

Consociational systems and the role of opposition: The case of Switzerland*

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1. Introduction

Consociational systems¹ have been defined as oppositionless forms of government where political alternance is not an option. While these systems may create

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¹ This article will use consociational democracy and consensus democracy as interchangeable terms to describe systems that embed institutions and practices that follow a consociational logic, i.e. that lead to cooperation and agreement among the (representatives of the) components of the (plural or diverse) society in policy-making instead of competition and majority decision; this wide definition attempts to embed the different interpretations Lijphart gave to consociationalism and the subsequent evolution of the terms in political and legal studies; it is not the aim of this study to dive into the terminological issues related to consociationalism; it suffices here to recall that consociational democracy was the term exclusively used in his less recent works, which was employed to describe empirical cases and label the normative type that was derived from them, composed of four main (behavioral and institutional elements): grand coalition governments, mutual veto rights, proportional representation and segmental autonomy (see especially A. Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven-London, 1977); subsequently, the expression consensus democracy was introduced (and juxtaposed to consociational democracy): this notion was used to frame the empirical typology of democracies following consociational rules (composed of ten indicators derived from 36 countries), which was supposed to have normative implications: the study of its democratic performance led the author to normatively support it over the model of majoritarian democracy (see A. Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven-London, 2012); power-sharing democracy is mainly used by Lijphart as a synonym for consociational democracy, while today the term is generally employed as a general term that describes “those rules that, in addition to defining how decisions will be made by groups within the polity, allocate decision-making rights, including access to state resources, among collectivities competing for power” (C. Hartzell – M. Hoddie, *Institutionalizing Peace: Power-Sharing and Post-Civil War Conflict Management*, in

the conditions for stabilizing democracy in plural and/or post-conflict societies, they can also be criticized for being elitist and excluding oppositions and other relevant political groups.

The debate over opposition is one over the health of a democracy. As theorized by Dahl, the existence of spaces of contestation and the guarantee of inclusiveness or participation are two of the main dimensions through which polyarchies' performance is assessed².

This article is based on the assumption that opposition is a lens through which one could analyze also consociational systems, which face the additional issue of exclusion/inclusion of the "others" in public decision-making structures and processes. In other words, the issue of "others" in consociational settings may be framed as a further issue concerning opposition. This standpoint – that connects the concepts of opposition and "others" – allows the observer not only to delve into the limits of consociations and their possible demise, but also to build a theoretical *pars construens* of consociational theory by comparatively focusing on existing solutions to this issue that can be of general interest.

Comparatively, Switzerland primes as a longstanding and stable democracy featuring consociational institutions. For this reason, it will be taken as a case study whose experience can add to the general debate on consociations.

The main goal of this paper is to explore the Swiss case and assess which oppositions operate, which instruments are available for them to have a voice, as well as whether and to which extent these instruments have been conducive to pluralizing the consociational arrangement by granting spaces for oppositions to emerge. The paper shows that the combination of the fundamental elements of the Swiss political system allows for several entry points for opposition and has gradually helped address – at least partially – the democratic limitations that this system potentially displays. And, among these elements that allow the Swiss political system to thrive and relatively successfully tackle the issue of oppositions (and thus the inclusion/exclusion problem), direct democracy – especially at the subnational level – may be one of the most significant also to meet the contemporary challenge of further inclusion in a society composed of twenty-five percent by non-citizens.

The article is structured as follows: firstly, it offers some considerations on the Swiss political system and the possibility of framing it as a consociational system.

American Journal of Political Science, 2003, p. 318 ff.); on this (and on some inconsistencies in the terminology used by Lijphart), see also M. Bogaards, *The Uneasy Relationship between Empirical and Normative Types in Consociational Theory*, in *Journal of Theoretical Politics*, 2000, p. 395 ff.

² R.A. Dahl, *Polyarchy*, New Haven-London, 1971.

Secondly, it moves the focus to Switzerland and, in particular, on how opposition emerges in terms of actors and instruments, unveiling that the concept of opposition in this (and other consociational) systems is also connected to what has been referred to as the issue of “others”. In particular, the paper offers some considerations on the role of direct democracy in Switzerland, with special regard to those forms that provide channels for opposition to voice their claims, taking into account their successes and shortcomings. Finally, the last section presents some considerations on the role of direct democracy in fostering stability and continuity of the Swiss system and on the possibility to draw comparative lessons from this case study.

2. Consociationalism and the Swiss political system

Switzerland has been defined as a “classic case”³ of consociationalism, although further features affecting the consociational system are generally seen as peculiar to this country, especially regarding its directorial form of government, its underlying societal structure and its system of direct democracy.

In addition, differently from most of the other countries that fall within the category of consociations, Switzerland is not defined by one most salient cleavage, but by several overlapping ones, whose political salience has changed over time. Four types of cleavages have been identified, which have informed the political arena in Switzerland. Chronologically, the first was the conflict between cities and countryside, which overlapped with the second, between Catholics and Protestants, with this leading to the separation of two cantons and to the short civil war of 1847⁴. The working class-capital owners and linguistic cleavages are the other two sources of societal rifts that still maintain a political salience⁵. For different historical and societal reasons, albeit all politically relevant, none of these cleavages has gained as much

³ A. Lijphart, *Patterns of Democracy*, cit.; A. McCulloch, *Consociational Settlements in Deeply Divided Societies: The Liberal-Corporate Distinction*, in *Democratization*, 2014, p. 501 ff.; R. Taylor, *Introduction: The Promise of Consociational Theory*, in R. Taylor (ed.), *Consociational Democracy: McGarry & O’Leary and the Northern Ireland Conflict*, London-New York, 2009, p. 1 ff.

⁴ The civil war indeed opposed conservative cantons (predominantly Catholic) and liberal cantons (predominantly Protestant), as observed by E.M. Belser, *Accommodating National Minorities in Federal Switzerland: Old Concepts Meet New Realities*, in A.G. Gagnon – M. Burgess (eds), *Revisiting Unity and Diversity in Federal Countries: Changing Concepts, Reform Proposals and New Institutional Realities*, Leiden-Boston, 2018, p. 79 ff.

⁵ S. Mueller, *The Politics of Compromise: Institutions and Actors of Power-Sharing in Switzerland*, in S. Keil – A. McCulloch (eds), *Power-Sharing in Europe: Past Practice, Present Cases, and Future Directions*, Cham, 2021, p. 67 ff.

saliency as to determine a pillarization of the Swiss society and the formation of a divided society.⁶ The well-known “cross-cuttingness”⁷ that features Switzerland has led to a complex societal and political setting where the different sources of societal and political tension do not overlap, thus balancing each other and easing the political conflict at (both the cantonal and) the federal level.

The many cross-cutting cleavages are settled through a mainly liberal⁸ and multidimensional – as opposed to corporate⁹ – version of consociational democracy. It is liberal in the sense that it represents “whatever salient political identities emerge in democratic elections, whether these are based on ethnic or religious groups, or on subgroup or transgroup identities”. It can be described as multidimensional as the consociational arrangement does not provide for the accommodation of only one politically salient cleavage, but of several of them that variously combine and interact. The Swiss model of consociationalism is governed by formal rules, constitutional customs and practices, informed by a consolidated – but prone to substantive change in the last decade¹⁰ – power-sharing culture¹¹ and deeply intermingled with the other

⁶ On this, W. Linder – S. Mueller, *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies*, Cham, 2021, in part. p. 31-58; S. Mueller, *The Politics of Compromise*, cit.; on the evolution of these cleavages and the reasons that led to the emergence of a mono-national but multilingual state, see P. Dardanelli, *Multi-Lingual but Mono-National: Exploring and Explaining Switzerland's Exceptionalism*, in F. Requejo – M. Caminal (eds), *Federalism, Plurinationality and Democratic Constitutionalism: Theory and Cases*, London-New York, 2012, p. 295 ff.

⁷ S. Mueller, *The Politics of Compromise*, cit., p. 71.

⁸ On this, J. McGarry – B. O'Leary, *Iraq's Constitution of 2005: Liberal Consociation as Political Prescription*, in *International Journal of Constitutional Law*, 2007, p. 670 ff.; see also A. McCulloch, *Consociational Settlements*, cit., p. 506-507, who argued that Switzerland combines “liberal and corporate rules”, and it “operates primarily according to liberal consociational logic – the so-called “magic formula” for Federal Council composition fluctuates with electoral support”; some (limited) corporate logic is to be found “in the provisions on group autonomy, through its cantonal structure (22 cantons are linguistically homogeneous), and its sub-state quotas in [some] multilingual cantons”.

⁹ Corporate consociations are those systems that feature power sharing structures among a pre-determined number of communities selected according to ascriptive criteria that are supposed to represent the entire or the majority of the society; on this, see McCulloch, *Consociational Settlements*, cit., p. 502.

¹⁰ On the trends of Swiss democracy, which is experiencing increased party competition, the emergence of new parties, a surge in support for populism, a pro/anti EU cleavage, and new green parties, see B. O'Leary, *Consociation in the Present*, in *Swiss Political Science Review*, 2019, p. 556 ff.; R. Freiburghaus – A. Vatter, *The Political Side of Consociationalism Reconsidered: Switzerland between a Polarized Parliament and Delicate Government Collegiality*, in *Swiss Political Science Review*, 2019, p. 57 ff.; L. Helms et al., *Alpine Troubles: Trajectories of De-Consociationalism in Austria and Switzerland Compared*, in *Swiss Political Science Review*, 2019, p. 381 ff.; A. Vatter, *Switzerland on the Road from a Consociational to a Centrifugal Democracy?*, in *Swiss Political Science Review*, 2016, p. 59 ff.

¹¹ On the declining trajectory of what is referred to as the Swiss “spirit of accommodation”, see W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 200-203; notably, the authors have also argued that,

elements of Swiss democracy. In the political institutions, the conflicting interests that feature the Swiss societal and political arena are mainly channeled by parties in the Federal Council and by parties and interest groups in the legislative process¹² within the Federal Assembly¹³.

As Kelly noted commenting Lijphart's work, the elements featuring the consociational model should be seen as wide categories with manifold manifestations¹⁴. Accordingly, despite its peculiarity, Switzerland falls within the model of consociational and consensus democracy as portrayed by both well-known Lijphart's definitions that one can derive from his most influential works. While it cannot be described as a mono-dimensional linguistic consociation¹⁵, the Swiss political system displays all the four main components of a consociational democracy described in *Democracies in Plural Societies* (1. A grand coalition cabinet; 2. Segmental autonomy; 3. Mutual veto rights; 4. Proportional representation). The Federal Council is a form of grand coalition cabinet that represents the variety of Swiss crosscutting segments based on the well-known "magic formula", which is a customary rule of government formation. Whereas it is true that government members are primarily linked to political

despite this evolution, it is difficult to imagine that this political culture will be totally lost and, consequently, a profound transformation of the Swiss system into a majoritarian democracy can hardly be expected.

¹² See S. Mueller, *The Politics of Compromise*, cit., p. 76-77; on the evolving role of parties in the Swiss democracy, from a rather weak position to a more central one, while still keeping a peculiar condition compared to other Western democracies, see A. Ladner et al., *Parties and Party Systems*, in P. Emmenegger et al. (eds), *The Oxford Handbook of Swiss Politics*, Oxford, 2023, p. 317 ff.; on interest groups, and their major influence on the Swiss political system, see A. Mach – S. Eichenberger, *Interest Groups*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 337 ff.; these more recent analyses integrate the findings of G. Lehmbruch, *Consociational Democracy and Corporatism in Switzerland*, in *Publius: The Journal of Federalism*, 1993, p. 43 ff.; interest groups' (and cantons') positions have also been formally integrated in the law-making process after the adoption of art. 147 Const., which has introduced the so-called "pre-parliamentary" consultation process; on the role of cantons within and outside the Parliament, see F. Cappelletti et al., *Let's Talk Cash: Cantons' Interests and the Reform of Swiss Federalism*, in *Regional & Federal Studies*, 2014, p. 1 ff.; J. Schnabel – S. Mueller, *Vertical Influence or Horizontal Coordination? The Purpose of Intergovernmental Councils in Switzerland*, in *Regional & Federal Studies*, 2017, p. 549 ff.; as for the role of cantons in the different phases of the legislative process, including the pre-parliamentary phase, see W. Linder – A. Vatter, *Institutions and Outcomes of Swiss Federalism: The Role of the Cantons in Swiss Politics*, in J.E. Lane (ed.), *The Swiss Labyrinth: Institutions, Outcomes and Redesign*, London-New York, 2001, p. 143 ff.

¹³ Notably, the Federal Assembly does not serve as a venue for significant cantonal interest representation; cantonal lobbying is mostly informal, and it mainly takes place in the pre-parliamentary phase of decision-making.

¹⁴ B.B. Kelly, *Power-Sharing and Consociational Theory*, Cham, 2019, p. 22 ff.; see also A. Lijphart, *Democracy in Plural Societies*, p. 25 ff.

¹⁵ N. Stojanović, *Consociation: Switzerland and Bosnia and Herzegovina*, in *Survey*, 2007, 49 ff.; N. Stojanović, *Democracy, Ethnoocracy and Consociational Democracy*, in *International Political Science Review*, 2020, p. 30 ff.

parties – thus not directly representing linguistic or religious segments – the latter are the main vehicle for the political emergence of the described cleavages. Moreover, their election is bound to art. 175 const., which prescribes that the different regions and linguistic communities must be fairly represented in the Federal Council¹⁶. Segmental autonomy is achieved through federalism, which allows the expression of the different segments in various combinations and their self-rule within the cantons, which are mostly linguistically (and religiously) homogeneous. Mutual veto rights are granted to government members – whose parties represent manifold combinations of the Swiss segments – as the Federal Council decisions are officially unanimous (its sessions are not public). As well, some use of direct democracy can be framed as exercise of mutual veto rights, i.e. either when optional referenda are launched or endorsed by parties within the executive¹⁷ or when it comes to cantonal veto to constitutional amendments¹⁸. Proportional representation features elections both at the federal (for the National Council¹⁹) and at the cantonal levels²⁰. Lastly, proportional representation is granted in the Federal Supreme Court.

As well, Swiss democracy represents the model that most closely reproduces the elements of the type of consensus democracy presented in *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Except for the criterion related to the judicial review of legislation, the Swiss system ranks highest in all the criteria that have been used to identify a consensus democracy and distinguish it from majoritarian democracy²¹.

¹⁶ Differently from what affirmed by N. Stojanović, *How to Solve the Dilemma of Power Sharing? Formal and Informal Patterns of Representation in the Swiss Multilingual Cantons*, in *Representation*, 2008, p. 241: “no formal constitutional rule guarantees the representation of French (21%), Italian (4%) or Romansh (0,1%) speakers”; the official text of the Constitution in the different languages is ambiguous, with the German wording (“angemessen”) being less constraining than the version in the Italian (“equamente”) and the French version (“équitablement”).

¹⁷ Although this interpretation may be subject to contestation as direct democracy only attribute the power to stimulate a popular vote.

¹⁸ See W. Linder – A. Vatter, *Institutions and Outcomes*, cit., p. 146-148; B. O’Leary, *Consociation in the Present*, cit., p. 569; this seems to show once more the peculiar nature of consociationalism and to prove its multidimensionality.

¹⁹ The high chamber is instead largely elected by majoritarian rules, but this cannot be seen as a diverging element from Lijphart’s model, as was suggested by N. Stojanović, *Democracy*, cit. p. 32, footnote 3,; the election of the Council of the States follows a classic federal logic and grants the equally important representation of the cantons; this, in turn, contributes to the representation of their voices that bring other combinations of the described cleavages featuring the Swiss society.

²⁰ Most, but not all, cantons use proportional rules.

²¹ See A. Lijphart, *Patterns of Democracy*, cit., p. 3 f.

Although some authors have observed that a de-consociation pattern is occurring in Switzerland²² – or even affirmed that this system cannot be described as a consociation²³ –, based on the description provided above and the functioning of the Swiss system, these accounts “are not compellingly persuasive [...] at least regarding its institutional arrangements”²⁴ and their consociational effects.

As said, the consociational arrangement is complemented by and deeply intermingled with other structural elements of the Swiss form of government.

The first is the directorial form of government, which is characterized by the separation between the collegial Federal Council and the Federal Assembly after the parliamentary election of the members of the federal government.

The second is federalism, which, as seen, is also a constitutive element of the consociational system inasmuch as it allows for a manifestation of segmental autonomy. Of course, the federal principle has much of a broader scope than simple self-rule and has informed, while variously implemented and briefly suspended, the Swiss model from its very beginning²⁵. The Swiss federal system, which was characterized by an aggregative process of previous sovereign entities, contributes greatly to the phenomenon of crosscuttingness at the national level as religious, linguistic and socio-economic cleavages do not overlap with cantonal borders²⁶.

The third is direct democracy. The latter takes several forms and is present at the federal, cantonal and municipal levels. At the federal level, a first form of direct democracy is the initiative, which is aimed at proposing a total or partial revision of the constitution. According to art. 138 and 139 const., one hundred thousand citizens can propose, within 18 months, a total or partial revision of the constitution, which are respectively submitted to the vote of the people and of the people and the cantons. While the former is submitted in the form of a set of principles, the latter can also take the form of an already full-fledged text. In this case, the text is voted by the people and

²² L. Helms, M. Jenny and D.M. Willumsen, *Alpine Troubles*, cit.

²³ B. Barry, *Political Accommodation and Consociational Democracy*, in *British Journal of Political Science*, 1975, p. 477 ff.; N. Stojanović *Consociation*, cit.; R.B. Andeweg, *Consociationalism*, in J.D. Wright (ed.), *International Encyclopedia of the Social and Behavioral Sciences*, Oxford, 2015, p. 692 ff.; N. Stojanović, *Democracy*, cit., p. 32-33, rightly opposed Lijphart’s description of Switzerland as a consociation that is mainly marked by ethnic and linguistic cleavages (A. Lijphart, *The Evolution of Consociational Theory and Consociational Practices, 1965–2000*, in *Acta Politica*, 2002, p. 11 ff.); from this, the author inferred that Switzerland cannot be considered as a consociation; this reasoning does not consider the fact that a political system may not be a linguistic consociation but still be a consociation.

²⁴ On this, see B. O’Leary, *Consociation in the Present*, cit., p. 569.

²⁵ On this, see A. Vatter, *Swiss Federalism: The Transformation of a Federal Model*, London-New York, 2018.

²⁶ W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 39.

the cantons, but the parliament can oppose a counter-project that is voted simultaneously. In the other case, the principle is either submitted to the vote of the people (in case of rejection by the federal assembly) that will decide whether to pursue the legislative process or (in case of approval by the federal assembly) it is drafted as a legal text and voted by the people and the cantons. A second form of direct democracy at the federal level is the mandatory referendum, which is held after the adoption of constitutional amendments and important international treaties (majority of the people and majority the cantons)²⁷. The third type of federal popular vote is the optional referendum, which can be proposed by fifty thousand citizens within 100 days to approve or reject most parliamentary acts or regulations within a hundred days from the publication of the act and is subject to the vote of the people²⁸.

Very frequently used, such instruments of direct democracy have played a fundamental role in shaping the current Swiss political system and its consociational and cooperative features to such an extent that they are considered one of the main factors favoring the emergence and consolidation of the model of *Konkordanzdemokratie*²⁹.

In addition, direct democracy is strictly intermingled with the federal structure of the country. Besides the fact that constitutional amendments require the dual approval of both the people and the cantons, direct democratic instruments originated from cantonal experiences³⁰ and are still a fundamental element of these subnational systems, where they may even have a wider scope³¹. All the cantons indeed regulate forms of cantonal and local direct democracy³² that are similar to those described as regards the national level, and, as will be seen below, some of them provide for much inclusive regulations as concerns the right to vote.

²⁷ Art. 140 const.

²⁸ Art. 141 const.

²⁹ I. Stadelmann-Steffen – L. Lemann, *Direct Democracy*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 156 ff.; M. Qvortrup, *The Paradox of Direct Democracy and Elite Accommodation: The Case of Switzerland*, in M. Jakala et al. (eds), *Consociationalism and Power-Sharing in Europe: Arend Lijphart's Theory of Political Accommodation*, Cham, 2018, p. 177 ff.; W. Linder – S. Mueller, *Swiss Democracy*, cit., pp. 119-166.

³⁰ H. Kriesi – A.H. Trechsel, *The Politics of Switzerland: Continuity and Change in a Consensus Democracy*, Cambridge, 2008, p. 49 ff., who, at p. 54, described the existence of a “general pattern of incremental extensions of direct democratic mechanisms at the federal level, based on earlier experiences at the cantonal level”.

³¹ As observed by W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 121, for instance “Some cantons hold an obligatory referendum for most laws and important acts, and referenda may also be held on specific financial decisions”.

³² Which emerged later than at the cantonal and federal level, as noted by H. Kriesi – A.H. Trechsel, *The Politics of Switzerland*, cit., p. 55.

3. *Opposition in Switzerland: actors and instruments*

3.1. *Recurrent framings of opposition in Switzerland*

Some authors have stated that the only way to be in opposition in Switzerland is to be part of the government³³. Others have instead argued that the only opposition is the people³⁴. Both depictions are valid and not mutually exclusive.

The concept of opposition is not unknown or unused as regards the Swiss context. However, it has been observed that knowledge of the dynamics of Swiss opposition is still quite limited³⁵. Scholarship addressing opposition in Switzerland mainly refer to it in two ways.

Firstly, opposition is equated to Westminster-like parliamentary opposition or, more in general, parliamentary opposition that institutionally opposes governmental action and seeks to propose a clear-cut alternative to it in order to gain more governmental power. Authors have underlined its absence³⁶ or its extraordinary presence in the Swiss context³⁷. Accordingly, it has been affirmed that, since the establishment of the “magic formula”, Switzerland has witnessed a short period in which this type of opposition operated. This is the short-lived experiment of opposition by the Swiss People’s Party (*Schweizerische Volkspartei*, SVP), which withdrew its support to the government after the election as federal councilor of an SVP candidate that was not supported by the party’s leadership. The experiment did not last long, and SVP endorsed candidates were subsequently reincluded in the government coalition. Nevertheless, this phase has clearly shown that the patterns of opposition in Switzerland are varied and evolving, also as a consequence of an increasingly polarized political system³⁸.

³³ O. Mazzoleni, *Une année difficile pour la droite nationaliste*, interview on SwissInfo, 24 December 2008.

³⁴ For instance, see M. Mowlam, *Popular Access to the Decision-Making Process in Switzerland: The Role of Direct Democracy*, in *Government and Opposition*, 1979, p. 182, quoting J.R. de Salis.

³⁵ C.H. Church – A. Vatter, *Opposition in Consensual Switzerland: A Short but Significant Experiment*, in *Government and Opposition*, 2009, p. 436.

³⁶ H. Kerr, *The Structure of Opposition in the Swiss Parliament*, in *Legislative Studies Quarterly*, 1978, pp. 51-62; H. Kriesi – A.H. Trechsel, *The Politics of Switzerland*, p. 97 f.; C.H. Church – A. Vatter, *Opposition in Consensual Switzerland*, cit., p. 414 f.

³⁷ C.H. Church – A. Vatter, *Opposition in Consensual Switzerland*, cit.; N. Stojanović, *Party, Regional and Linguistic Proportionality Under Majoritarian rules: Swiss Federal Council Elections*, in *Swiss Political Science Review*, 2016, p. 41 ff.

³⁸ C.H. Church – A. Vatter, *Shadows in the Swiss Paradise*, in *Journal of Democracy*, 2016, p. 166 ff.; H. Kriesi, *Conclusion: The Political Consequences of the Polarization of Swiss Politics*, in *Swiss Political Science Review*, 2015, p. 724 ff.; A. Vatter, *Swiss Consensus Democracy in Transition: a Re-Analysis of Lijphart’s Concept of*

Secondly, and based on the latter consideration, the term opposition is used as a loose category to describe any form of political behavior – which echoes Dahl’s concept of contestation and Helm’s concept of political opposition³⁹ – countering or contesting the coalition government’s action, which is carried out not only by parties but by numerous actors within and outside the political institutions using several instruments, some of which are peculiar to the context, such as direct democracy. Opposition is thus flexible and variable, and opposition politically salient behavior is observable on a case-to-case basis⁴⁰.

Within the political institutions, opposition consists of political parties both making up the government coalition and not included in it.

In the first case, opposition is carried out by the governing parties through opposition behavior within the executive and the parliament⁴¹ as well as, as will be seen below, through direct democracy. Falling within the second category are parties that are (at the moment) excluded from the grand coalition. All of them may be seen as part of a (potentially) “responsible opposition” in Sartori’s terms⁴², as any political force that gains enough stable support for a long period of time may end up being coopted to integrate the ruling coalition. Their opposition action takes place within an increasingly polarized parliament and is also – but not exclusively – carried out through the use of direct democracy.

A last varied group of opposition consists of parties not represented in the political institutions, interest groups and groups of citizens that make use of direct democracy instruments to oppose institutional decisions or to affect its action and agenda. Although the effectiveness of their action may be different, they are all to various extents and in different ways capable of influencing the political agenda.

Democracy for Switzerland from 1997 to 2007, in *World Political Science Review*, 2008, p. 1 ff.; A. Vatter, *Switzerland*, cit.

³⁹ L. Helm, *Five Ways of Institutionalizing Political Opposition: Lessons from the Advanced Democracies*, in *Government and Opposition*, 2004, p. 22 ff.

⁴⁰ For instance, see C.H. Church – A. Vatter, *Opposition in Consensual Switzerland*, cit., p. 414 and 436; R. Freiburghaus – A. Vatter, *The Political Side*, cit.; W. Linder – S. Mueller, *Swiss Democracy*, cit.; H.H. Kerr, *The Structure of Opposition*, cit.

⁴¹ As directorial form of government allows government parties to defy the executive in the parliament, they frequently take an isolated stance, especially in those policy fields in which they claim issue-ownership: for instance, this is the case with the SVP’s position on immigration; on this, see D. Traber, *Disenchanted Swiss Parliament? Electoral Strategies and Coalition Formation*, in *Swiss Political Science Review*, 2015, p. 702 ff.

⁴² G. Sartori, *Opposition and Control: Problems and Prospects*, in *Government and Opposition*, 1966, p. 152.

At the cantonal level, political systems reproduce consociational traits⁴³ and patterns of opposition are not that dissimilar to the federal level. It is thus possible to affirm that opposition takes similar forms as at the federal level.

3.2. The issue of the “others” in consociational systems: general considerations and their applicability to Switzerland

This depiction of oppositions, while broad, does not seem to offer a complete picture of the Swiss situation. This section aims to show that the Swiss system includes further (potential or actual) forms of opposition in the form of the “others”, i.e. those that are to different extent excluded from the consociational arrangement and/or from access to some or all the instruments that are provided for to represent dissonant political stances/voices.

3.2.1. The “others” in consociational theory and practice

Lijphart’s consociationalism theory has gone through a long evolution and continuous refinement up to today⁴⁴. Critiques and refinements have addressed its normative and predictive contents⁴⁵, some definitional aspects,⁴⁶ as well as its assessment of the consociational systems’ democratic performance⁴⁷. The normative strand of consociationalism has increasingly been connected to the issue of (and the

⁴³ As observed by S. Mueller, *The Politics of Compromise*, cit., p. 78: “Switzerland is definitely not the land of single-party cabinets”.

⁴⁴ For a complete overview, see B.B. Kelly, *Power-Sharing*, cit.

⁴⁵ On this, on for further references, see M. Bogaards, *The Uneasy Relationship between Empirical and Normative Types in Consociational Theory*, in *Journal of Theoretical Politics*, 2000, p. 395 ff.; N.C. Bormann, *Patterns of Democracy and Its Critics*, in *Living Reviews in Relativity*, 2010, p. 1 ff.

⁴⁶ For instance, see A. Vatter, *Lijphart Expanded: Three Dimensions of Democracy in Advanced OECD Countries?*, *European Political Science Review*, 2009, p. 125 ff. on the need to add an assessment of the consensual or majoritarian effects of direct democracy; R. Freiburghaus – A. Vatter, *The Political Side*, cit., p. 357 ff., who suggested bringing in institutional venues when it comes to the analysis of the political side of consociationalism.

⁴⁷ T. Agarín – A. McCulloch, *How Power-Sharing Includes and Excludes Non-Dominant Communities: Introduction to the Special Issue*, in *International Political Science Review*, 2019, p. 3 ff. and the other articles in this issue.

literature on) transition from violent conflict and conflict resolution⁴⁸ and the management of what one can refer to as post-conflict divided societies⁴⁹.

Notably, this scholarship includes several critics of consociationalism, who have gone so far as to question some of the basic elements of Lijphart's theory, such as the fact that consociational systems are stable and not necessarily temporary forms of democracy⁵⁰. One of the main contended issues of consociational models is related to their democratic performance. Numerous authors have pointed to the fact that consensus democracy may not ease but reinforce societal cleavages and conflicts⁵¹; moreover, it engenders a structural and permanent exclusion of some components of the society, the so-called "others", which are not included in the consociational arrangements. "Others" can be the constituent people that are not included in the coalition (e.g. in Bosnia and Herzegovina), parties excluded from grand coalitions (e.g. in Switzerland and South Tyrol), parties or groups that are part of the consociational agreement in a minority position (e.g. in Switzerland, Belgium, Burundi, South Tyrol) or non-citizens, especially if they represent a significant component of a society and can access channels to make their voice heard (e.g. in Switzerland and South Tyrol).

Based on this, it has been observed that consensus democracy's degree of inclusion and pluralism is – to a certain extent counterintuitively – limited compared to that liberal democracies can reach⁵², especially if corporate consociations⁵³ are considered. Consociation "tends to sacrifice the inclusion of other groups who hold

⁴⁸ A. Lijphart, *Power-Sharing in South Africa*, Berkeley, 1985; S. Keil – A. McCulloch (eds), *Power-Sharing in Europe*; cit.; see also P.R. Williams – M. Sterio (eds), *Research Handbook on Post-Conflict State Building*, Cheltenham-Northampton, 2020.

⁴⁹ On this, see S. Choudry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?*, Oxford, 2008; according to R. Taylor, *Introduction*, cit., p. 9, J. McGarry and B. O'Leary "assertively regenerated the standing of consociational theory – especially by giving added focus to the role of international involvement – so as to not only better interpret the Northern Ireland conflict, but also to significantly inform political practice there and further afield"; see J. McGarry – B. O'Leary (eds), *The Politics of Ethnic Conflict-Regulation*, London, 1993; J. McGarry – B. O'Leary, *The Northern Ireland Conflict: Consociational Engagements*, Oxford, 2004.

⁵⁰ For instance, see D.L. Horowitz, *Ethnic Groups in Conflict*, Berkeley-Los Angeles-London, 2000; N. Stojanovič, *Democracy*, cit., 33 affirmed that "consociationalism is typically seen as a 'transitional phase'"; R.B. Andeweg, *Consociationalism*, cit.; while it is true that Lijphart himself contended that in some cases consociations have evolved towards more majoritarian forms of government as the consociational arrangements became superficial due to the easing of their societal cleavages (A. Lijphart, *The Evolution of Consociational Theory and Consociational Practices, 1965–2000*, in *Acta Politica*, 2002, p. 11 ff.), in A. Lijphart, *Patterns of Democracy*, cit., the author proposed the model as a stable alternative to majoritarian democracy.

⁵¹ For instance, see D.L. Horowitz, *Ethnic Groups*, cit.; S. Wolff, *Consociationalism: Power Sharing and Self-Governance*, in S. Wolff – C. Yakinthou (eds), *Conflict Management in Divided Societies*, London-New York, 2012, p. 23 ff.

⁵² T. Agarín – A. McCulloch, *How Power-Sharing*, cit., p. 4.

⁵³ A. McCulloch, *Consociational Settlements*, cit.

alternative identities beyond the ethnonational divide, including but not restricted to gender, sexuality and class identities. It also tends to limit the representation and participation of very small ethnic minorities, including those that are territorially dispersed as well as internally displaced persons and other migrant communities”⁵⁴. In sum, what this strand of literature has rightly pointed out is that consociational systems structurally encounter and need to address the issues of their inclusivity and the exclusion of oppositions, or “others”, and risk being trapped in what Agarin and McCulloch refer to as exclusion-amid-inclusion dilemma (EAI)⁵⁵.

The exclusion of “others” is one of the main reasons why consociational systems are seen as temporary models mainly aimed at creating the conditions for a transition towards stable peace and democracy. In line with this literature, if consociational systems manage to unite a country and favor the creation of at least a thin sense of unity, they are then generally supposed to cease – or at least lose most of their rigid structures – and give way to more “liberal” (majoritarian) practices and institutions. As Stojanović put it, “If citizens living in a consociational regime develop over time a sufficiently strong sense of common (political and/or national) identity, then the polity becomes a democracy (i.e. democracy) and that no longer requires consociational institutions”⁵⁶. In other words, the EAI dilemma problem of oppositions/excluded groups is generally supposed to be solved through a change of democratic regime.

While the EAI dilemma literature has raised the timely issue of exclusion in consociations, it seems that it offers more of a theoretical *pars destruens* than a *pars construens*. In other words, either there is a change of regime towards liberal institutions and practices, or the problem of exclusion and the lack of pluralism is mostly irresolvable in consensus democracies. However, since all the “others” are, to different extents, excluded from power-sharing institutions or practices, and have (at least potentially) claims that divert from and directly and indirectly contest the ruling coalition’s activity, they could be all considered as forms of opposition in Dahl’s or Helm’s terms. Accordingly, the debate around “others” in consociations is one about the existence of opposition and the channels the legal systems provide for it to express, although it has not generally been framed in these terms. When addressing opposition, the implicit theoretical reference seems to be Westminster style opposition – one or more political forces that represent the alternative to the ruling government and are

⁵⁴ T. Agarin – A. McCulloch, *How Power-Sharing*, cit., p. 4.

⁵⁵ *Ivi.*

⁵⁶ N. Stojanović, *Democracy*, cit., p. 32.

supposed to cyclically alternate with it – and what is generally affirmed about consociational systems, is that they do not have it⁵⁷. While they do not display majoritarian democracies' forms of opposition, the issue of the “others” has clarified that they equally experience at least certain types of it.

Framing this as a problem related to oppositions, firstly, seems to normalize the presented issues as related to a particular type of democratic systems that is on an equal footing with majoritarian ones. Such a standpoint is based on the fact that consociations have not originally been considered as temporary systems but stable alternatives to majoritarian democracy, and that several of them are still in place and do not seem doomed to demise. Secondly and consequently, considering others as forms of (actual or potential) opposition allows one to focus on more constructive considerations that present possible existing solutions without implying a change of regime.

3.2.2. *The others and the Swiss consociational democracy*

Notably, the issue of the “others” has been strictly connected to corporate consociations. Some authors have explicitly stated – but not thoroughly demonstrated – that the EAI dilemma does not concern the so-called liberal or mixed democracies – such as Switzerland⁵⁸.

The latter clearly offer more opportunities for others to be represented and involved as they allow the governing consociational coalition to change over time based on the evolution of the population's preferences. Nevertheless, it appears too simplistic to exclude that these forms of consociations face similar problems of exclusion.⁵⁹ This will be demonstrated through two examples within the Swiss case.

The first is the exclusion of non-citizen residents. While this is not a specific issue of consociational systems, but is common to any democracy, it anyhow acquires a particular relevance in Switzerland, where a quarter of the resident population does not hold Swiss citizenship. In addition, consensus systems' need to maintain a delicate

⁵⁷ In this sense, see A. Lijphart, *The Wave of Power-Sharing Democracy*, in A. Reynolds (ed.), *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, 2002, p. 41; C.H. Church – A. Vatter, *Opposition in Consensual Switzerland*, cit., p. 415.

⁵⁸ A. McCulloch, *Consociational Settlements*, cit.; N. Stojanović, *Political Marginalization of “Others” in Consociational Regimes*, in *Zeitschrift für Vergleichende Politikwissenschaft*, 2018, p. 341 ff., in part. p. 348 and footnote 9.

⁵⁹ N. Stojanović, *Political Marginalization*, cit., p. 361, acknowledged that “further research is needed to ascertain how well (or badly) Others fare in “liberal” consociations”.

balance among the components of the consociational agreement and may therefore benefit from the exclusion of non-residents, whose participation may change existing power relations and require major changes. This implies that the barriers to foreigners' inclusion in these systems, even if liberal or mixed, may be more difficult to overcome than in majoritarian democracies.

The second example is the exclusion of minority groups composed of citizens that do not possess the features that the Swiss system protects through its complex institutional system.

On the one hand, those are groupings that display linguistic and/or religious diversities that do not correspond to the diversities the Swiss system was created to manage. As Switzerland does not provide for a structured system of minority rights for the members of these groups either – despite some of which being recognized as national minorities under the Framework Convention for the Protection of National Minorities (FCNM) – they are frequently ignored by political parties and consequently not included in policymaking, nor are they represented within the political institutions. The condition of these groups seems paradoxically more difficult than in other countries as they feature minority characteristics in a setting that – albeit multicultural – is not traditionally familiar with the concept of national minority⁶⁰. The Jewish, Yenish, Sinti and Roma minority members fall within this category⁶¹.

On the other, in addition to those groupings, non-territorial linguistic minorities, such as the Romansch-speaking community outside the canton of Grisons, may also arguably be seen as “others”. When it comes to linguistic diversity, the Swiss constitutional system establishes the principle of territoriality, according to which traditional linguistic regions – which are not totally overlapping with cantonal borders – must be respected and protected. This allows for the protection of members of minorities speaking one of the four official languages⁶² in their linguistic regions, but not outside. Such a territory-based model greatly affects the lives of non-territorial linguistic communities and substantially determines their political irrelevance⁶³.

⁶⁰ See E.M. Belser, *Accommodating*, cit., p. 79 ff.

⁶¹ The first two groups are recognized as national minorities under the FCNM; further members of groups bearing other forms of diversity may gain political salience at a later stage and similarly end up being excluded by the consociational arrangement, such as LGBTQI+ people and persons with disabilities.

⁶² German, French, Italian and Romansch, which is defined as a (semi-)official language as, according to Art. 70, para. 2, const., it is “an official language of the Confederation when communicating with persons who speak Romansh”.

⁶³ On this, see E.M. Belser, *Accommodating*, cit.; R. Freiburghaus – A. Vatter, *Assessing the Effects of Amendment Rules in Federal Systems: Australia and Switzerland Compared*, in *Publius: The Journal of Federalism*, 2024, p. 283 ff.

3.3. Instruments of opposition and the role of direct democracy at the different levels of government

As for the instruments that the different actors of opposition employ, two main categories can be detected. The first relates to traditional opposition within the political institutions. As for the executive, the coalition parties may oppose their position in government decisions, both informally and by calling a formal vote on some issues. The latter case implies distorting the consensual nature of the institute and has been used especially during phases of stark polarization of the Swiss political system⁶⁴.

Within the parliament, ordinary opposition – through voting – is put in place by both governmental and non-governmental parties depending on the issue at stake. While coalescence had characterized long phases of the parliamentary activity, today's polarization leads to frequent oppositional behaviors especially among government parties and to a limited willingness to accept the executive's basic policy stance⁶⁵.

Secondly, direct democracy constitutes a fundamental tool for several opposition groups and one of the most impactful elements on the evolution of the Swiss democracy. Notably, not every direct democracy instrument can be effectively employed for opposition purposes. In this sense, mandatory referenda at the federal level have not been considered as genuine opposition instruments, for they are passive forms of popular vote that must be referred to the voters and whose launch is thus attributed to some specific actors⁶⁶.

Contrarily, optional referenda and initiatives have not only been framed as truly opposition tools – as they are launched to overturn the government and the parliamentary majority or circumvent them – but also among the most significant factors favoring consociational practices.

Opposition through direct democracy materializes in different ways and not only through simple launch and vote of referenda and initiatives. Naturally, direct democracy is employed as an instrument of opposition (in the broad sense accepted in this article) when an initiative or an optional referendum is launched – by a party, one or more interest groups or a group of citizens – to set the political agenda or contrast a policy. This represents the strongest employment of direct democracy as an opposition tool, as it leads to a vote that may have considerable effects on political

⁶⁴ As witnessed by the former Federal Councillor Pascal Couchepin; see P. Couchepin, *Ich glaube an die Politik: Gespräche mit Jean Romain*, Zurich, 2002, p. 40 ff.

⁶⁵ R. Freiburghaus – A. Vatter, *The Political Side*, cit., pp. 364-371.

⁶⁶ See A. Vatter, *Lijphart Expanded*, cit., p. 128.

dynamics beyond the issue voted⁶⁷. However, even the threat to launch an initiative or, more importantly, a referendum constitutes a significant method of opposition. The very threat of a popular vote substantially influences the development of policies in the Swiss system, due to the rather easily attainable requirements to trigger it. Lastly, opposition through direct democracy, or in the framework of a popular vote, is carried out (specifically by government and non-government parties) through the support of a vote against the government position on the issue at stake. Such a dynamic has become very common in the recent decades, where it is usual to observe a disunited government coalition when it comes to popular votes⁶⁸. Indeed, taking a differentiated stance in popular votes allows those parties to mark their position before the electorate and eventually gain political consensus⁶⁹.

The employment of these direct democracy instruments for opposition purposes produces several effects on the wider political system. Traditionally, one of the most significant consequences of using direct democracy as an opposition instrument – especially in the form of the optional referendum – has been what one may refer to as the “cooptation effect”. Ever since the introduction of these type of popular vote, parties excluded from the executive that have triggered them and gained enough consensus to structurally frustrate government activity have subsequently been coopted in the government. This is the reason why direct democracy is considered one of the main – if not the main – factors that have determined the consolidation of consensus democracy in Switzerland⁷⁰. This employment of direct democracy has first led to the replacement of a majoritarian government directed by the Liberal Radicals by a coalition government that also included the Christian Democratic party (since 1891, gaining a second seat in 1908), then the Farmers and Burghers party (*Bauern-, Gewerbe- and Bürgerpartei*, since 1928)⁷¹ and, ultimately, the Social Democrats (since 1943, gaining a second seat in 1959). In addition, not only has direct democracy induced the establishment of the consociational system, it also has favored its consolidation. This

⁶⁷ On this, see the next paragraphs.

⁶⁸ A. Vatter, *Switzerland*, cit., p. 69-70.

⁶⁹ M. Qvortrup, *The Paradox of Direct Democracy and Elite Accommodation: The Case of Switzerland*, in M. Jakala et al. (eds), *Consociationalism and Power-Sharing in Europe: Arend Lijphart's Theory of Political Accommodation*, Cham, 2018, p. 177 ff.

⁷⁰ J. Steiner, *Amicable Agreement versus Majority Rule: Conflict Resolution in Switzerland*, Chapel-Hill, 1974; Y. Papadopoulos, *How does Direct Democracy Matter? The Impact of Referendum Votes on Politics and Policy-Making*, in *West European Politics*, 2001, p. 35 ff.; W. Linder – S. Mueller, *Swiss Democracy*, cit., pp. 167-207.

⁷¹ The Farmers and Burghers party had split off from the Liberal Radicals in 1918 and were then integrated in the government as a new member; this party is the “ancestor” of the SVP, which gained a second seat at the expense of the Christian-Democrats after the 2003 elections.

is what can be labeled as the “consensual effect” of direct democracy. Authors have indeed pointed to the fact that initiative and optional referenda, while *prima facie* majoritarian instruments, contribute to reinforcing consensual practices among government parties in decision making processes within the executive and the parliament⁷². Moreover, as Stojanović put it, direct democracy has favored the creation of a “thin” common Swiss *demos*, an element deemed fundamental to avoid the evolution of consociationalism to ethnocracy⁷³. This can be framed as the “unifying effect” of direct democracy. Moreover, launching popular votes may also influence the political dynamics of the country regardless of the final result. The launch of an initiative, in particular, produces what may be called as an “agenda-setting” effect on the Swiss political system as it lures societal and political attention to political issues that are often subsequently taken into consideration by political institutions even if the initiative is not approved⁷⁴. Contrarily, in terms of results of the popular votes, direct democracy – in the form of the optional referendum – has often had a “braking effect” on the development of policies: the history of popular votes in Switzerland indeed shows a general tendency to favour the maintenance of the status quo⁷⁵.

Lastly, and most importantly for the sake of this analysis, a generally less addressed effect of direct democracy as an opposition instrument is its (at least potential) “pluralizing effect” on the consociational arrangement, especially when it comes to its bottom-up employment by some minority groups of the civil society and parties excluded from the coalition government. Direct democracy constitutes the key to opening an otherwise rather rigid consociational system and (potentially) bringing in voices and political positions that would risk being overlooked if this tool did not exist, such as non-government parties, but especially social movements and “others” or minorities. Interestingly, at the subnational level, opportunities for opening up democratic decision-making are even broader, as some cantons have extended political

⁷² L. Neidhart, *Plebiszīt und pluralitäre Demokratie*, Bern, 1970; Y. Papadopoulos, *How does Direct Democracy Matter? The Impact of Referendum Votes on Politics and Policy-Making*, in E. Lane (ed.), *The Swiss Labyrinth*, cit., p. 58 ff.; W. Linder, *Direct Democracy*, in U. Klōti et al. (eds), *Handbook of Swiss Politics*, Zurich, 2007, p. 101 ff.

⁷³ N. Stojanović, *Democracy*, cit., p. 39-40.

⁷⁴ H. Kriesi – A.H. Trechsel, *The Politics*, cit., p. 59-61; W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 136-137, have shown that the initiative serves four different objectives: 1. Direct success against the federal authorities; 2. Indirect success through negotiation with the authorities; 3. Mobilization of new issues and political tendencies; 4. Self-staging and mobilization for electoral success.

⁷⁵ W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 132-136.

rights to non-citizens at the cantonal and (more frequently) local level⁷⁶. Consequently, the non-citizens “others” in Switzerland might employ direct democracy as an opposition tool at the subnational level to make their voice heard and possibly influence cantonal, but also national political dynamics, as it is in the nature of a federal structure to favor experimentation at the subnational level and its possible diffusion⁷⁷.

Such a function of direct democracy on the consensus system and, in particular, its possible role in making minority (others’) voices emerge are rather underestimated in the literature dealing with the Swiss case⁷⁸. One of the main reasons why this pluralizing effect has been generally overlooked or downsized is that the actual use of direct democracy has shown a central role of interest groups (and parties) – often variously tied to members of governing parties⁷⁹ – to the point that the Swiss system was described as a corporatist democracy. Several studies have been dedicated to the actual degree of openness of the system and to the role of interest groups. Older accounts have underlined that the system seems to favor the creation of an oligarchical model whereby interest groups are the pivot, as they are strongly connected to political party members and have more means to organize and condition the results of direct democracy⁸⁰. In addition, it cannot be ignored that the opportunity to use direct

⁷⁶ When it comes to political rights at the cantonal level, the cantons of Jura and Neuchâtel have extended them to foreigners, while in the cantons of Neuchâtel, Jura, Vaud and Fribourg and Geneva municipalities are authorized to extend them.

⁷⁷ This dynamic relates to the concept of laboratory federalism; on this, see: W.E. Oates, *An Essay on Fiscal Federalism*, in *Journal of Economic Literature*, 1999, p. 1120 ff.

⁷⁸ Notable exceptions are W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 186, where they have expressly affirmed that “Direct democracy, however, is a strong corrective to elitist consociationalism” and J. Steiner, *Power Sharing: Another Swiss “Export Product”?*, in J.V. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies*, Lexington-Toronto, 1990, p. 107 ff., who argued for the introduction of tools of direct democracy similar to those existing in Switzerland; both contributions have paid particular attention to the fact that direct democracy allows avoiding the risk of elitist consociationalism, but they focus less on the potential beneficiaries of popular votes.

⁷⁹ On the ties that connect parties and interest groups, see A. Mach – S. Eichenberger, *Interest Groups*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 343-344, who have observed a significant growth of MP’s mandates within interest groups over the last years, which corresponds to the changing lobbying strategies in response to an increasing centrality of the parliamentary phase in decision-making processes; see also R. Erne – S. Schief, *Strong Ties between Independent Organizations*, in E. Allern – T. Bale (eds), *Le56-of-Centre Parties and Trade Unions in the Twenty-First Century*, Oxford, 2017, p. 226-245; A. Pilotti, *Entre démocratisation et professionnalisation: le Parlement suisse et ses membres de 1910 à 2016*, Zurich, 2017; D. Thomas et al., *Networks of Coordination: Swiss Business Associations as an Intermediary between Business, Politics and Administration during the 20th Century*, in *Business and Politics*, 2009, p. 1 ff.

⁸⁰ P. Schmitter, *Still the Century of Corporatism?*, in *The Review of Politics*, 1974, 85 ff.; D.E. Neubauer, *Some Conditions of Democracy*, in C.E. Cnudde – D.E. Neubauer (eds), *Empirical Democratic Theory*, Chicago, 1969, p. 225-236; M. Mowlam, *Access to the Decision-making Process in Switzerland: The Role of Direct Democracy*, in *Government and Opposition*, 1979, pp. 180-197.

democracy to further pluralize the consociational system has not been seized by these groups so far, and generally popular votes more often address the “others” (minorities and foreigners) rather than have them as proponents⁸¹. Compared to interest groups and parties, these groupings face bigger organizational obstacles and have relatively less economic and human resources⁸². Consequently, as regards the initiative, it has been demonstrated that it is mostly employed by political parties⁸³. Concerning the optional referendum these groups face the additional risk of seeing their proposals frustrated by the “tyranny of the majority”⁸⁴.

However, today, also due to some reforms that reinforced the role (and the professionalization) of the parliament⁸⁵, the opinions revolving around direct democracy are rather less pessimistic and experience shows that direct democracy triggered by groups of the civil society can influence Swiss policymaking substantially⁸⁶. Therefore, while it is true that interest groups (and parties) are for several reasons still far more effective than civil society groups in the use of direct democracy, this does not diminish the pluralizing potential of direct democracy as an opposition tool in this context.

⁸¹ For instance, the SVP’s direct democracy campaigns, which have contributed to its ascent as the first political party in Switzerland, have frequently focused on issues concerning immigration; on this, see W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 119 ff.

⁸² W. Linder – S. Mueller, *Swiss Democracy*, cit., pp. 129-137.

⁸³ On this, see N. Braun Binder et al., *Die Volksinitiative als (ausser-)parlamentarisches Instrument?*, Zurich, 2020.

⁸⁴ I. Stadelmann-Steffen – L. Lemann, *Direct Democracy*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 162; A. Vatter – D. Danaci, *Mebrheitstyannei durch Volksentscheide? Zum Spannungsverhältnis zwischen direkter Demokratie und Minderheitenschutz*, in *Politische Vierteljahresschri*, 2010, p. 205 ff.; this risk is present at all levels of government: on the (negative) role of direct democracy in naturalization processes in Switzerland, which have been managed also through direct democracy at the municipal level for a long time, see J. Hainmueller – D. Hangartner, *Does Direct Democracy Hurt Immigrant Minorities? Evidence from Naturalization Decisions in Switzerland*, in *American Journal of Political Science*, 2019, p. 53 ff.

⁸⁵ R. Gava et al., *Legislating or Rubber-Stamping? Assessing Parliament’s Influence on Law-Making with Text Reuse*, in *European Journal of Political Research*, 2020, p. 175 ff.; S. Bailer – S. Bütikofer, *Parliament*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 174 ff.

⁸⁶ Especially when it comes to initiatives: on this, see W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 136-137, who nevertheless, have underlined that inequalities of influence still persist; see also Y. Papadopoulos, *Analysis of Functions and Dysfunctions of Direct Democracy: Top-Down and Bottom-Up Perspectives*, in *Politics and Society*, 1995, p. 421–448.

4. *Switzerland: model or unicum?*

The last section attempted to shed light on a rather neglected effect or function of direct democracy used as an opposition tool in Switzerland. Besides its most discussed effects, direct democracy has produced a certain degree of pluralization of the consociational arrangement. Direct democracy and its different uses indeed provide the means for various forms of opposition to emerge, among which (in this moment more potentially than concretely) those diverse minority groupings that are excluded from representation in the *Konkordanzdemokratie*. In addition, the interaction between federalism and direct democracy used as an opposition tool may at least potentially lead to even further pluralization of the Swiss political system by granting entry points to a wide variety of actors.

It thus seems that the Swiss system has developed tools that show some potential in tackling the well-known democratic limitations of the consociational arrangement. In order to successfully exploit the democratic and empowering potential of these instruments, the challenge for the years to come seems to actually employ them to make marginalized voices heard as well as to investigate the reasons why these are not triggered by the latter groups and the possible solutions to improve their democratic output⁸⁷. The history of the Swiss political system has been marked by the employment of direct democracy by several actors, with this having oriented the development of policies and the modifications of the constitution. As Kriesi and Trechsel suggested, it is not the mere existence of direct democracy tools that makes the Swiss case unique, it is their frequent use⁸⁸, which is somewhat correlated to a political culture⁸⁹ that have incorporated direct democracy as a quintessential element of the Swiss political system. It is thus not unimaginable that in the future this tool could be used to pursue the interests of new emerging actors.

In sum, direct democracy, while not exploited in all its potential, seems to be the main factor of pluralization of the consociational arrangement in Switzerland, which, albeit not a corporate consociation, anyhow faces the risk of exclusion of several types of oppositions, among which the “others”. For this reason, it appears relatively odd that general theory of consociationalism has not delved into this model to find solutions to the inclusion-exclusion dilemma of consociations. In other words,

⁸⁷ On this, see F. Cheneval – A. el-Wakil, *The Institutional Design of Referendums: Bottom-Up and Binding*, in *Swiss Political Science Review*, 2018, p. 294 ff.

⁸⁸ H. Kriesi – A.H. Trechsel, *The Politics of Switzerland*, cit., p. 66.

⁸⁹ On this, see M. Freitag – A. Zumburn, *The Political Culture of Switzerland in Comparative Perspective*, in P. Emmenegger et al. (eds), *The Oxford Handbook*, cit., p. 50 ff.

while there are several analyses on opposition, direct democracy and their relationships in Switzerland, what seems to be lacking is their connection to the general debate on consociations' democratic limitations and patterns of exclusion. Switzerland was one of the consociational democracies that inspired Lijphart's theory, and its experience has in several respects contributed to a better understanding of the functioning of consensus-oriented systems. Nevertheless, especially regarding direct democracy and opposition, an "exception rhetoric"⁹⁰ is still dominant when dealing with Switzerland. Accordingly, the Swiss case has been considered as a *unicum* determined by peculiar historical, societal, political and legal factors, and failed transplants of the Swiss model have reinforced this belief⁹¹. For these reasons, the generalization of findings from the Swiss case has been limited after Lijphart's work⁹².

Consequently, studies on consociationalism have thus far limitedly explored the role of direct democracy (also for its relatively limited diffusion in consociational systems⁹³) in general (normative) consociational theory. Originally, direct democracy was not even considered among the elements that may contribute to defining majoritarian or consensus democracy, thus relegating it to being an independent variable in the functioning of a democratic system⁹⁴. A revision of this standpoint was proposed by Vatter, who observed that direct democracy should instead be seen as another dimension by which it is possible to classify consensus and majoritarian democracies⁹⁵. As seen, according to this account, some forms of direct democracy favour consociational behaviour, while others reinforce a majoritarian one. However, even this standpoint seems to overlook an analysis of direct democracy as a general solution to pluralize consociational arrangement and, in particular, include "others".

This study has instead shown that among the conditions that allow a consociation to thrive and successfully tackle the issue of oppositions and the EAI dilemma, direct democracy may be one of the most significant. Direct democracy plays a significant role in fostering inclusion of varied and manifold forms of oppositions within and outside the consociational arrangement. In other words, direct democracy

⁹⁰ Or "Sonderfall rhetoric"; on the limitations of such a standpoint, see R. Freiburghaus – A. Vatter, *Switzerland: Real Federalism at Work*, in J. Kincaid – J. Leckrone (eds), *Teaching Federalism*, Cheltenham-Northampton, 2023, p. 254 ff.

⁹¹ On the attempt to incorporate the Swiss model in Uruguay, see D. Altman, *Collegiate Executives and Direct Democracy in Switzerland and Uruguay: Similar Institutions, Opposite Political Goals, Distinct Results*, in *Swiss Political Science Review*, 2008, p. 483 ff.

⁹² Two notable exceptions are R. Freiburghaus – A. Vatter, *The Political Side*, cit. and A. Vatter, *Lijphart Expanded*, cit.

⁹³ See M. Qvortrup, *The Paradox*, cit.

⁹⁴ On this, see A. Vatter, *Lijphart Expanded*, cit.

⁹⁵ A. Vatter, *Lijphart Expanded*, cit.

can be seen as one important unifying/stabilizing and at the same time pluralizing factors affecting a consociational system. It can not only favor the creation of a common thin national *demos* – which has been considered a fundamental element for the democratic evolution of a consociational system – but also, and most importantly, it creates entry points/opportunities for manifold forms of oppositions – including “others” – to express themselves and condition policymaking, thus increasing the level of pluralism of a consociational setting⁹⁶.

Therefore, at the end of this study, the question as to why consociational theory has not thoroughly addressed the role of direct democracy arises natural. All the more so when the most longstanding and stable consensus democracy is considered. Can this be the time for Switzerland to assume the role of a model, instead of keeping being considered as an exception that is the result of a series of fortunate circumstances⁹⁷?

Abstract: Consociational systems have been defined as oppositionless forms of government. While these systems may create the conditions for stabilizing democracy in plural societies, they can also be criticized for excluding oppositions and other relevant groups. Based on the assumption that opposition is a lens through which one could analyze also consociational systems – which face the additional issue of exclusion/inclusion of the “others” –, this article aims to explore the Swiss case and assess which instruments are available for oppositions to have a voice, and whether and to which extent these instruments have been conducive to pluralizing the consociational arrangement. In this sense, the article focuses on direct democracy and its contribution to the pluralization of the Swiss system. Lastly, it offers some considerations on the possibility to draw comparative lessons from this case study.

⁹⁶ Interestingly, A. el-Wakil, *The Deliberative Potential of Facultative Referendums Procedure and Substance in Direct Democracy*, in *Democratic Theory*, 2017, p. 59 ff., also pointed to the “deliberative potential” of direct democracy, claiming that direct democracy can contribute to realize substantive deliberative democracy.

⁹⁷ W. Linder – S. Mueller, *Swiss Democracy*, cit., p. 51, have referred to the Swiss political institutions also as the outcome of “felicitous circumstances”.

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Consociational systems and the role of opposition: The case of Switzerland

Keywords: Consociationalism – Opposition – “Others” – Direct Democracy
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