

INITIATIVE AND REFERENDUM

The following letter appeared recently in Henry Watterson's paper, the Louisville (Ky.) Courier-Journal:

To the Editor of the Louisville Courier-Journal:

In the Courier-Journal of the 11th inst. appeared the full text of a chapter from my "Swiss Republic" on the referendum.

As it was written in 1890 a brief supplement statement may be permitted.

So much has been written of late years about the Swiss referendum and initiative that anything more would appear superfluous, were it not for a serious movement to adopt these institutions in this country, a movement that has taken positive shape in a number of political platforms and advocated by many of our writers and public men asking that the Swiss example be followed.

Switzerland takes the lead in democratic reforms. In federal and cantonal institutions she is rich in lessons of political instruction. During the last 600 years every kind of self-government and every form of federalism has been exemplified there. Since none can claim a longer democratic past, she must be placed in the first rank as possessing the most advanced and the most thoroughly tested republican institutions; still justifying the opinion expressed by Burke more than one hundred years

ago that "the people at once are the happiest and the best governed on earth."

The referendum and initiative have now become the characteristic political features of Switzerland. Sir Francis Adams, late British minister at Bern, in his work upon the Swiss confederation, says: "A sufficient period has elapsed to allow the people of Switzerland to form an opinion of the working and results of the referendum and it has struck root and expanded, and no serious politician of either party would think of attempting its abolition."

Through it, monopoly has been overthrown, the railways have become public property; the telegraph, telephone, the parcels post and express service under government supervision have become the best in existence.

On the whole, the Swiss referendum has shown itself economical, adverse to centralization, to strong power, to heavy outlays and hostile to a radical policy. It has placed the whole government of the confederation upon a more democratic basis than is to be found in any other country, making "government of the people by the people" a thorough reality; it has greatly increased the educated interests taken in politics by the voters. The consciousness of the individual influence as well as the national feeling has been strengthened, with a larger participation of the people in the vote and a keener interest in political questions.

Direct legislation in Switzerland has taken politics out of the control of wire-pullers and practically destroyed the "political boss" and his machine by placing all important issues in the hands of the electors, whose decision is at once clear and definite, and carrying more weight than that of any representative body. In the sense in which we use the term, there are no political or elaborate party organizations, that exist with us. The Swiss exercise their rights with great sturdiness and independence. Nor do they obey the dictation of parties; and this is a point that merits particular attention, for it is essential to the successful working of the referendum and initiative system. If indeed in a land where the parties are as stable as they are in Switzerland, the people voted as their political leaders directed, the laws passed by a majority of the legislature would almost invariably be ratified at the polls. Not only is this very far from being true, but in many cases the parties as such do not make any campaign or canvass the country on the referendum and the popular vote is not cast on party lines.

In one striking feature the referendum has been found in practice to work very differently from what its advocates believed and its opponents dreaded. Fostered and finally introduced by the radicals and violently opposed by the conservatives, it was believed, by politicians of both parties, to be a powerful weapon for radical measures. Far from being the case, it is found to act as a very potent conservative agent, as a drag upon hasty and socialistic law-making, opposing itself equally to extremes in either a forward or retrogressive direction. Several very marked tendencies are observable in the treatment by the Swiss of the various measures submitted to them; The most conspicuous of these is a tendency to reject radical laws, and in both federal and cantonal matters the people have shown themselves more conservative than their representatives.

Mr. Numa, one of the most eminent men of Switzerland and for many years a member of the federal council (the executive power), in referring to the referendum, thus hap-

pily describes it: "The system has borne good fruits. The people have generally shown themselves wiser than the meddling politicians who have tried to draw them into systematic opposition. The net result has been a great tranquilizing of public life. And when the ballot is pronounced everybody accepts the result. Adapted to a people fundamentally democratic, like the Swiss, the referendum is unquestionably one of the best forms of government ever attempted. The idea of employer and employed, of the sender and the sent, which lies at the root of the representative system, becomes an absolute reality. The people still choose their representatives to make the laws, but they reserve the right of sanction. The craftsman carries out work to his own satisfaction; the employer who gave the order is of a different opinion and sends it back to be altered. It is perfectly simple; each has done his duty within limits assigned him; there is no ground of quarrel. The legislator is not discredited; he is only in the position of a deputy whose bill is not passed. There is no question of resigning and there is clearly no want of confidence."

The effect of the referendum and initiative in Switzerland indisputably has been to make statutory legislation more quickly and faithfully responsive to the public wish, and to render the constitution more easily amendable than that of any other country which is embodied in writing.

All observant students of popular government must be impressed with the great progress that has been made in the last few years in regard to far-reaching political reforms, which are likely to exert a grave influence upon our constitutional systems. It has not been long since the terms referendum and initiative were almost unknown. Today there is scarcely a country in which great bodies of the people do not know that the referendum means the reference of new laws or regulations, on the petition of a certain number of voters, to the general vote of the citizens for approval or rejection before they can be legally enforced, and the initiative is the method by which a certain number of voters can originate bills and new laws, and in spite of the refusal of the legislative body to adopt their views can compel it to submit them to a popular vote.

Sir Henry Maine, in his work on "Popular Government," predicts for these innovations a "considerable future in democratically governed countries."

No system which seeks to secure the realization of the democratic ideal can be complete unless some provision be made, first that the ratification of legislation shall rest with the people themselves, and second, that in case of necessity the people themselves shall have the power to initiate legislation. Both of these provisions have worked smoothly and well with the best results in Switzerland and in the British colonies.

The inevitable influence of the wide extension of government prerogatives on popular liberties and local autonomies is beginning to make itself discernible. Experience is demonstrating the fact that complete political liberty can only be maintained in a country where the part played by the government is clearly defined and not unlimitedly extensive. As democracy is older than aristocracy, or monarchy, so government by the people is older than government by a part of the people. If power be transferred to the people, it is impossible that they should abuse it, for the interest which they will try to promote will be the interest of all, and the interest of all is the proper end and object of legislation. Vox populi vox Dei is an old saw often sneered at, but it

contains the germ of a great and glorious truth; for in the long run the voice of the people will ever be on the side of right and justice.

Laveleye, a distinguished Belgian publicist, says: "If liberty and democracy succeed in maintaining themselves, it is quite certain that the desire of the people to take the reins of government into their own hands will manifest itself more and more as they become better educated and realize the close connection which exists between legislation and their individual interests."

The referendum and initiative have been called the "children of democracy." They are defensive weapons which can be kept in reserve by the people against the two hasty impulses of their irrevocable mandates. They are calming and conservative institutions, and in the opinion of Mr. Bryce in his "American Commonwealth," "operate as a bit and a bridle rather than a spur." Their tendency is to sever legislation from politics, having an elevating and educative influence upon the voters, inducing them to consider measures upon their merits instead of mere party proposals.

In fact, the referendum and initiative are not entirely new things in our practice. They are simply an extension of what we have in constitution making and in a variety of local matters. The principle that sanction by a popular vote is necessary for the adoption or amendment of a constitution prevails almost universally in the United States and is imbedded not only in state constitutions, but in our federal organic law. Then we have something like the initiative in our federal constitution, the fifth article of which provides that if the congress refuses to propose certain

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