Switzerland: Crisis of Confidence

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Modern Switzerland's first constitution, dating to 1848, is the second federal constitution of modern times after that of the United States. Its adoption concluded a period of uncertainty during which Switzerland tested a number of governmental systems. The Swiss Constitution has responded well to the needs and expectations of the people. However, some of the reasons for its success— including its highly democratic decision-making process and the promotion of its own diversity—now have given rise to a new series of problems.

The country had been a loose confederation of sovereign cantons until 1798, when Napoleon's invasion transformed it into a "unitary and indivisible" republic in the image of France. After five years of rebellion and turmoil, the Emperor was forced to reinstate Switzerland's decentralized structure. Following the Congress of Vienna, the cantons, or constituent units, recovered full sovereignty. However, by the time of the Industrial Revolution this multitude of microstates in a loose confederation was so unworkable that it led to a brief civil war between the secessionist conservative Catholic (the Sonderbund) and the liberal Protestant cantons.

The country drew on its own vast experience in making the choice to adopt a federal system in its Constitution – the only system that could successfully unite 25 cantons (26 today) with extremely diverse characteristics. Indeed, this country, whose territory is half of one percent that of the United States, is home to four national languages, three main regions, and two major religions, without mentioning the many social differences between the cantons. The adoption of a federal system continued the tradition of a decentralized system that had existed since the first union of cantons in 1291. As a result, the former name of the country, the "Swiss Confederation," was retained, even though Switzerland is now a federation, rather than a confederation. The Constitution has served a delicate integrating function. **By its commitment to diversity, it created a *Willensnation*** – a country created from the will of its citizens to live together – **in a territory seemingly unsuited to the creation of national sentiment.**

Like its American equivalent, the Swiss Constitution put an end to an unsatisfactory confederal system. Also like the American Constitution, it set up a bicameral parliament one of whose houses, the Council of States, represents the member cantons and is composed of two representatives from each. Finally, like the American Constitution, it has stood the test of time. Although it has undergone two total revisions, one in 1874 and more recently in 1999, along with more than 120 amendments endorsed by majorities in the federation and in a majority of the cantons, the institutions the Constitution originally established and the procedures it set up have remained essentially the same.

However, the Swiss Constitution deviates in several ways from the American Constitution, as it has had to accommodate the political, economic, social, and cultural diversity among and within the cantons. To do this, the Swiss Constitution provides for a unique collective executive called the Federal Council, composed of seven members from different cantons elected by both houses of parliament for a fixed term of four years. The council allows for the representation of the

country's varied makeup. The President of Switzerland is simply one of the members of the Executive Council elected by the parliament with the position rotating annually.

The Swiss system has stabilized the country since 1848 without closing it off to innovations. It has subtly distributed power, sharing it among all the political actors in a country long accustomed to a system of cantons, municipalities, and direct democracy. Direct democracy entails the participation of the citizenry in governmental decisions, most often through the use of popular consultations and referenda and, at times, through direct voting on legislation. Although some federal powers have been enlarged, they have been limited through federalism and direct democracy, making Switzerland one of the most democratic countries in the world.

However, the price of these accomplishments is a constant search for consensus among all parties, resulting in a slow and difficult decision-making process in which compromise is considered an asset and not a weakness. Thus, although the Constitution saw Switzerland through the international wars and social upheaval of the twentieth century, the beginning of the twenty-first century has shaken what were traditionally thought to be certainties. It would appear that political leaders have focused on managing internal institutional equilibrium while neglecting economic and international challenges related to globalization and the migration of foreigners and asylum seekers.

The addition of ten new countries to the European Union on 1 May 2004 made Switzerland more than ever an island, or a hole, in the heart of the continent. Consequently, in May 2004, Swiss authorities and the European Union (EU) signed a second series of bilateral agreements. The length and complexity of the process demonstrated not only how delicate bilateral negotiations are, but also how dependent Switzerland is on the EU.

These matters are not the only ones troubling the country's famed stability. The October 2003 federal election signalled both a shift to the right and a polarization of the country's political climate. The election brought about the first change since 1959 in the party composition of the Federal Council, whose solidity had until then been so steadfast that the basis for representing parties was called the "magic formula". The resulting changing balance of parties in the government now raises questions about the Federal Council's relationship to parliament, and whether the council should be directly elected rather than chosen by parliament.

A further issue is the decision by German-speaking cantons to promote the teaching of English above that of French in compulsory education which could undermine national cohesion.

Finding solutions to these major political challenges will occupy constitutionalists, politicians and citizens in the coming years. Denis de Rougemont, one of the leading European scholars of federalism in the twentieth Century, praised the Swiss model for having created a "contented people" and having forged national unity by promoting its diversity. But will the complex decision-making processes for achieving consensus among Switzerland's diverse groups provide a solution or themselves prove to be the major problem?