

**DIRECT LEGISLATION BY
THE CITIZENSHIP
THROUGH THE INITIATIVE
AND REFERENDUM**

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Direct Legislation by the Citizenship Through the Initiative and Referendum by J. W. Sullivan

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UNIV. OF
CALIFORNIA

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AS TO THIS BOOK.

This is the second in a series of sociological works, each a small volume, I have in course of publication. The first, "A Concept of Political Justice," gave in outline the major positions which seem to me logically to accord in practical life with the political principle of equal freedom. In the present work, certain of the positions taken in the first are amplified. In each of the volumes to come, which will be issued as I find time to complete them, similar amplification in the case of other positions will be made. Naturally, the order of publication of the proposed works may be influenced by the general trend in the discussion of public questions.

The small-book plan I have adopted for several reasons. One is, that the writer who embodies his thought on any large subject in a single weighty volume commonly finds difficulty in selling the work or having it read; the price alone restricts its market, and the volume, by its very size, usually repels the ordinary reader. Another, that the radical world, which I especially address, is nowadays assailed with so much printed matter that in it big books have slight show of favor. Another, that the reader of any volume in the series subsequent to the first may on reference to the first ascertain the train of connection and entire scope of the thought I would present. And, finally, that such persons as have been won to the support of the principles taught may interest themselves, and perhaps others, in spreading knowledge of these principles, as developed in the successive works.

On the last-mentioned point, a word. Having during the past decade closely observed, and in some measure shared in, the discussion of advanced sociological thought, I maintain with confidence the principles of equal freedom, not only in their essential truth, but in the leading applications I have made of them. At least, I

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may trust that, thus far in either work, in coming to my more important conclusions, I have not fallen into error through blind devotion to an "ism" nor halted at faulty judgment because of limited investigation. I therefore hope to have others join with me, some to work quite in the lines I follow, and some to move at least in the direction of those lines.

The present volume I have prepared with care. My attention being attracted about eight years ago to the direct legislation of Switzerland, I then set about collecting what notes in regard to that institution I could glean from periodicals and other publications. But at that time very little of value had been printed in English. Later, as exchange editor of a social reform weekly journal, I gathered such facts bearing on the subject as were passing about in the American newspaper world, and through the magazine indexes for the past twenty years I gained access to whatever pertaining to Switzerland had gone on record in the monthlies and quarterlies; while at the three larger libraries of New York—the Astor, the Mercantile, and the Columbia College—I found the principal descriptive and historical works on Switzerland. But from all these sources only a slender stock of information with regard to the influence of the Initiative and Referendum on the later political and economic development of Switzerland was to be obtained. So, when, three years ago, with inquiry on this point in mind, I spent some months in Switzerland, about all I had at first on which to base investigations was a collection of commonplace or beclouded fact from the newspapers, a few statistics and opinions from an English magazine or two, and some excerpts from volumes by De Lavcleye and Freeman which contained chapters treating of Swiss institutions. Soon after, as a result of my observations in the country, I contributed, under the caption "Republican Switzerland," a series of articles to the New York "Times" on the Swiss government of today, and, last April, an essay to the "Chautauquan" magazine on "The Referendum in Switzerland." On the form outlined in these articles I have constructed the first three chapters of the present work. The data, however, excepting in a few cases, are corrected

to 1892, and in many respects besides I have profited by the labors of other men in the same field.

The past two years and a half has seen much writing on Swiss institutions. Political investigators are awakening to the fact that in politics and economics the Swiss are doing what has never before been done in the world. In neighborhood, region, and nation, the entire citizenship in each case concerned is in details operating the government. In certain cantons it is done in every detail. Doing this, the Swiss are moving rapidly in practically grappling with social problems that elsewhere are hardly more than speculative topics with scholars and theorists. In other countries, consequently, interested lookers-on, having from different points of view taken notes of democratic Switzerland, are, through newspaper, magazine, and book, describing its unprecedented progress and suggesting to their own countrymen what in Swiss governmental experience may be found of value at home. Of the more solid writing of this character, four books may especially be recommended. I mention them in the order of their publication.

"*The Swiss Confederation.*" By Sir Francis Ottiwell Adams and C. D. Cunningham. (London: Macmillan & Co.; 1889; 289 pages; \$1.75.) Sir Francis Ottiwell Adams was for some years British Minister at Berne.

"*The Federal Government of Switzerland: An Essay on the Constitution.*" By Bernard Moses, Ph. D., professor of history and political economy, University of California. (Pacific Press Publishing Company: Oakland, Cal.; 1889; 256 pages; \$1.25.) This work is largely a comparative study of constitutions. It is meant chiefly for the use of students of law and of legal history. It abounds, however, in facts as to Switzerland which up to the time of its publication were quite inaccessible to American readers.

"*State and Federal Government of Switzerland.*" By John Martin Vincent, Ph. D., librarian and instructor in the department of history and politics, Johns Hopkins University. (Baltimore: Johns Hopkins Press; 1891; 247 pages; \$1.50.) Professor Vincent had access, at the university, to the considerable collection of books and

papers relating to Switzerland made by Professor J. C. Bluntschli, an eminent Swiss historian who died in 1881, and also to a large number of government publications presented by the Swiss Federal Council to the university library.

"The Swiss Republic." By Boyd Winchester, late United States Minister at Berne. (Philadelphia: J. B. Lippincott & Co.; 1891; 487 pages; \$1.50.) Mr. Winchester was stationed four years at Berne, and hence had better opportunity than Professor Vincent or Professor Moses for obtaining a thorough acquaintance with Switzerland. Much of his book is taken up with descriptive writing, all good.

Were I asked which of these four works affords the fullest information as to new Switzerland and new Swiss political methods, I should be obliged to refer the inquirer to his own needs. Professor Moses's is best for one applying himself to law and constitutional history. Professor Vincent's is richest in systematized details and statistics, especially such as relate to the Referendum and taxation; and in it also is a bibliography of Swiss politics and history. For the general reader, desiring description of the country, stirring democratic sentiment, and an all-round view of the great little republic, Mr. Winchester's is preferable.

In expanding and rearranging my "Times" and "Chautauquan" articles, I have, to some extent, used these books.

Throughout this work, wherever possible, conservatives, rather than myself, have been made to speak; hence quotations are frequent. The first draft of the chapters on Switzerland have been read by Swiss radicals of different schools, and the final proofsheets have been revised by a Swiss writer of repute living in New York; therefore serious error is hardly probable. The one fault I myself have to find with the work is its baldness of statement, rendered necessary by space limits. I could, perhaps more easily, have prepared four or five hundred pages instead of the one hundred and twenty. I leave it rather to the reader to supply comparison and analysis and the eloquent comment of which, it seems to me, many of the statements of fact are worthy.

J. W. S.

THE INITIATIVE AND REFERENDUM IN
SWITZERLAND.

Democratic versus Representative Government.

There is a radical difference between a democracy and a representative government. In a democracy, the citizens themselves make the law and superintend its administration; in a representative government, the citizens empower legislators and executive officers to make the law and to carry it out. Under a democracy, sovereignty remains uninterruptedly with the citizens, or rather a changing majority of the citizens; under a representative government, sovereignty is surrendered by the citizens, for stated terms, to officials. In other words, democracy is direct rule by the majority, while representative government is rule by a succession of quasi-oligarchies, indirectly and remotely responsible to the majority.

Observe, now, first, the influences that chiefly contribute to make government in the United States what it is:—

The county, state, and federal governments are not democracies. In form, they are quasi-oligarchies composed of representatives and executives; but in fact they are frequently complete oligarchies, composed in part of unending rings of politicians that directly control the law and the offices, and in part of the perma-

ment plutocracy, who purchase legislation through the politicians.

Observe, next, certain strong influences for the better that obtain in a pure democracy:—

An obvious influence is, in one respect, the same as that which enriches the plutocrat and prompts the politician to reach for power—self-interest. When all the members of any body of men find themselves in equal relation to a profitable end in which they solely are concerned, they will surely be inclined to assert their joint independence of other bodies in that respect, and, further, each member will claim his full share of whatever benefits arise. But, more than that; something like equality of benefits being achieved, perhaps through various agencies of force, a second influence will be brought powerfully to bear on those concerned. It is that of justice. Fair play to all the members will be generally demanded.

In a pure democracy, therefore, intelligently controlled self-interest and a consequent sentiment of justice are the sources in which the highest possible social benefits may be expected to begin.

The reader has now before him the political principle to be here maintained—pure democracy as distinguished from representative government. My argument, then, becomes this: To show that, by means of the one lawmaking method to which pure democracy is restricted,—that of direct legislation by the citizenship,—the political “ring,” “boss,” and “heeler” may be abolished, the American plutocracy destroyed, and