). But where impact on multicultural societies is concerned, scholarship tends to point in contradictory directions and does not offer a clear answer.

Some researchers have warned against the introduction of direct-democratic instruments in multicultural societies. Barry (1975: 485), for example, claimed that direct democracy is the “antithesis” of consociational democracy, as in a referendum a majority of 50 per cent + 1 is usually sufficient to win.¹ In fact, the idea that a country with a considerable number of societal cleavages and cultural minorities should design institutions according to which the majority can constantly rule is far from being self-explanatory. Gerber, for example, states that “empowering the state’s majority through direct [democracy] may result in disregard for basic minority rights” as direct democracy “lacks the checks and balances that provide minority groups with multiple points of access in the legislative process” (1999: 142–43).

A look at the United States’ experience with direct democracy shows that in many cases parliaments of the American states have adopted provisions against discrimination of minority groups (blacks, women, gays), while referendums have tended to overturn them (Butler and Ranney 1978: 36). And Gamble (1997) has found that in American states voters have approved over three-quarters of citizen initiatives that aimed at *restricting* the civil rights of minority groups.

Similar examples also exist in Switzerland, the country in which approximately half of all worldwide popular votes have been held (Papadopoulos 1998: 42).² For example, on three occasions – 1983, 1995 and 2004 – Swiss voters rejected the laws previously adopted by the federal parliament aiming at facilitating access to citizenship for the second and/or third generation of immigrants who were either born or have grown up in Switzerland.

If we focus on *national minorities* – that is, autochthonous populations that are often geographically concentrated and share a distinct culture with respect to the majority group – it is also possible to find examples of countries where direct democracy has been seen as a potential threat to minorities. Consider, for example, the following quotation that refers to the relations between the

¹ There are some exceptions to this rule. For example, in Italy the so-called “abrogative” referendums are invalid if the turnout does not reach 50 per cent. Such a rule may constitute a significant burden for the majority, if a minority is determined to boycott the referendum. In Switzerland, obligatory referendums and popular initiatives require a “double majority” (of the people *and* of the cantons).

² From 1848 to 2004, Swiss citizens were called upon to decide 531 national projects (220 obligatory referendums, 151 facultative referendums and 159 popular initiatives). *Source*: Centre d’Études et de Documentation sur la Démocratie Directe, Geneva; my calculation (<http://c2d.unige.ch>).

Macedonian(Slavic)-speaking majority and the Albanian-speaking minority in Macedonia.

While the holding of a referendum is a basic democratic principle, it has dangerous implications for the stability of an ethnically divided society. This type of direct democracy is easily transformed into a *tyranny of the majority*, whereas the minority is *permanently outvoted* and a situation can emerge where their rights are revoked or otherwise violated. It is not surprising, then, that the call for a referendum in Macedonia produced an immediate [negative] reaction by Albanian parties (Dimitrova 2004: 179; my emphasis).

And, again in relation to Switzerland, Steiner and Obler (1977: 328) write that the direct-democratic procedure “undermines the consociational character of the decision-making process [because] by its very character, the referendum is an institution that permits a majority to impose its will on the minority”. Reilly (2005: 169) also claims “such direct majoritarian institutions as the initiative and referendum” are in contrast with consociational theory.

However, other scholars have stressed that direct-democratic institutions may be a good instrument for *protecting minorities* and for *promoting minority rights*. Kobach (1993: 26) calls it a “paradoxical effect” of direct democracy: although it operates in a majoritarian manner it nonetheless “serves to protect minorities”. Moreover, its combination with consociational structures “has proven effective in coping with demands of an extremely heterogeneous society” (ibid.: 261). Vatter (1997) has pointed out that the popular initiative and the facultative referendum are closer to consociational mechanisms and shall be considered as an opportunity for minorities, whereas the obligatory referendum or the plebiscite are closer to majoritarian rule and, thus, may constitute a risk for minorities.

A further, albeit not explicit, support for direct-democratic procedures in multicultural settings can be found in the concept of *power dividing* (as opposed to power sharing or consociationalism), recently advanced by Rothchild and Roeder (2005). The authors stress that in divided societies some decisions have to be taken out of the hands of the government and parliament and left to the “private sphere and to civil society”. They also emphasise the importance of institutions that allow “multiple majorities”.

Divided-power institutions that empower multiple majorities increase the likelihood that members of ethnic minorities will be parts of political majorities on some issues and many members of any ethnic majority will be members of political minorities on some issues (Rothchild and Roeder 2005: 17).

This is exactly what happens in polities with strong direct-democratic institutions. As a matter of fact, Rothchild and Roeder (2005: 65–66) advance the claim that Swiss institutions, including direct democracy, are best described as power dividing and not as power sharing, as generally assumed. And Kriesi observes:

As the Swiss experience shows, the introduction of elements of direct democracy into a system of representative government does *not* lead to an entirely new system involving all kinds of *uncontrollable risks* but to a system that opens up *new opportunities for participation and codecision* of the citizens without preventing the elites from playing their key role in the political system (Kriesi 2005: 228; my emphasis).

Finally, sometimes we can spot the controversial role of direct democracy in multicultural societies in the works of the same scholar. Consider, for example, the seminal work of Arend Lijphart, the main advocate of consociational or power-sharing democracy. In his early studies he argued that direct democracy, together with majoritarian rule, is the “polar opposite” of consociationalism (1977: 40). Then he assumed a rather neutral stand, claiming that direct democracy cannot be regarded “as either typically majoritarian or typically consensual” (Lijphart 1984: 31–32). And later he wrote, in a discussion about Switzerland, that “direct democracy is an integral part of the consociational system” (Lijphart 1985: 91).

To sum up, the role of direct democracy in multicultural societies is controversial. On the one hand, it is seen as a real or potential *threat*, on the other hand as a *chance* for minorities. How can we empirically test these hypotheses? It is certainly a fortunate circumstance that Switzerland, the country with the highest rate of popular votes, is at the same time one of the “six longstanding democracies that score highest on an index of linguistic and ethnic [*sic*] diversity” (Stepan 1999: 20). Besides a large German-speaking numerical majority³ (72.5 per cent) there are three numerical minorities: French speakers (21.0 per cent), Italian speakers (4.3 per cent), and Romansh speakers (0.6 per cent).⁴ In addition, the Swiss citizens vote on numerous cantonal and communal projects (see Trechsler and Serdült 1999).

Therefore, an answer to this puzzle cannot but take into consideration the Swiss case, “a kind of real-life laboratory for the analysis of direct-democratic choice” (Kriesi 2005: 2). Has direct democracy had negative effects on Swiss linguistic minorities? Is the phenomenon of “minorisation” – that is, cases in which a linguistic minority is outvoted by the majority in a direct-democratic procedure – a frequent occurrence?

³ I speak of “numerical” majorities and minorities, as historically, institutionally and sociologically the different linguistic “groups” do not constitute compact blocs and do not necessarily share a strong common identity. The very term “minority” was absent from Swiss legal documents and public discourses before the 1980s (see Coray 2004). It is mentioned only once in the new 1999 Constitution, Art. 70: “The Cantons shall designate their official languages. In order to preserve harmony between linguistic communities, they shall respect the traditional territorial distribution of languages, and take into account the indigenous linguistic minorities” (www.admin.ch/ch/itl/rs/1/c101ENG.pdf). Interestingly, this article speaks of “indigenous linguistic minorities” within the cantons and not within Switzerland. For example, German speakers are a minority in the bilingual cantons of Fribourg and Valais.

⁴ The figures stem from the 2000 census (www.statistik.admin.ch). They refer to Swiss citizens only, as foreign residents (20.5 per cent of the population) do not have the right to vote, except in a couple of cantons on cantonal and communal projects only.

This paper begins by addressing some major methodological problems that researchers face when they explore patterns of minorisation direct-democratic procedures. Second, it illustrates the relationship between popular votes and the growing linguistic cleavage between the two largest Swiss linguistic groups in the 1990s. Finally, it turns to a more detailed examination of four case studies, one from each of the four multilingual cantons. It shows that, all things considered, direct democracy should be considered as an opportunity, rather than a threat, for minorities. Nevertheless, tensions and misunderstandings may arise if a vote is particularly salient, if a minority is constantly overturned by the majority, and if the media overlay intergroup differences and influence the public perception of linguistic cleavage.

2. Methodological Problems in Detecting Cases of Minorisation

The task of discovering cases of minorisation of linguistic minorities is particularly difficult (see Kriesi et al. 1996: 20–28). When can we speak of “minorisation” of a given linguistic group? Clear-cut situations – when, for example, all citizens of one linguistic group express one opinion, and all citizens of another group another – simply do not exist. There are at least seven methodological problems that should be taken into consideration.

(1) We should not speak of *the* opinion of linguistic groups, because groups, as such, do not have opinions or wishes. We could, at best, say that a majority of citizens of a given group has voted “yes” or “no” in a referendum. But there is always a minority within that very group that has expressed a different opinion.

(2) From the mid-twentieth century until the late 1970s there was a continued decline in participation rates in popular votes in Switzerland (Kriesi 2005: 112). At times participation rates reached a level as low as 30 per cent. In the 1980–92 period the average turnout was 42 per cent (Kobach 1993: 79). In recent years (2000–05) it climbed to 46 per cent, but it remains relatively low by international standards.⁵ A lot of Swiss citizens do not vote, or do so only occasionally. Hence this situation does not allow broad assumptions about the “general will” of a group.

(3) When citizens vote in a referendum they, of course, do not indicate their first language on the ballot. So we shall at best speak of the vote of linguistic regions or areas, rather than of communities or groups, bearing in mind that no territory is 100 per cent linguistically homogeneous. In Switzerland, this is especially the case of some multilingual cantons such as Bern, Fribourg or Grisons.

(4) There are situations in which a linguistic region is outvoted, although only a relatively small proportion of ballots separates it from the general outcome of a popular vote. If, for example, 69 per cent of the citizens from German-speaking areas and 57 per cent of those from the Italian-speaking canton of Ticino say “no”

⁵ www.admin.ch/ch/d/pore/va/liste.html; my calculation.

to a project, whereas 56 per cent of citizens from the French-speaking regions say “yes”, producing the average national outcome of 62 per cent of “no” votes, can we really speak of minorisation of French speakers?⁶ How large would the gap have to be between the average “yes” (or “no”) votes of citizens of different linguistic regions in order to speak of minorisation of a given linguistic group?

(5) Let us convene that a gap of more than 25 per cent shall count in order to speak of minorisation.⁷ But situations still arise in which the majority of citizens from all linguistic groups has expressed a “yes” or a “no” vote, but with a different intensity. For example, if 85 per cent of French speakers, 80 per cent of Italian speakers and 53 per cent of German speakers accept a proposal, producing the general outcome of 58 per cent of “yes” votes, we cannot affirm that one or another linguistic group has been minorised.⁸

(6) In national votes a majority of one linguistic group can be on the winning side at the national level but be minorised at the cantonal level. For example, there have been occasions in which the vote of the linguistic majority in Fribourg or Valais (French speakers) determined the cantonal result against the “will” of most of the citizens belonging to the minority linguistic group (German speakers), but at the national level French speakers were on the losing side, whereas German speakers were among the winners.

(7) Finally, it should not be taken for granted that only groups in numerical minority are minorised. In some votes it is the majority group that ends up on the losing side. For example, Kriesi et al. (1996: 31) have found that between 1872 and 1994 – considering only the votes in which the gap between average votes of German and French speakers was above 25 per cent – French speakers were minorised 15 times out of 29. But on eight occasions the same happened to German speakers.⁹

These methodological problems do not imply that we should abandon every attempt to detect cases of minorisation in the multilingual cantons. They simply show that the task is particularly difficult and that researchers should be particularly cautious in interpreting the results of such an inquiry.

⁶ This pattern occurred in November 1989, in a vote over the popular initiative “for speed limits of 130 and 100 km/h). See Kriesi et al. (1996: 38).

⁷ For example, Kriesi et al. (1996) have looked at this gap, as well as at the gaps of more than 20 per cent.

⁸ This happened in September 1985, in a vote over “standardised beginning of school year in all cantons” (ibid.: 31).

⁹ For example, in May 1920, in a very important vote on joining the League of Nations, 85 per cent of French speakers and 84 per cent of Italian speakers, but only 46 per cent of German speakers, said “yes”. The general outcome was a “yes” vote of 56 per cent. So in this case a majority of German speakers were outvoted by the two (numerical) minorities” (ibid.: 31).

3. Direct Democracy and Linguistic Cleavage in Switzerland in the 1990s

The impact of direct democracy on minority linguistic groups is not a new research question in Swiss political science. Especially in the 1990s, several scholars undertook such a task and tried to find out how often linguistic communities have been minorised at national level (see Knüsel 1994; Wernli 1995; Kriesi et al. 1996).

Through an analysis of popular votes held in the 1968–93 period, Knüsel discovered that in approximately 10 per cent of cases a linguistic cleavage divided German speakers from French/Italian speakers. Major differences have been detected in the votes concerning national defence, social policy, energy, transport and foreign policy (Knüsel 1994: 340). An especially deep, lasting and politically salient cleavage occurred in 1992, when a majority of German (56 per cent) and Italian speakers (62 per cent) rejected the proposal for joining the European Economic Area, whereas a large majority of French speakers (73 per cent) were in favour of it.

Kriesi and his collaborators analysed popular votes in Switzerland over a longer period (1875–1994) (Kriesi et al. 1996). In 29 out of 430 votes the difference between the average votes of French speakers and German speakers was larger than 25 per cent. But only in fifteen cases (3.5 per cent) were French speakers minorised (*ibid.*: 30–31). In the same period such a gap occurred thirty-nine times between Italian and German speakers (*ibid.*: 37). The authors particularly looked at a more recent period (1983–84) and a smaller gap (above 20 per cent) between linguistic regions. They discovered ten cases (out of 116) in which a difference of 20 per cent or more was displayed between French and German speakers. Only four (3.4 per cent) of them were cases of minorisation of French speakers. In nine votes such a gap occurred between Italian and German speakers, and six times (5.2 per cent) Italian speakers were outvoted (*ibid.*: 38–39).

The authors have come to the conclusion that over the years the linguistic cleavage has become less and less important in relative terms (number of minorisations per year). Nevertheless, in absolute terms the number of minorisations of French- and/or Italian-speaking regions has increased since the 1970s (Kriesi et al. 1996: 28). The Swiss media have tended to overplay the differences between linguistic communities and, thus, have contributed to increase the *perception* of the existence of a linguistic cleavage (see also Knüsel 1994: 330).¹⁰

¹⁰ According to a 1994 survey, 42 per cent of French speakers and 41 per cent of Italian speakers, but only 16 per cent of German speakers, believed that a “deep linguistic cleavage” was dividing linguistic communities. At the same time, 46 per cent of German speakers but only 13 per cent of French and 18 per cent of Italian speakers said that such a cleavage did not exist. It should also be mentioned that the issue of relations between linguistic communities was not the primary concern of the Swiss: only 4 per cent said that it was one of the “most important problems”, after unemployment (61 per cent), pensions (36 per cent), or crime rate (19 per cent) (Kriesi et al. 1996: 53, 63).

[C]ette augmentation en termes absolus peut donner l'*impression* que le fameux fosse [linguistique] s'agrandit, puisque les *occasions* de le mettre en évidence deviennent *plus fréquentes*. A ce phénomène s'ajoute depuis la même période une plus *forte médiatisation*, une publicité plus grande faite autour de ces résultats de votations, autant dans les journaux que dans les supports audiovisuels, qui... sont en mesure de *déformer la perception* de certaines tranches de la population en la matière, ce dernier phénomène faisant référence à la dimension organisationnelle du clivage opéré par les medias. ([T]his increase in absolute terms may give the *impression* that the [linguistic] cleavage has become deeper, because the *occasions* in which it is possible to highlight it are *more frequent*. At the same time there is a *stronger mediatisation* – that is, greater publicity given to the results of popular votes, both in the newspapers and in the audiovisual media. [The media] are capable of *deforming the perception* of some categories of population in this respect. This phenomenon stands in relation to the organisational dimension of the [linguistic] cleavage provided by the media.) (Kriesi et al. 1996: 28; my emphasis).

And Büchi, in his historical and sociological study on the relations between French and German speakers in Switzerland, shows that in the 1990s the issue of “linguistic cleavage” (also known as *Röstigraben*) was primarily being evoked in relation to a couple of national votes in which French speakers have been minorised (Büchi 2000: 265–70). Büchi, too, emphasises the importance of the media and he especially points out the crucial (and negative) role that some newspapers and magazines in French-speaking Switzerland have played in exaggerating the differences between linguistic communities, often by stretching and misinterpreting the outcome of a vote. “A person reading the newspapers in those days could have got the impression that Switzerland was about to fall apart” (Büchi 2000: 269; my translation).¹¹

For present purposes I sum up that what counts is less the reality of the facts – that is, a *decrease* in the relative number of minorisations of linguistic minorities in Switzerland – but, rather, the *perception* of the reality.

4. Direct Democracy in the Multilingual Cantons

In most studies on the Swiss experience with direct democracy the unit of analysis has been the national level. Yet Switzerland is a highly decentralized federal country where substate units – the cantons – enjoy substantial political autonomy. This concerns also direct democracy: in all Swiss cantons citizens are frequently called to vote on cantonal (and communal) issues.

Now, twenty-two out of twenty-six cantons and semi-cantons are *monolingual*, as far as the official language is concerned. Against this background it is interesting to

¹¹ This quotation refers to the 1995 referendum on “acquisition of real estate by foreigners living abroad”, which was rejected by 46 per cent of the Swiss and by all German-speaking cantons, but was accepted by almost 60 per cent of citizens in the French- and Italian-speaking cantons. In the aftermath of that vote a member of the cantonal government of Geneva said that “the situation [was] extraordinary serious” and a French-speaking member of the federal parliament declared that French speakers were “colonized” by German speakers (Büchi 2000: 269; my translation).

look at the four *multilingual* cantons – Bern, Valais, Fribourg and Grisons – and to explore institutional mechanisms that they have developed in dealing with linguistic diversity. Scholarly research has been surprisingly silent here. A systematic comparative account of democratic institutions of the multilingual cantons, both in terms of representative democracy and direct democracy, is lacking.¹² In the light of the present paper I explore direct-democratic institutions in the multilingual cantons and discuss possible problems that they may have caused to linguistic minorities.

Table 1: Population and Languages in Switzerland and the Multilingual Cantons, 2000

	Switzerland	Bern	Valais	Fribourg	Grisons
Population (thousands)	7,288	950	281	243	186
Official languages	German, French, Italian, Romansh	German, French	French, German	French, German	German, Romansh, Italian
Languages: all residents (%)	German 63.7 French 20.4 Italian 6.5 Romansh 0.5 Other 8.9	German 84.0 French 7.6 Other 8.4	French 62.8 German 28.4 Other 8.8	French 63.2 German 29.2 Other 7.6	German 68.3 Romansh 14.5 Italian 10.2 Other 7.0
Languages: Swiss citizens (%)	German 72.5 French 21.0 Italian 4.3 Romansh 0.6 Other 1.6	not available	French 66.3 German 32.5 Other 1.2	French 65.9 German 32.5 Other 1.6	German 73.4 Romansh 16.9 Italian 8.5 Other 1.2

Source: Ufficio Federale di Statistica, Neuchâtel, Switzerland.

¹² Knüsel (1994: 341–42) has affirmed that political scientists have not yet drawn lessons from the multilingual cantons and that a comparative analysis of their experiences in dealing with multilingualism is necessary. One exception is a research note by Keech (1972). And Windisch et al. (1992) have explored everyday relations between French and German speakers in the bilingual cantons of Fribourg and Valais.

Table 1 shows the linguistic composition of Switzerland and the four multilingual cantons, and Table 2 illustrates the instruments of direct democracy in these cantons. In all four cantons the citizens have very extensive direct-democratic rights. The burdens (number of signatures per inhabitant and the time required to collect the minimum number of signatures) are very low and are generally under the Swiss average for national votes. There are no special provisions for protection of minorities against the “tyranny of the majority” that could result through the exercise of direct democracy.

Table 2: Direct-Democratic Institutions in Switzerland and in the Multilingual Cantons

		Obligatory referendum		Facultative referendum		Popular initiative	
	Mainly for Cst reforms	Necessary signatures	Time (days)	Citizens/ signatures	Necessary signatures	Time (days)	Citizens/ signatures
Switzerland (national votes)	Yes	50,000	100	115.9	Cst 100,000	540	57.9
Bern	Yes	10,000	90	83.3	Tot Cst 30,000 Leg 5,000	– 180	27.8 55.6
Valais	Yes	3,000	90	77.8	Cst & Leg 4,000	–	58.4
Fribourg	Yes	3,000	90	68.9	Cst & Leg 6,000	90	34.5
Grisons	Yes	1,500	90	107.2	Cst 4,000 Leg 3,000	– –	40.2 53.6

Sources: Fribourg, 2004 Constitution (Articles 41, 42, 45); Grisons, 2003 Constitution (Articles 12, 16, 17); Bern, 1995 Constitution (Articles 58, 61, 62); Valais, 1907 Constitution (Articles 30, 31, 35); Switzerland, 1999 Constitution (Articles 138–142).

Abbreviations: Constitutional initiative (Cst), Legislative initiative (Leg), Initiative for a total revision of the constitution (Tot Cst).

In the available literature there are almost no accounts of the phenomenon of minorisation of linguistic groups in the multilingual cantons. One exception is the research of Windisch and his collaborators, who in their extensive sociological study of the relations between French and German speakers in the cantons of Fribourg and Valais have looked at the results of national referendums held in the 1974–88 period (Windisch et al. 1992: ch. 4). The authors first sorted out the popular votes in which a majority of citizens of Valais, and of Fribourg, expressed a different vote in relation to the average vote of the Swiss. In the second step they analysed these divergent votes in order to spot the differences between the linguistic groups.

Their main finding is that in the 1974–88 period only in seven national votes out of 116 did the linguistic communities within Valais and Fribourg express clearly divergent opinions. It should be stressed that these differences did not concern votes on delicate issues from the linguistic/cultural standpoint, but mainly on issues relating to the environment and transport policy (Windisch et al. 1992: 422–23).

This shows that the number of minorisations of one linguistic community by another is relatively low. However, generally speaking, I do not believe that such a quantitative analysis is an appropriate answer to our puzzle (see methodological problems explained in Section 2). To what extent has direct democracy produced tensions and misunderstandings between linguistic groups that could hardly have surfaced if they had been dealt with within the institutions of representative democracy? Here, the emphasis is not on the outcome of a popular vote. Public discussions that precede a vote are an essential aspect of direct democracy and must be taken into consideration. Finally, I believe that we shall especially look at the cases in which the issues relating to linguistic/cultural identity and to the general balance of power between linguistic groups were at stake.

I have identified one such vote in every multilingual canton in the 1995–2005 period. In order to explore the general context in which they took place I have relied mainly on a qualitative analysis of newspaper articles published, parliamentary debates, and press releases of political parties.

4.1. The 2000 “war of languages” in Fribourg

On 22 December 1999 Alfons Gratwohl, the mayor of a small French-speaking village in the canton of Fribourg, launched a referendum against the cantonal law on bilingualism in public schools. According to this law, in French-speaking cantonal schools 10–15 per cent of the classes would be held in German, and vice versa. The law had been adopted in November 1999 by almost all members of the cantonal parliament from both linguistic communities, and all major political parties were in favour of it.

A referendum committee was set up. Within a few weeks it succeeded in collecting over 10,000 signatures, well above the legal threshold of 3,000. The referendum was carried out on 24 September 2000. Despite the overwhelming support of the cantonal political elite, the law fell short of gaining a majority. 50.4 per cent of citizens voted against it, 49.6 per cent were in favour.

But this outcome overshadows a considerable gap between the average votes of the two linguistic groups. In the German-speaking districts over 70 per cent of the population accepted the law, whereas in most French-speaking districts it convinced less than 40 per cent.

As the referendum results were announced the first reaction of the mayor of Surpierre was that of “relief”. And then he added: “I didn’t expect at all that this

[issue] would have been transformed in a *war of languages*. I didn't know that so many French-speaking Fribourgeois think that German speakers have been treading on their toes".¹³ As a matter of fact, Mr Gratwohl opposed the law because of its possible impact on the public spending of local municipalities. But he had underestimated the power of ethnolinguistic mobilisation. Indeed, the referendum campaign was soon instrumentalised by a number of charismatic and well-known French-speaking opinion leaders, representing some influential but disputed associations such as the Communauté Romande du Pays de Fribourg. They played the ethnolinguistic card and exploited the fears of "Germanisation" among French speakers.

Bernhard Altermatt, an expert on bilingualism in Fribourg, described the referendum campaign as "rough and disgusting". He stated that the arguments used by the adversaries of the law were "ethnolinguistic, anti-German and Franco-centrist".¹⁴ In his detailed analysis of opinion columns and readers' letters published in the main French-speaking newspaper in Fribourg, *La Liberté*, in the months preceding the vote, Altermatt demonstrates that ethnolinguistic arguments clearly prevailed over other concerns: 102 arguments out of 272 fell into this category (Altermatt 2003: 285–302). Thirty of them expressed anti-German sentiments by advancing the "myth of Germanisation" and the wish to safeguard the French language and culture (ibid.: 291).

What was the impact of such a discourse in the German-speaking community? On the basis of some declarations published in the local newspapers before the referendum, we deduce that the ethnolinguistic discourse of some French speakers became a source of major irritation among German speakers. Ursula Krattinger-Jutzet, a German-speaking member of the cantonal parliament, claimed that it would be a "disaster" for Fribourg if a majority of French speakers voted against the law. She said that never before were the linguistic communities so openly opposed one to another in a cantonal vote.¹⁵ Josef Vaucher, president of the influential Deutschfreiburgische Arbeitsgemeinschaft, an association founded in 1959 with the remit to defend the German language in Fribourg, affirmed that such arguments were "populist" and that they were the source of "negative emotions". He said that German speakers were in favour of bilingualism because it would foster "harmony between the two linguistic communities". He also claimed that in the case of a refusal by French speakers the linguistic cleavage would grow deeper.¹⁶

4.2. *The protection of minority languages in Grisons*

In 1996 the Swiss voted on a national referendum over an article of the Constitution that explicitly mentioned the possibility of granting federal aid for

¹³ *Le Temps*, 25 September 2005, my emphasis and translation.

¹⁴ Interview published at www.culturactif.ch/invite/altermattprint.htm

¹⁵ *Der Bund*, 5 September 2000.

¹⁶ *Le Temps*, 21 and 23 September 2000.

measures undertaken by the cantons of Grisons and Ticino in order to safeguard and promote Romansh and/or Italian languages. The proposal was accepted in all cantons with a large majority (76 per cent). Interestingly, however, the share of “yes” votes was lower in Grisons (68 per cent). It was the third-lowest result of all cantons.

The relatively low acceptance of this constitutional article in Grisons was, of course, noted. Newspaper comments outside Grisons spoke of an “astonishing result”. They also stressed that some German-speaking districts in Grisons voted against the proposal and that, generally speaking, the acceptance was particularly low in the German-speaking areas.¹⁷ In the Italian-speaking districts the proposal was well accepted. “There is still a lot to do in German-speaking areas in order to weaken the antique anti-Romansh resentment”, said Bernhard Cathomas, secretary-general of Lia Rumantscha, the main association that defends the Romansh language.¹⁸ The newspaper comments within Grisons also pointed out that Romansh-speaking areas voted clearly in favour of the proposal and that those to “blame” were undoubtedly the German speakers. “The not so splendid ‘yes’ vote [in Grisons] is due to a problem concerning the contrasts between Romansh and German speakers”, observed one commentator.¹⁹

Some authors speak of a “mentality of rivalry among the linguistic groups” in Grisons when it comes to public aid for cultural and linguistic matters (Fritsche and Romer 2000: 366). Besides the 1996 referendum, this “rivalry” became manifest on a couple of other occasions. For example, in 1959 the referendum on cantonal subsidies in favour of Lia Rumantscha was refused. The proposal was rejected primarily in the German-speaking areas. And in 1984 a tiny majority of voters refused the proposal to create an institute for cultural research, although the political elite (parliament and all political parties) had expressed their explicit support for it. It was assumed that this institute would have favoured primarily the German-speaking community. So the highest proportions of “no” votes were registered in some Romansh-speaking areas, as well as in the Italian-speaking municipality of Poschiavo.

4.3. The 2005 referendum in Valais over the introduction of PR

“*Le Haut-Valais a dicté sa loi.*” This was the headline in *Le Nouvelliste*, the main French-speaking daily newspaper in Valais, on 26 September 2005. In the context of the bilingual (French/German) canton of Valais the correct socio-political translation of this title would be: “The German-speaking minority has imposed its law upon French speakers”. The day before, a majority of citizens had rejected a popular initiative demanding the abolition of majoritarian rule for cantonal

¹⁷ Urs Buess, “Ja zu den vier Sprachen”, *Tages-Anzeiger*, 11 March 1996; Claudine Böhlen, “Ein Ja ohne Dialog”, *Der Bund*, 11 March 1996.

¹⁸ *Tages-Anzeiger*, 11 March 1996.

¹⁹ Andrea Mastüger, “Die Zeit der Zögerer ist nun vorbei”, *Bündner Zeitung*, 11 March 1996.

government elections and the introduction of an open-ballot proportional representation (PR) in a single multi-member district.

What happened? A majority of Valais citizens (54 per cent) voted against this popular initiative that had been launched by Social-Democrats. However, in the French-speaking part of the canton there were slightly more “yes” (51 per cent) than “no” votes (49 per cent). In the German-speaking region of Oberwallis a strong majority (69 per cent) rejected the initiative. In short, on this occasion the vote of the linguistic *minority* determined the cantonal result, against the preference of a majority of French speakers (see Section 2, point 7).

Political commentators had no doubt about the reasons for such an overwhelming refusal in Oberwallis. A majority of German speakers feared that the PR electoral system would have negative effects on the representation of Oberwallis in the five-member cantonal government. Under open-ballot PR, applied in one multi-member electoral district, French speakers would prevail simply because of their numerical majority which, in turn, would modify the linguistic balance of the government from 3–2 to 4–1 in favour of French speakers. The cantonal government shared such worries. In an official document the executive spoke of “high risk” and said that PR would constitute a threat to the “unity of the canton”.²⁰

My analysis of the press releases of major political parties and of opinion columns and readers’ letters published in Valais’ two main newspapers during the four weeks that preceded the vote confirms the assumption that this was the main reason of the refusal in Oberwallis. The issue of an adequate representation of German speakers in the government was, in fact, the central argument of *both* defendants *and* opponents of the proposal. In the French-speaking districts, however, the emphasis was much more on the importance of fair representation of all major political parties in the government.

Still, the opposition in Oberwallis was not unanimous. The Christian-Social party spoke of a “dangerous proportional system”. Social-Democrats, on the other hand, defended the proposal. They admitted that if it were accepted, the second seat of German speakers could be at risk. But they claimed that majoritarian rule was no guarantee of maintaining the second seat, simply because the population of Oberwallis is numerically smaller. “In any case – said the president of German-speaking Social-Democrats – Oberwallis depends on the goodwill of French speakers if it wants to preserve its second seat.”²¹

All in all, the 2005 vote on the introduction of PR for governmental elections was a sensitive issue, especially in the German-speaking community. The final outcome, however, does not simply reflect a linguist fragmentation. The primary issue at stake was the political balance of power. French and German-speaking Social-

²⁰ Conseil d’Etat du canton du Valais, *Message concernant l’initiative populaire cantonale pour l’élection du Conseil d’Etat au système proportionnel*, 7 June 2004: 8.

²¹ Susanne Hugo-Lötscher, *Walliser Bote*, 21 September 2005: 21.

Democrats were largely in favour of the proposal. Christian-Democratic parties from both linguistic regions were against it because they feared losing the absolute majority in the cantonal government.

4.4. Accommodation of French speakers in Bern under the “threat” of direct democracy

Since the separation of northern Jura from the canton of Bern in 1979, the use of direct democracy has not created particular tensions between German speakers and the remaining French-speaking minority, which is concentrated in the Jura Bernois region, as well as within and around the town of Bienne. Nevertheless, there is at least one interesting case in which the institutions of direct democracy *might have* become a source of tensions.

A recent reform has reduced the number of parliamentary seats in the canton of Bern (from 200 to 160), as well as the number of electoral districts (from 27 to 8). The reform was applied for the first time in the April 2006 cantonal elections. It was accompanied by two special constitutional provisions that warrant an over-representation of the French-speaking minority in Bern’s legislative. First, the number of parliamentary mandates attributed to the Jura Bernois has been fixed at twelve, as was the case before the reform. Without this special provision, Jura Bernois would have received eight or nine mandates. Second, within the mandates attributed to the new electoral district of Bienne-Seeland, the French speakers obtained a fixed quota of seats corresponding to their share in the district’s population. Before the reform such a provision was not necessary, as the French speakers represented around one-third of the electorate in the former (much smaller) “electoral” district of Bienne and, thus, had a fair chance of seeing some of their representatives elected. Now, in the new Bienne-Seeland electoral district, they represent only 5 per cent of the population, which might justify the introduction of a quota.²²

My analysis of the transcripts of the 2001 parliamentary debates over this reform suggests that the very existence of direct-democratic institutions played a crucial role in the decision of Bern’s parliament to grant a special protection for the French-speaking minority. This is a well-known effect of direct-democratic institutions in Switzerland. Direct democracy is generally seen as a strong incentive to the search for compromise and consensual solutions in the parliamentary arena (Neidhart 1970). Political elites have an interest in seeking a consensus before

²² Constitution of the canton of Bern, Art. 73: “Les mandats sont attribués aux cercles électoraux proportionnellement au nombre d’habitants. Douze mandats sont garantis au cercle électoral du Jura bernois. Une représentation équitable doit être garantie à la minorité de langue française du cercle électoral de Bienne-Seeland” (www.sta.be.ch/belex/F/1/101_1.html). Loi sur les droit politiques. Art. 24c: “Des mandats sont garantis à la population de langue française du cercle électoral de Bienne-Seeland proportionnellement à la population totale du cercle électoral. Les décimales sont arrondies au chiffre supérieur à partir de 5 dixièmes” (www.sta.be.ch/belex/F/1/141_1.html). In the 2006 cantonal elections French speakers gained 4 out of 26 mandates (15 per cent) in the district of Bienne-Seeland.

facing the judgement of the people. If too many political actors are not satisfied with parliamentary decisions, the risk that a majority of citizens will reject a proposal is high.

In this case, it was clear that the members of parliament were all well aware that the reform was subject to the obligatory referendum. Thus, the advocates of the reform had a strategic interest in avoiding potential sources of political conflict in the forthcoming referendum campaign and, especially, the emergence of a linguistic cleavage. They had to make sure that most of the French-speaking political elite were on their side. So they ended up accepting special rules for representation of French speakers, that de facto ensured over-representation of this linguistic group in the cantonal parliament.

There is no doubt that the guarantee of an adequate representation of French speakers from the area of Bienne would not have been granted without the pressure of an obligatory referendum. As a matter of fact, even with that guarantee the French-speaking politicians were not unanimous in the referendum campaign. Even though, after the adoption of the two special provisions, a majority of French-speaking members of the cantonal parliament were in favour of the reform, considerable resistance came from local politicians who advocated the preservation of a separate electoral district of Bienne. This was, in particular, the official position of Bienne's executive. Pierre-Yves Moeschler, a French-speaking member of the executive, said that the quota rule would "endanger the linguistic peace" in Bienne because it would oblige the voters to declare themselves as members of one or another linguistic community: an unpleasant exercise in an area where a lot of citizens have developed a truly bilingual identity.²³ The French-speaking section of Bienne's Social-Democratic party stated in a press release that it was "resolutely" against the creation of the new Bienne-Seeland district. They claimed that the introduction of a linguistic quota would put the French speakers in the position of a "protected minority". This, in turn, would create a "precedent" for the introduction of quotas at the level of municipality that could break "the balance *à la biennoise* that has assured the coexistence [of linguistic communities] up to now".²⁴

But the outcome of the referendum has shown that the reform, together with the special provisions for French speakers, did convince a large majority of the voters in all linguistic regions. The share of "yes" votes in the town of Bienne (79 per cent) was not significantly lower than the approval rate at cantonal level (84 per cent) or in Jura Bernois (81 per cent). Finally, the low participation rate indicates that we should not overestimate the effective salience of this issue and its importance for citizens. Only 35 per cent of Bienne's voters participated in the referendum against 38 per cent in the Jura Bernois region and 41 per cent in the canton of Bern.

²³ *Der Bund*, 16 August 2002.

²⁴ Parti Socialiste Romand de Bienne (PSR), "Le PSR dit résolument NON au cercle électoral Bienne-Seeland", *Communiqué de presse*, 26 August 2002 (www.sp-ps-biel-bienne.ch).

5. Discussion

How shall we interpret these four case studies, bearing in mind the initial question of this paper? First, in direct democracy the general rule is that the majority always wins. This, in turn, means that advocates of direct democracy in multicultural societies must accept the intrinsic risk that linguistic (or other) majority groups every now and then prevail over minorities.

Second, all four examples indicate the relative salience of identity-based issues and their potential amplification through the institutions of direct democracy and the media. It is one thing to be on the losing side, say, in a referendum over the construction of a new motorway. It is a different thing to belong to an identity group that loses a popular vote on an issue closely relating to that identity. In the multilingual cantons such examples typically include popular votes over the issues relating to language and culture: allocation of state resources for the promotion of Romansh and Italian idioms in Grisons, introduction of a new electoral system that could have put at risk the second German-speaking seat in the cantonal executive of Valais, or the law on bilingual education in Fribourg. In these cases direct democracy reveals some of its shortcomings and suggests that delicate issues are best dealt with at elite level, that is, within bodies of representative democracy.

Third, the instruments of direct democracy represent a splendid “window of opportunity” for individuals and groups to exaggerate linguistic differences in the public space and to advance ethnolinguistic arguments that may cause misunderstandings and tensions within and across linguistic communities. The risk of populist manipulations is, indeed, one of the classical critiques of direct-democratic procedures (Dahrendorf 2002: 89). Moreover, as Kriesi notes, “this objection needs to be taken all the more seriously given the increasing importance of the media and the transformed role of political communication in present day politics and, related to this, the crucial role of the elite-led campaigns in the Swiss direct-democratic process” (Kriesi 2005: 239). The example of the 2000 referendum on bilingualism in Fribourg schools is telling. Moreover, in the privacy of the voting booth expressions of distrust, fear or dislike towards members of another community are more likely to become manifest, as they are usually not seen as “politically correct” within the institutions of representative democracy and at the interpersonal level. Any multicultural society has an interest in avoiding such opportunities for tensions that deepen societal cleavages and dampen inter-communitarian dialogue and cooperation.

Finally, the considerations that I have made so far hint at some (real and potential) problematic aspects of direct democracy in multicultural settings. Yet, at the end of the day positive elements probably prevail. In fact, I have looked only at the examples in which direct democracy has caused some tensions and/or misunderstandings between different communities and/or their representatives. Such a selection bias is justified, I believe, by the salience of certain popular votes and the lasting impact on the interlinguistic relations that such votes may have caused (see Fribourg’s 2000 referendum or the 1992 Swiss referendum on joining

the European Economic Area). But they have not resulted in a real *conflict*, nor have they caused public manifestations, protest marches, or other incidents. Moreover, they represent only a tiny fraction of hundreds of popular votes – at federal, cantonal and communal levels – in which the citizens of the multilingual cantons have taken part and that have not caused any problems between linguistic communities. Finally, I have presented one interesting case – the reform of Bern’s parliament – in which the very existence of direct democracy has actually guided the political elite towards a consensus that accommodated the demands of the linguistic minority *before* the vote. In fact, there are no doubts that the French-speaking minority would have politically mobilised against the reform if it had not included special measures guaranteeing its adequate representation in parliament.²⁵

Note

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²⁵ That being said, I do not believe that the introduction of linguistic quotas for French speakers from the area of Bienne was a good solution. Such rigid quotas may foster politicisation of (ethno)linguistic identity and ethnicisation of politics that should be avoided in multicultural societies. Instead, the maintenance of a separate electoral district of Bienne would have avoided these important shortcomings without undermining the parliamentary representation of this linguistic minority.

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