

should be effective only after they had been approved by an absolute majority of the citizens. The national constitution of 1848 was itself subjected to a vote of the people and ever since the same procedure has been followed in all proposed changes.

This democratic movement of the thirties and forties, which resulted in the adoption of the constitutional referendum opened the way, at the same time, for the law referendum and law initiative and both have gradually developed up to their present state. In this respect Switzerland has surpassed the United States. At the present time the referendum is compulsory for changes in the national constitution and optional for statute laws. The initiative is optional for a general or partial revision of the constitution and can be revoked by the request of 50,000 citizens, but it takes 30,000 citizens only to protest against any new law and have it submitted to a referendum vote. The law initiative is not used in national affairs, but all progressive parties are striving to attain it. In the cantons, as before stated, the initiative and referendum are compulsory for constitutional changes, but matters of statute laws or the expenditures of large sums of money are in some cantons subject to a compulsory vote and in others to an optional referendum. Nearly all the cantons have the law initiative. The number of signatures required to invoke an optional referendum or initiative varies in the different cantons with the population. In canton Zurich, with a population of 450,000, it requires 5,000 signatures. In Bern, population 600,000, 12,000 signatures are necessary. In canton St. Gall, with 250,000 inhabitants, 4,000 citizens must sign. In Vaud, 6,000 are necessary out of a population of 290,000.

During the last few decades a goodly number of cities and villages have adopted the referendum, but this can not be called a new democratic acquisition, as the citizens of these communities had already been accustomed to meet and express their will in a popular assembly—at, for instance, the school house or church. After the installation of the referendum they could vote in different parts of the city. For example, the city of Zurich, with 180,000 inhabitants, has a compulsory referendum at which the people pass upon all resolutions of the great city council involving an expenditure of money for any object, either exceeding 20,000 francs annually or a single appropriation of 200,000 francs and upward. Likewise a referendum vote must be taken on any matter affecting the local government whenever asked by thirty members of the great council or by 2,000 citizens. Somewhat similar to this is the municipal referendum of Bern (population 75,000), but here only 500 signatures are necessary to take the initiative.

And now arises the question: Why did the Swiss people become dissatisfied with the purely representative system of government and combine with it direct legislation, thus limiting the power of the former? One might feel inclined to answer that no form of government is perpetual; that in the course of time new forms will supplant old ones; that all people known to history have an inner impulse to steadily enlarge their conceptions of liberty; and that the masses always strive to gain material benefits and realize higher things in life which the classes always strive to withhold from them. But I wish to reply more definitely by citing two instances from Swiss history.

The referendum made its entre to the Swiss cantons when the people rose to destroy the aristocratic system of government which sought to entrench itself under the protection of the Holy Alliance (Jefferson called it the Infernal Alliance). The July revolution of Paris was another mighty factor, and this democratic wave swallowed up the last remnant of the ancient regime which had been artificially kept alive. The people demanded and secured a free press, right of assembly, larger election privileges, publicity of the budget, control of the state finances, better educational facilities, and industrial liberty. Then, in order to keep what they had gained and render the future secure, the people declared themselves masters in all constitutional and, in some cantons, of all law questions.

Later on another kind of aristocracy threatened to form. In the fifties and sixties of the last century, Switzerland made great industrial progress and, in proportion with this grew the power of the great stock companies, or corporations, which built railroads, organized banks, and so on. This affected the government, because many of the legislators or other state officials were at the same time directors in these corporations. In their former capacity they granted concessions to the banks and railroads, and in their latter capacity they shared the bene-

fits of such privileges. In the Canton of Zurich this state of affairs was called "the system," meaning by this a systematic intermixture of state and private interests in which the credit, money, and railroad powers formed a "coterie behind the curtain" which ruled the canton. Deliverance from this condition was seen to lie in government by the people through direct legislation, and in 1869 Zurich introduced the initiative and referendum in complete form. A new administration was elected, and this was followed by the enactment of a number of socialistic-political measures curbing the power of the capitalists and relieving the burdens of the masses. With the same purpose in view and from the same causes, a number of cantons followed the example of Zurich. Of course these stock companies of Switzerland had not the immense power of the American trusts, but was it not the wise thing to stop their aggressiveness and oppression by the rule of the people? The primary cause of the referendum (I sometimes use the word inclusively) is herewith, I believe, plainly stated. A detailed account of the results of its use may now follow.

Naturally it is impossible to mention all of the local cantonal, and national referendum votings which have taken place during the past eighty years. Quality rather than quantity must obtain and I shall select some especially significant and more recent examples, believing the reader will be more interested in them.

To begin with, the referendum acts as a lever to economic emancipation and reform. One of the first accomplishments of the law referendum was the factory act of 1877, containing a great number of provisions for the protection of working-men and establishing a "normal work day" for factories. A hot fight was waged and it passed by a small majority, but after its enactment it could not have been repealed and no effort has ever been made to do so. Three years later, in 1880, a paper currency measure was passed by 50,000 voters taking the initiative. This bill gave a monopoly of issue to the government by abolishing the currency bill systems of the private banks, and secured the profits to the government. It was intended at the same time to establish a state bank, owned and controlled by the government, but the authorities had scruples as to its constitutionality and it was defeated by a coalition of the party in power and the private banks. The defeat was, however, only temporary. The act authorizing the government to issue currency bills, which had been lauded as a "cure-all" against a monopoly by the government, was shown to be inadequate, and in 1891 the government itself submitted an act placing the issue of paper currency wholly in its own hands, and a large majority answered in the affirmative at the voting.

The adoption of the factory act and the agitation for this currency law cut the way for social progress and opened large perspectives in other directions. It was followed by the adoption of employers' liability acts; of laws creating holidays for post, telegraph and railroad workers; and others strengthening the relief funds of the railroad employes. The way was opened for the creation of the international labor bureau in Basel by negotiations with foreign governments, and an appropriation by the Swiss government. The Swiss National bank, though not entirely a governmental institution, and the exclusive issue of paper money by the nation, are today accomplished facts. Other results of the referendum are the alcohol monopoly and the purchase of the railroads by the nation. A revenue of, say 6,000,000 francs (\$1,200,000) is realized from the alcohol monopoly, which is distributed among the cantons. This proves that this monopoly was fiscal in its nature, but it prevented another form of taxation, inasmuch as the cantons would have suffered loss of revenue by prohibiting private companies from manufacturing spirits. From a sanitary point of view the alcohol monopoly abolished a serious nuisance by putting out of business about 1,400 small distilleries. Its benefits still continue, since ten per cent of the profits each year are given to societies which are combatting alcoholism.

When the railroads were first built there was a party which insisted that the government do it, but the federal congress favored private ownership, the canton Bern being the only one to secure a prominent system by the appropriation of considerable sums of money. In 1883, the franchises granted the private companies could have been revoked, but the federal congress refused to buy the roads, and in 1891 the Swiss people refused by a referendum vote to authorize the purchase of the Central railway, one of the most important in Switzerland, believing that the proposed price would be exorbitant. But in 1898 sentiment had matured to such a point that

by a vote of 386,000 to 182,000 the people secured the property of all the systems, representing a value of one milliard francs (\$200,000,000) and which now form the Swiss Federal Railroad system.

As an epilogue to these acquisitions in the field of social reform may be mentioned the recent amendment to the national constitution regulating the "water rights" on rivers and streams. When industry began to press electricity into service, only the cantons of St. Gall and Tessin granted franchises of short duration to build plants. The federal government neglected the matter, and not until the people took the initiative did the government submit an amendment, not to nationalize, but to establish a uniform system of statutes regulating the transmission and generation of electrical power. The people ratified this proposal at a referendum vote.

In Zurich the revision of the constitution aimed at the "system" was followed by the creation of a state bank, a progressive property and income tax, and a reduction of the price of salt. Other cantons followed with state banks mainly for the purpose of improving credit facilities for the farmers. They also enacted progressive taxation laws. The Landsgemeinde of Glarus established by statute a factory law, with a normal working day, long before the federal government had such a law.

By means of the initiative and referendum the cities introduced timely reforms. Bern reduced the price of gas; Zurich purchased the street railways and enlarged the system; the city also purchased for 940,000 francs (\$188,000) fifty-four acres of land, erecting thereon houses for workingmen; the city also voted 10,000,000 francs (\$2,000,000) to build an electric power plant and in addition pledged the city's credit for the enlargement of the municipal gas plant and for the erection of a people's temple with a non-alcoholic restaurant, reading and bath rooms.

While discussing economic issues, let me add a word concerning the tariff and the commercial treaties. The Swiss people may vote on the tariff, but commercial treaties are made by the government direct. Recently the people have assumed a different attitude toward the tariff. As the country has large export industries, the under-lying feeling is still for free trade, but since adjoining countries have adopted a protective system, the necessity seemed to arise for Switzerland to do likewise, at least in self-defense. This explains the vote of 332,000 for and 225,000 against the law of 1903 raising the tariff duties.

Referring now to laws relating to personal liberty, the privileges and duties of the citizens, it is to be noted that a lively battle was occasioned in 1875 when civil marriage was made compulsory by a federal statute. The majority in its favor was small but it has never been attacked. Consecration of marriages by the church was not forbidden, but protection was given to those who would not undergo a church ceremony. The law is therefore tolerant to all. Nearly all the cantons have introduced the election of their executives direct, and several have proportional representation. In the national government these two proposals have not been accepted, an initiative measure proposing to elect the executive cabinet directly by the people, and the federal congress by the proportional representation system, having been rejected by the people, although the favorable vote was large. The compulsory military law was, in 1907, the subject of a referendum vote. At former elections this had been defeated, the people not liking its bureaucratic provisions. But this time the people imposed on themselves a considerable burden by extending the time of military service. It was done, however, without incurring "militarism;" the only object being to perfect the system for national defense. The fact that the bill changed the time for military service to the younger years of life made friends for it.

Large sums are spent on the public schools in Switzerland. The federal constitution makes attendance compulsory and free. Some cantons have exceeded this by making the higher schools free and furnishing also text books and writing material. Thus the "land of the referendum" is not opposed to education, and although the taxpayers are slow to raise teachers' salaries at times, they always eventually do so. The more progressive cantons have never failed to make large appropriations for education, but there are deficiencies in some of the poorer mountain cantons. To overcome this the federation in 1902 proposed an amendment to the constitution enabling the government to assist the cantons by appropriations. It was accepted by a large