

CHAPTER 1

THE SIX PILLARS OF THE SWISS POLITICAL SYSTEM

1) Federalism

"Thou shalt rule, but not over everything"

Sometimes, a word that sounds very technical is actually emotionally loaded. "Federalism" is one of these loaded words in Switzerland. It is a highly regarded concept, one with an impact that goes further than its technical meaning, like "Republic" in France or "Constitution" in the United States. When you hear a politician mentioning it, they're usually not discussing a technical point of constitutional law but rather defending the rights of the cantons to take care of their own business. And they have their reasons.

Switzerland is a country that was built from the bottom up. Historically, it is an alliance of sovereign microstates, which decided to create common institutions. Local identities are still very strong. Every Swiss French canton speaks French with a distinctive accent. More than a few Genevans would probably say that they feel Genevans before they feel Swiss. Don't mistake them for Vaudois. They may not like it. And the Vaudois sometimes call their canton "le pays de Vaud," i.e. "Vaud country." There are differences even within a canton. Neuchâtelais from the mountains ("du haut") have a slightly different outlook from Neuchâtelais from the lake side ("du bas"). These strong local identities would make a French-style centralized state an impossibility in Switzerland. The French imposed one in 1798, after in-

vading the country. The results were telling: in less than five years, the country had fallen into chaos, with several coups and a nascent civil war. Napoleon had to admit the failure and let the Swiss revert to a federal system.

This history is an essential part of Swiss political culture and institutions. Today, Switzerland is made up of 26 cantons and semi-cantons (they're almost the same thing, so let's forget this distinction and call all of them cantons³). They form the backbone of the country. This is reflected in some lexical differences with France. When a French speaks about *la République* or *l'Etat* (the state), they are talking about the central state. When a Genevan or a Vaudois speaks about *l'Etat*, they refer to the cantonal administration. And in the official jargon, there's a Republic and canton of Geneva, not a Swiss Republic.

One of the specificities of the Swiss federal system is its scale: the country as such is smaller than the biggest German states and each of the 26 cantons are, therefore, quite small. The smallest one, Appenzell Innerrhoden⁴, is only 173 km², 7.5 times smaller than the city of Rome, with only 16'000 inhabitants. Only one canton has more than 1 million inhabitants: Zurich (with close to 1,4 million). To give you another point of comparison, Austria, which is twice as large as Switzerland, has only 9 states and the least populous has 285'000 inhabitants – 18 times more than Appenzell Innerrhoden. So in the case of Switzerland, we can really speak of micro-federalism.

³ For those who are interested, a semi-canton is a canton that, at some point, decided to split in two. So the two halves are exactly like a canton, except for two things. They send only one representative to the upper chamber of the parliament, whereas full-fledged cantons send two. And when a majority of the cantons is needed to validate a popular vote (ie 12 out of 23), their voices count half.

⁴ Actually a semi-canton.

Theoretically, at least, these 26 micro-states form the default authority of the country. Each of them has its own flag, its own constitution, its own parliament and its own laws, in addition to the federal ones. The federal authorities have no right to make a law regarding any issue not explicitly attributed to them by the constitution. If a new issue emerges, it will remain in the realm of the cantons, unless the majority of the people and of the cantons agree, in a popular vote, to delegate this issue to the federal authorities. As the Swiss are strongly attached to their cantons, they're usually not enthusiastic about giving new powers to the federal authorities. The word "Bern" doesn't sound better to a Swiss than the word "Brussels" to a European.

Even if the power of the cantons is slowly diminishing, it is certainly substantial by international standards. They still have an exclusive jurisdiction over certain domains – although more often, federal and cantonal competences are closely entangled. The primary school system is an example of exclusive cantonal jurisdiction. The federal authorities have no say over it. Determining in Bern how many teachers should be employed in such or such canton, what they should teach or how they should be paid would seem utterly absurd to Swiss people. They prefer to restrict control over that type of matter to those closest to the realities on the ground. As a result, primary school is quite different in Geneva from in neighbouring Vaud.

Welfare is an example of an issue where jurisdictions overlap. Some welfare benefits are determined at the federal level – that's the case of the retirement system. Others are decided by the cantons – that's the case of assistance for the needy. So benefits vary greatly from one canton to another. So does the tax system. A few cantons have a flat rate tax for cantonal taxes (these form the bulk of direct taxes), some a very progressive one.

This diversity is increasingly difficult to maintain in certain matters. It is not very practical to have 26 different criminal procedures, or 26 different policies on money laundering or organized crime... So these domains were recently unified at the federal level. But this kind of evolution is generally considered a necessary evil rather than as a glorious march towards unity. Cantons often prefer to harmonise their policies without involving the federal authorities. They do this by making intercantonal agreements. These agreements cover fields like weapons trade, universities, taxes, hooligans, childcare... But they are always optional. The agreements that harmonise the very basics of the school system, for example, have been signed by only 15 cantons, though disparity in the school system creates problems for people moving from one canton to another.

This distinction between cantonal and federal jurisdictions is only part of the story. Even when a field falls exclusively in the federal domain, the cantons retain a certain degree of autonomy. How? Because the federal administration has neither the staff or the offices to implement most of its policies. It's the cantons that do it on its behalf. That's what theoreticians call "fédéralisme d'exécution" (implementation federalism). It gives the cantons a lot of leeway to do it... their way.

The most striking example I can think of is drug policy in the 90's. Drug legislation falls firmly in the federal domain. The cantons are just supposed to implement it. At the time, legalization of cannabis was a major issue. Some cantons didn't want to wait for the Confederation (that's what we call the federal authorities) to make up its mind. They started to tolerate farmers cultivating cannabis and illegal shops selling it. In other cantons, doing half of that would have led you directly to jail.

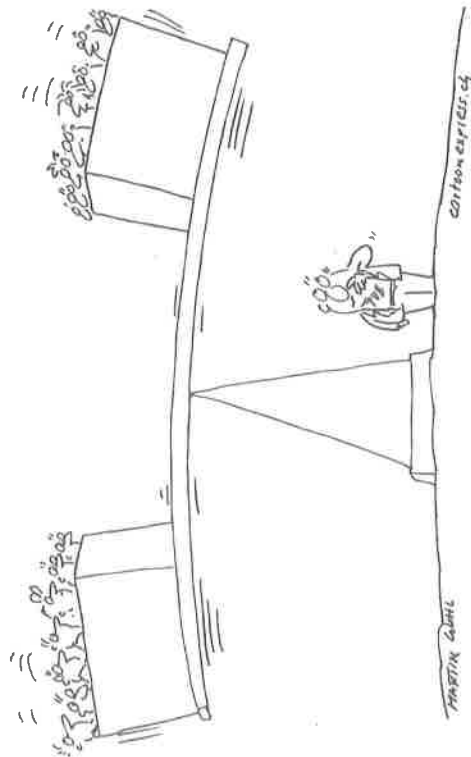
The people who think about the system usually see this variety as a value. It allows for a very lively political life at the cantonal level. It also allows different cantons to experiment, so that they can learn from best practices. But cantons sometimes complain that implementation federalism gives the Confederation the opportunity to pass costs back to them.

To sum things up, if you ask a French politician whether the law should be implemented the same way in Bordeaux, Grenoble and Paris, he would probably tell you: "Of course. We are a Republic and all citizens should be treated the same way, wherever they happen to be in the national territory." Ask a Swiss politician whether the law should be implemented the same way in Neuchâtel, Zurich and Glarus and he may tell you something along the lines of: "Well, we are different people, with different mentalities and different cultures. The system should take that into account and leave us some space, in order to respect our specificities." I don't write that in order to suggest that one approach is better or worse than the other. They just reflect different histories and political cultures.

2) Direct democracy

"Thou shalt bow to the will of the people"

If you're interested in Swiss traditions, you may have seen pictures of a *Landsgemeinde*. All citizens with the right of vote can participate in these traditional open air assemblies, to debate and vote on different issues. They still exist at the cantonal level in Appenzell Innerrhoden and Glarus, plus in others cantons at the local level. It's as much a part of the Swiss image as Gruyère cheese, the Matterhorn and Heidi. But it's not a significant feature of Swiss politics. Most of the cantons have never known that form of direct democ-



racy and of the six cantons that once had it at the cantonal level, four have abandoned it.

What are of tremendous importance in Swiss politics, on the other hand, are popular votes. These are not held by raising one's hand on the village main square, but by putting a paper in a ballot box (though today, most people send their ballots by post). That's why the Swiss system is called semi-direct democracy: representative democracy (e.g. parliament) coexists with direct democracy; i.e. the right of the citizens to make decisions directly.

Direct democracy has many aspects. But we can forget about most of them and focus on its two most significant features: optional referendums and popular initiatives. One of the main differences between the referendums that are sometimes held in other European countries and those in Switzerland is that in the latter, most of the time, it's the people who decide when to vote. The authorities may like it or not, but they cannot prevent a referendum from being held.

At the federal level, virtually any law voted in the parliament can be challenged by the people⁵. Any Swiss citizen with a right to vote can initiate it. They have to collect signatures of 50,000 citizens with a right of vote, asking for a referendum on that law, within 100 days of its official publication. If they manage to do it, a referendum is held. And if at least 50 % of the voters vote against the law, it is canceled.

Please note an important point: you can hold a referendum only if there is a new law to challenge. That means, it's not the importance of the decision that determines it, it's its legal embodiment.

As for the popular initiative, it gives the right to the people to make a proposal that will be decided upon in a popular vote. Technically, it is a revision of the Constitution, but it doesn't mean that it must deal with the institutions. It can contain, for example, the general principles of the vocational training policy. Like the referendum, any citizen with the right to vote can initiate it. They have 18 months to collect 100,000 signatures. If they manage, a vote is held. Sometimes, if the authorities feel that the initiative has a good chance of being accepted, they make a counter-proposal dealing with the issue that was raised by the initiative. That's what we call a counter-project. If the authors of the initiative deem that the counter-project is good, they can cancel the initiative.

To be accepted, an initiative must get what we call a double majority. That means, the majority of the voters nationwide, plus the majority of the voters in the majority of the

⁵ There are a few exceptions, like the annual budget law.

cantons (12 out of 23⁶). If it's the case, the text of the initiative enters the constitution and the parliament is obliged to vote a law implementing it. This double majority rule, a pure expression of federalism, gives a lot of leverage to small cantons. A project accepted by a majority of the voters nationwide can be defeated if the small cantons, which are many, are numerous enough to refuse it. Some parties, knowing this well, tend to focus their campaign more specifically on small cantons before an initiative is put to vote.

Initiatives and referendums also exist at the cantonal and communal level. And you can bet that people make good use of them. In a typical year, any given citizen may vote three or four times, each time on two to ten different issues, federal, cantonal and/or communal. These votes cover a wide variety of topics. The most frequent are healthcare, taxes (yes, we can vote on how much we want to pay in taxes!), welfare, drug policy, foreign policy, public transport, immigration policy, asylum, education... Some of these votes regard vital issues, like those on Switzerland's relations with the European Union. Others regard are very minor ones, like support for a small vivarium or rules about dangerous dogs. Recently, we also had to decide whether the cantons should promote musical education...

As for the issue you want to deal with in your initiative, you're almost completely free. When the Swiss voted on a ban on minarets in November of 2009, a lot of people abroad wondered why the Swiss authorities would take on such an issue. The fact is, they didn't choose to do it. The government and the parliament were opposed to the ban,

⁶ Why 23 and not 26? Because in the voice of the six semi-cantons count half.

as were the vast majority of political parties and media. But somebody had had this idea and managed to collect 100,000 valid signatures supporting it.

There are only two kinds of restrictions on initiatives. First, formal conditions – for example it should deal with only one issue at a time. Second, an initiative that would challenge the basic core of human rights, like the prohibition of torture (the lawyers call this core of principles *jus cogens*), would be technically invalid. It happened only once, to my knowledge. An initiative demanded that any asylum seeker who had entered Switzerland illegally would be automatically expelled, as well as asylum seekers whose request would be deemed invalid. It was judged contrary to the core of human rights and was invalidated by the parliament in 1996.

But the significance of direct democracy goes WAY beyond the votes. It influences the whole political process, in several ways. It encourages political parties to form coalition governments, to minimize the risks of an opposition blocking the system by launching referendums systematically (more on that later). It gives a high degree of legitimacy to decisions taken in a popular vote: those who don't agree with the result usually keep quiet as "the people" is the supreme authority of the country (Swiss political jargon even calls the voters "the sovereign"). And it forces the authorities to listen to all sectors of the population.

To better understand that, put yourself in the shoes of the government. You want to make a bill amending, say, labour law. If you don't want to risk it being wiped out in a referendum, you'd better make sure that it won't antagonize the trade unions or the employers too much, before presenting your bill to the parliament. You will get their

opinion, and maybe amend this or that provision, not because you think it's bad, but because you realize it's not acceptable for a main player. So in Switzerland, before almost any significant law is adopted, there are endless rounds of studies, negotiations, consultations and discussions. A project can be significantly altered in the process, even before it reaches the parliament.

Thanks to this way of working, lobbies play a significant role. They can be charities, trade unions, employer's associations, environmental NGOs, consumer's right defenders, big corporations, influential academics... All of them routinely try to influence political processes, directly or indirectly, by discretely taking part in the consultations or openly threatening to launch a referendum if this or that unacceptable provision is not suppressed. It is usually seen as a legitimate activity, even if some players are sometimes accused of having too much leverage - like the health insurance providers. That's one of the reasons why being a Swiss politician requires a healthy dose of modesty. It's not a country where you can easily leave a personal imprint with a bold reform. Decisions involve a long collective process and the result is often a compromise that leaves no one entirely satisfied, but few seriously opposed. That also explains why a federal minister who's defeated in a referendum doesn't resign: the law that was rejected is often not their personal baby but a collective one.

For that reason, politicians elected to the federal government are usually not inspirational leaders with a great vision. They tend rather to be pragmatists, able to swallow their pride when necessary in order to navigate the intricacies of semi-direct democracy. They often have to present the Parliament with projects that were launched by their predecessors and they know full well that parts of the projects they launch will be completed by their successors. That can sometimes be a problem: it is widely admitted that, in

the process of defending bank secrecy against pressures from abroad, the government completely lacked an over-reaching strategy and reacted on an ad hoc basis to pressures from abroad. But politicians have still more powerful reasons to keep their pride in check, as we will see in the chapter about coalitions.

3) Majority and Proportional Elections

"Thou shalt win, but not too much"

Majority or proportional elections, that seems a bit technical for you? Think twice. Just take a look at the differences between the United States and Israel.

The United States elects their House of Representatives on a majority basis. That means the country is divided into as many constituencies as there are seats (435). In each constituency, the winner gets the seat. If one candidate gets 49.0005 % of the vote and the other wins 48.9995 %, the first one is elected and the second gets nothing. For the Congress, there's also a majority vote, though the rules are slightly different.

The result? In a winner-take-all system, the strongest party at any given moment has a huge advantage, and the small parties have very little chance of getting a seat. It creates compact and often absolute majorities - at the moment, the Republicans have 233 of the 435 seats in the House of Representatives. And if the House, the Senate and the president happen to belong to the same party, they are in a good position to impose whatever they want⁷. If not, politics is a fight between the two parties that dominate the different branches. And if you like neither of the two parties, your point of view goes unrepresented.

⁷ Within certain limits: the Supreme Court also plays an important role.

Israel, on the other hand, has a proportional vote. Every party that gets at least 2 % of the votes in the country wins a number of seats that is proportional to its percentage. The result? At the moment, 12 different parties share the 100 seats of the Knesset, the Israeli unicameral parliament. Likud Yisrael Beytenu, the party with the most seats, has 31. But alone, it cannot decide anything. To rule in that system, you have to make alliances, and the present coalition, for example, is composed of 5 different parties.

The advantage of this system? It represents the diversity of the country. Minorities, like the Arabs or the ultraorthodox, can have their own party in the parliament. The drawback? It makes governing much more difficult as you have to forge agreements between a lot of different parties if you want to win a vote. And some very little parties can negotiate big advantages in exchange for supporting the government.

And in Switzerland? From what you've read so far, you may guess that an American-like system doesn't fit the political culture. Traditionally, the Swiss prefer to sit on the fence so as not to offend the sensitivity of others. But when they created the federal state, in 1848, they needed to make it efficient. So they choose a mix of the two. The Parliament is divided into two chambers, with equal powers: a bill must be accepted by both chambers in order to become law. The lower chamber represents the Swiss people, with the vote of each citizen carrying (almost) the same weight. Its 200 seats are divided between the cantons according to their population (currently, they each have between 1 and 34 seats). They are attributed to parties on a proportional basis. Since the political landscape is very fragmented, this system gives an advantage to big parties that have a rather clear position either on the left (the socialists) or on the nationalist right (UDC). They dominate the lower chamber.

The upper chamber represents the cantons. It embodies the federalist principle, with each canton treated on an equal basis, whatever its size or population. Each one sends two representatives (one for semi-cantons), usually elected with a majority system. With their sharply defined profile, the parties that dominate the lower chamber have more difficulties winning a majority election. What you need here is a collegial profile, likely to attract votes outside your own circle of party supporters. Thus, the upper chamber is dominated by parties that are less clearly profiled: the Christian-Democrats and FDP. The Liberals.

Thanks to the different natures of the two chambers, it is not easy for one party to impose its will on the others. They have to make alliances. This ensures a long decision-making process, with plenty of negotiations between the various parties. Sometimes, two or three of the bigger parties manage to unite behind a project and vote on it without too much ado. Other times, lengthy negotiations lead the way to compromises that don't leave anyone triumphant. Sometimes, years of discussion lead the way to a law, which is rejected in a referendum. At times, it's the Parliament itself, which, unable to reach a compromise, drops a hot potato. Take it the way you want, being a Swiss politician is not the easiest job on this planet.

At the cantonal level, parliaments (and some governments) are also elected on a proportional basis, which ensures a wide variety of parties. Here again, the name of the game is to forge alliances. Some of them are permanent - like the alliance between the Greens and the Socialists. That doesn't prevent the two parties from occasionally voting differently. Alliances can also be a tit-for-tat - you support me for this one and I'll pay you back on that one.

4) Coalitions

“Thou shalt rule, but not alone”

There is no lack of governments in Switzerland: there are 27 of them (the federal one and the 26 cantonal ones) in an area 1.7 time smaller than the biggest German state (Bavaria). And every single one of these 27 governments is a coalition. Not of two or three parties, but usually broad coalitions with the left, the traditional right and often the nationalistic right (more on these distinctions on the chapter about players).

But there is a huge difference between Switzerland and other countries used to governing coalitions. Take Denmark. As you know if you watched the excellent tv series *Borgen*, before a new government is formed, there are tight negotiations between the parties, about the ministries they will get, the political programs they will implement, etc. You'll find nothing like that in Switzerland. The logic is different: it is broadly agreed that every significant party is entitled to sit in the government – we call that “concordance” in French. There's not really a majority and an opposition: there are big parties, who are in the government, and small ones, that are not. But one of these small parties can be close to one or more of the government parties. So they don't need to form an opposition.

Why is it this way? First, the Swiss mistrust power. They don't like to see it concentrated. Whereas the US likes strong powers mitigated by checks and balances, the Swiss like weak powers, distributed among many different players. Second, at the federal level at least, it lies in the logic of the system. In a country where local powers are strong and the population diverse, a wide coalition is less likely to be seen as the representative of one part of the country only, excluding the others. And finally, because a coalition is better equipped to deal with the traps of semi-direct democracy.

To understand this, stand in a federal minister's shoes for a minute. You want to pass an important piece of legislation. But you know that if a strong player is opposed to it, they may support a referendum and win it, sometimes annihilating years of preparations. One way to prevent this is to have the most significant parties in the government. It doesn't deter them from supporting a referendum once in a while, but since they have a share of the pie, it's probably less frequent than if we had a majority versus opposition system. Since the ministers are supposed to support the government position whatever their own opinion, at least one significant member of each significant party theoretically supports the project (theoretically because when they don't, they don't always make a lot of effort to hide it).

Take the federal government. It has seven seats, a number determined in the Constitution and that hasn't changed since the creation of the federal state, in 1848. They are elected one by one by the Parliament. Why not by the people? Because in a multilingual country, creators of the federal state thought that candidates of one linguistic region would have difficulties campaigning in the others. Since then, initiatives proposing to let the people elect the government directly have been rejected three times in popular votes, most recently in June 2013, by an overwhelming majority. People didn't see any compelling reason to change the system.

The logic that has existed over the decades is that the three biggest parties get two seats each, the fourth party one seat. This is known as the magic formula. The situation has been a bit more complex in recent years, since a split in the biggest party (UDC) resulted in the smaller wing (PBD) occupying a seat, even though its electoral weight wouldn't allow it. But many players consider this a temporary anomaly.

When I said that there are no negotiations about a program or the distribution of ministries, you shouldn't conclude that there are no negotiations at all. There are a LOT of them (the night before the election is called "night of the long knives" by the media). But they focus on which representative of a party will be elected to a vacant seat – if there is one. The candidate is not necessarily the best, but the one which corresponds better to a complex set of conditions. He/she should be from the right canton, so as to ensure that the different regions of the country are equitably represented in the government. He/she shouldn't have a too clear-cut a political profile. He/she should show a readiness to cooperate with colleagues from other parties. He/she should be the right gender.

Being elected into the government is not easy, but once you're in, the general rule is: you remain until you decide to retire. In the meantime, you're almost always re-elected by the parliament. Since 1848, only four ministers were not: two in the 19th century and two in the recent years (2003 and 2007). This marks a sign of a change in the political atmosphere, about which we'll talk in chapter four.

Why this almost automatic re-election? Because with such a diverse coalition, if members of parliament started not to re-elect ministers of a rival party, they would be paid back immediately and it could degenerate quickly into a big boxing match. The whole idea of the coalition (having a government that reflects the diversity of the country, so that all its main components feel represented) would be jeopardized. When members of parliament want to show some discontent towards a minister, some of them vote for an outsider who's got no real chances. The minister is re-elected with a low tally of votes and everybody gets the message.

In the cantons, the way coalitions are formed is simpler: members are directly elected by the people. There are no

nights of the long knives. Parties present candidates. People vote in two rounds. The candidates with the highest vote tally are elected whatever their party. Period.

In fact, the idea of ruling in broad coalitions is so ingrained that nobody tries to win all the seats. In Geneva, political parties form alliances (like the Entente, with the traditional right or the Alternative, with the socialist and the Green party). There are seven seats in the government but no big alliance presents seven candidates. They accept from the beginning that they will share the government with the other alliance.

Only once did the right-wing alliance present seven candidates; in the 90's. The result was devastating: they won the seven seats. They thought that it would give them the possibility to implement a bold policy and move the canton forward. After four years, they had to admit that politics are a bit more complicated than that. The overall record was disappointing and for once, they couldn't share the blame with the left. For the next election, they prudently reverted to a four candidate list. Phew. Taking the risk of a complete victory? Never again.

What about the Swiss president? Each of the seven federal ministers, by turn, takes the job for one year. It's nothing tremendously important. The Swiss president is not the head of state. As the main French-language Swiss news magazine, *L'Hebdo*, puts it: "To be president consists mainly in chairing the meetings of the Federal Council (the government) once a week. To this, add up a few other obligations like presenting the government's greetings to the Swiss at New Year's and receiving these salutations from the diplomats serving in Switzerland. The president also receives the foreign heads of state, but that happens only once or twice a year. In our modest Helvetia always worried about not concentrating power too much, the president is *primus inter pares*

(first amongst equals).⁷⁸ The newspapers don't make big headlines about the successor – though it's gradually changing with the increasing personification of politics.

There's so little power attached to the position that when his turn was about to come, in 2013, UDC minister Ueli Maurer was less than enthusiastic. "I haven't got the choice," he said. "It's the tradition". But people of his inner circle made clear that he would have been glad to skip his turn.

Now you can understand my feeling of numbness in Cairo underground, when asked about the president of Switzerland. It was early January, the president had just changed and, as I was taking classes in Egypt, I hadn't followed the Swiss news closely. Please don't cast stones at me (or at least, not for *that*....)

With its flexible ministers lacking in vision – and a boss – the federal government is usually considered to be weak. A renowned journalist friend of mine who covers Swiss politics refers to government ministers as "the flunkys of the parliament". That's less the case in the cantonal governments, where ministers are elected by the people. Pale personalities have fewer chances of winning votes.

5) Part-time politicians

"Thou shalt earn thy living by thyself"

Most Swiss are not big dreamers. They're rather down-to-earth and want their politicians to be, as well. And in the traditional Swiss view, there is a way of guaranteeing this: making the members of parliament part-time politicians, so that they are obliged to continue working in their profes-

⁷⁸ *L'Hebdo*, 20 septembre 2012, p. 24



sions and to remain firmly connected to the "real world." In this view, part-time politicians are closer to the people, closer to the economic realities, more pragmatic and more likely to represent the general interest. Proposals to make the parliament professional by raising the remuneration are sure to be met by comments like: "We don't want to breed a class of technocrats who won't remember what it is to have a real job," or "how can they want to earn more when most people strive hard to make ends meet."

That's one of the reasons why Swiss parliamentarians are paid less than the French, Italians or Germans. They're far from being destitute, though. A member of the lower chamber earns about 6400 CHF a month (plus a bit less than 4700 a month for their expenses: travel, accommodation, food, equipment and hiring staff) for a job which is supposed to be more or less half time. A member of the upper chamber gets a bit more, as they participate in more parliamentary commissions: around 7500 CHF a month (plus a bit less than 5200 CHF for their expenses). That's quite decent, if you compare it to an average salary, or that's not so much, if you compare it to the responsibilities that go with it. Members of parliament don't have a good support infrastructure either. They don't get an office: only non-personal

workplaces are available in the federal parliament building. Forget about cars, full-time personal assistants or housing.

The majority of the Swiss want their members of parliament to continue working on a part-time basis. But that view doesn't always correspond to reality. Historical data shows that there were always a significant number of de facto full-time politicians in the parliament. They don't write "politician" on their business card, but their parliamentary activity is a continuation of their professional one. They have occupations such as trade unionist, executive in an employers' association, an NGO or a political party, minister in a canton, etc. They defend the same causes in their "day job" and in the parliament. As the remuneration of members of parliament has increased, some of them now dedicate themselves to that task on a full-time basis. Altogether, during the 20th century, these full-time politicians represented between a quarter and a third of the members of the federal parliament.

But still, the others are part-time or, as we say in French, *militiciens* (militia-men). Lawyer is the dominant occupation, but you also find a lot of business people – together, during the 20th century, they always represented about half of the federal parliament. That is surely one of the reasons why Switzerland is a business-friendly country.

You find the same phenomenon in the cantonal parliaments, though not in the same proportions. It's up to each canton to determine the remuneration of the members of their parliaments. In Geneva, they earn on average 2500 to 3000 CHF a month for a task that takes about 10 hours a week. But the amount can vary according to the number of commissions they sit in, and parties usually take their share.

Yet, being a part-time politician is becoming increasingly difficult as issues become increasingly complex. The electricity market, pension schemes or relationships with the EU have reached a degree of complexity that makes them hard to grasp for the non-specialist. The danger is that part-

time politicians may just nod their heads at what the specialists (lobbyists or civil servants) tell them. Many people think that the system has reached its limits, but the mistrust of professional politicians is such that the conditions have not been met to change things.

6) Social partnership

"Thou shalt let the economy take care of itself"

If you tell a French or an Italian that Swiss labour law doesn't define a minimum salary and allows employees to work up to 50 hours a week, they'll probably open wide their eyes and assume that this must be a nightmarishly oppressive capitalist jungle. Yet, in reality, the lowest salaries are far higher than French or Italian legal minimum wages. Salaries in general are markedly higher than in the neighbouring countries. And if people work, on average, more than in France and Italy, most still work between 40 and 42 hours per week.

The Swiss labour market is far from being a jungle. It follows strict rules. The difference is cultural. Where some countries, like France, trust the law and the state to define these rules, Swiss have a much more bottom up approach. Labour law defines a framework. In most sectors, the details are negotiated directly by trade unions and the employers' associations, or, in bigger firms, by the employees and their employers. They are embedded in collective bargaining agreements, which typically contain provisions about salaries, working hours or holidays. They also contain a commitment to solve disagreements by dialogue rather than by strikes or lockouts.

In Geneva, about 60 sectors are covered by a collective bargaining agreement, and about 40 firms have their own. They cover mostly the traditional economy. And if, in a cer-

tain sector, employers that have not signed the agreement offer salaries that are too low, the collective bargaining agreement – under certain conditions – can be declared compulsory for the whole sector. There are still errant firms who don't play the game and pay salaries that are too low, notably in the building industry. But it's prohibited, as it would be prohibited for a French or Italian employer to pay people less than the minimum French or Italian legal salary.

These industrial relations, which the Swiss refer to as "social partnership," are still tremendously important in the traditional economy. The authorities don't like to meddle too much in the business of employers and trade unions. Social partnership is seen as more flexible than legislation. It allows for example trade unions to negotiate much higher minimum salaries in a sector that can afford it, like the banks, than in sectors that are more fragile, like the cleaning industry. It also allows sectors to choose their priorities. The trade unions and employers of the building industry, a sector where work is physically taxing, have managed to set an early retirement scheme. But the price to pay was to slow down the progression of salaries. Other sectors may make another choice and focus more on salaries. The Swiss believe that with this system, the situation, needs and problems of each sector, often in each canton, are better taken into account than if the 246 parliamentarians in Bern were deciding what's good for everybody. It is widely considered that this system is one of the keys to Switzerland's prosperity, since it ensures both stability and flexibility.

At this point, you may think: OK, that's nice enough, but I work in a start-up/diplomatic mission/international organisation/multinational company. I'm not a member of a trade union and not subjected to a collective bargaining agreement. I'm not really concerned with social partnership.

Think again. If you live in Geneva, you probably feel its impact every single day of the week, even if you don't identify it as such.

I hear a lot of expatriates complain about shop opening hours. Actually, they vary a lot. In Zurich, for example, shops are free to open until 11 p.m., Monday to Saturday. In Lausanne, they have to close at 7 p.m. during the week and at 6 p.m. on Saturday. In Geneva, hours are more complicated⁹. Who defines that? It depends. Theoretically, in Geneva, the cantonal authorities: shop-opening hours are written into the law. In other cantons, like Vaud, the communes determine them.

But in practice, in Geneva, it has always been considered that it's the task of trade unions and employers to find an agreement on that point and that the law should just reflect their decision. The present opening hours are the result of a compromise found in the early 2000's. The parliament just copied its results in the law, without even considering amending them¹⁰.

Since then, society and habits have evolved and the demand for longer opening hours increased. But the trade unions have never shown any willingness to bend in that direction. So members of the Geneva parliament close to the employers' associations tried to bypass social partnership and managed to pass a law allowing shops to remain open until 8 p.m. (7 p.m. on Saturdays). The trade unions launched a referendum, arguing that this would deteriorate

⁹ Shops have to close at 7 p.m. Monday to Wednesday, 9 p.m. on Thursday, 7.30 on Friday and 6 p.m. on Saturday.

¹⁰ Main train stations, airport commercial centres, highway shops and family businesses that don't hire workers are not concerned by the law. That's why they often stay open late.

tain sector, employers that have not signed the agreement offer salaries that are too low, the collective bargaining agreement – under certain conditions – can be declared compulsory for the whole sector. There are still errant firms who don't play the game and pay salaries that are too low, notably in the building industry. But it's prohibited, as it would be prohibited for a French or Italian employer to pay people less than the minimum French or Italian legal salary.

These industrial relations, which the Swiss refer to as "social partnership," are still tremendously important in the traditional economy. The authorities don't like to meddle too much in the business of employers and trade unions. Social partnership is seen as more flexible than legislation. It allows for example trade unions to negotiate much higher minimum salaries in a sector that can afford it, like the banks, than in sectors that are more fragile, like the cleaning industry. It also allows sectors to choose their priorities. The trade unions and employers of the building industry, a sector where work is physically taxing, have managed to set an early retirement scheme. But the price to pay was to slow down the progression of salaries. Other sectors may make another choice and focus more on salaries. The Swiss believe that with this system, the situation, needs and problems of each sector, often in each canton, are better taken into account than if the 246 parliamentarians in Bern were deciding what's good for everybody. It is widely considered that this system is one of the keys to Switzerland's prosperity, since it ensures both stability and flexibility.

At this point, you may think: OK, that's nice enough, but I work in a start-up/diplomatic mission/international organisation/multinational company. I'm not a member of a trade union and not subjected to a collective bargaining agreement. I'm not really concerned with social partnership.

Think again. If you live in Geneva, you probably feel its impact every single day of the week, even if you don't identify it as such.

I hear a lot of expatriates complain about shop opening hours. Actually, they vary a lot. In Zurich, for example, shops are free to open until 11 p.m., Monday to Saturday. In Lausanne, they have to close at 7 p.m. during the week and at 6 p.m. on Saturday. In Geneva, hours are more complicated⁹. Who defines that? It depends. Theoretically, in Geneva, the cantonal authorities: shop-opening hours are written into the law. In other cantons, like Vaud, the communes determine them.

But in practice, in Geneva, it has always been considered that it's the task of trade unions and employers to find an agreement on that point and that the law should just reflect their decision. The present opening hours are the result of a compromise found in the early 2000's. The parliament just copied its results in the law, without even considering amending them¹⁰.

Since then, society and habits have evolved and the demand for longer opening hours increased. But the trade unions have never shown any willingness to bend in that direction. So members of the Geneva parliament close to the employers' associations tried to bypass social partnership and managed to pass a law allowing shops to remain open until 8 p.m. (7 p.m. on Saturdays). The trade unions launched a referendum, arguing that this would deteriorate

⁹ Shops have to close at 7 p.m. Monday to Wednesday, 9 p.m. on Thursday, 7.30 on Friday and 6 p.m. on Saturday.

¹⁰ Main train stations, airport commercial centres, highway shops and family businesses that don't hire workers are not concerned by the law. That's why they often stay open late.

the working conditions of the employees, and they won in 2010¹¹.

Being defeated in a popular vote is often the fate of propositions made by those who try to bypass social partnership. Industrial relations have got tougher in recent years and trade unions increasingly resort to imposing their views through initiatives as opposed to using social partnership. They have launched initiatives for 6 weeks of holidays or a 36 hour work week. We will have to vote soon on an initiative demanding a national minimum salary (the trade unions talk of CHF 4000 a month). These initiatives are usually refused, sometimes by a wide margin, to the amazement of some foreign media ("how can the Swiss *refuse* to have more holidays?"). I hope it makes a little bit more sense to you now.

¹¹ The case is not closed. There are now talks at the federal level about allowing shops to open from 6 a.m. to 8 p.m. (7 p.m. on Saturday). If a law is voted on the subject, there will surely be a referendum.