

The Uncertainty of Decisionmaking in a Direct Democracy

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THE DELEGATION OF POWERS IN DECISIONMAKING

Democracy means government by the people, direct or representative. Most western countries are in fact ruled by the people – some more directly, some less. Perhaps the most direct democracy in existence has been developed in Switzerland. The following notes may give some indications what this means with regard to the decisionmaking in the field of traffic and transport.

The Swiss direct democracy means that the government has mainly an administrative function. Unlike in the United States – whose constitution was a strong guideline for the creation of the Swiss federal constitution of 12th September 1848 – the president has no special powers at all. He is considered “*primus inter pares*”, which means that he is Chairman of the Board running Switzerland like a huge industrial enterprise, but with no powers beyond those of his colleagues among whom he was elected for a one-year term. In this respect, incidentally, it is interesting that the most direct democracy of the world does not elect its president directly by a public vote. The reason is that his election does not mean the adoption of a certain political strategy and that, within this framework, the president would be free to decide as he sees fit for the best of the country.

Also the federal councilors are mainly administrators. Although a “magic formula” has been developed over the years, ensuring that each party, each minority and each national language is duly and in good proportion represented by the seven federal councilors, they do not have any special powers, are not elected directly by the people but by the parliament, and can remain in office as long as they live or until they resign. These councilors – the equivalent to ministers in other countries – thus form a government which cannot be overthrown. They only execute what they are ordered to do by the federal parliament; usually this results in a referendum which can be either accepted or rejected by the people. If rejected, however, this is not a vote of distrust to the government and no reason that a minister should resign. This whole construction may sound curious to citizens of other countries but it has certainly contributed toward a unique stability of government. It is up to the people to decide in all important matters, and if they do not like a government proposal, there are no hard feelings from either side.

The real power is with the federal parliament, consisting of the Senate (upper house), representing the cantons (states), and a Congress (lower house), representing the population in proportion to numbers. Together, these two houses represent the United Federal Congress, the highest power in the government which, among other duties, has to appoint the federal councilors. The president of the National Council (the Congress) is actually the “first man” in Switzerland; he ranks higher than the federal president.

It may sound paradox that this construction which was

designed to provide an extreme stability of government and administration, at the same time has built-in the germ of a deadly paralysis on the decision level. Firstly, the government does not have to produce success in order to fight for survival. Secondly, the responsibility finally remains with the people; if something goes wrong because a vote was rejected, only the voters could be blamed.

When the constitution was drafted in 1848, things were still straight-forward, simple and comprehensible also for the average citizen. To entrust him with the final decision in many matters of utmost importance was, therefore, not too much of a risk. The first little railroad had just been constructed, the main problems were religion, alcohol and similar items. It should be borne in mind that the Swiss democracy is basically very decentralized, the federation principally doing only what cannot be done on a cantonal basis. This entails mainly foreign policy, the monetary system, the postal service, military questions and the like. All states – the cantons – have their own constitutions with quite a strong autonomy. So, most decisions of importance are being taken on this level. Since 1848, of course, there were many changes. In 1874 the constitution was completely revised, and since this date more than seventy amendments were added or articles exchanged.

TRANSPORT REQUIRES CENTRALIZED PLANNING

Right from the beginning of the present constitution (revised in 1874), the federal government retained the right to retain legislative authority on railway transport. Article 26 states bluntly that “legislation concerning construction and operation of railways is a federal matter”. This does not mean that the public is excluded from the decisionmaking in this field; all it means is that railways are not a cantonal matter as the highways were and still are. All laws concerning railway traffic had to be submitted to the people, including the proposal to nationalize most of the Swiss railways around the turn of the century (which now, incidentally, accounts for one fourth of our national deficit). Quite early, however, the federal government has taken advantage of this legal situation – and also of the fact that more and more it had to subsidize the federal railway system – by building up a legislative structure which virtually excludes the public from any decisions of importance. Also being a very convinced democrat, one has to concede that this is the only feasible way to run our rail transport.

A few issues which, by constitution or otherwise, remained in the power of decision by the people, have been subject to discussions for decades. Particularism and local interests make it virtually impossible to find solutions of national importance and so most of these questions just remain unsolved. This can be seen most clearly in the question of a new alpine tunnel, but to a lesser degree also in minor problems like a national

scheme for removal of at-grade railway crossings, the redesign of the main station in Zurich and others.

That Federalism and direct democracy tend to paralyze technical developments of such a scale, was most evidently seen in the development of highway traffic. Wedged in between the cantons of Basel and Zurich there is the canton of Aargau. Of the approximately 90 kilometers between Basel and Zurich, more than 70 are in this unfortunate canton of Aargau because both the cantons of Zurich and Basel happen to have their boundaries just beyond the suburbs of these main traffic generators. Why should the canton of Aargau build more than 75 percent of this communication which is of vital interest to Basel and Zurich but of a much lesser interest to the Aargovians? This canton, again, has other road problems which absorb its financial capacity. There are many examples like this and they led to a situation where the need for some superimposed, transcantonal planning was felt. In 1958, two amendments to article 36 of the constitution were accepted in a nation-wide vote, authorizing the federation to build and maintain a national motorway system and to collect additional import duties on fuels for its financing. These amendments (articles 36 bis and ter) constitute quite a unique situation in respect to the powers of the federal government. In fact, the people entrusted its voting power with regard to a national highway system to the government, based on a proposed system of more than 1600 kilometers. It was later said that the people had been tricked into committing this political castration. However, there was never any doubt about what this amendment implied and also what the reason for this centralistic exception was. Without it, probably not a single kilometer would have been constructed to date. Now, at least we have more than 50 percent of this system completed.

This windfall was only possible because motorists were fed up with the existing chaos on the Swiss highway system which consisted of a conglomerate of local connections. I think it was quite evident for all those who accepted this amendment to the constitution that something ought to be done now. That this was the only way to obtain any reasonable results, can easily be seen on the local level. The cantons, again, only concern themselves with those matters which cannot be solved on a community level. On the communal level most issues come up automatically for voting when they exceed a certain amount of expenditure. Since most modern technological proposals are of financial consequences which far exceed these limits, this means that every main road construction, each metro system, each airport or even extension of runways have to be voted upon.

In the city of Zurich, which, including its suburbs, has close to 1 million population, all major issues in the last 15 years were rejected. The reasons are hard to grasp; in an analysis which we have carried out a few years ago, it became evident that there are so many parameters involved that no rules can be found why certain issues are rejected and other accepted. The only more or less consistent correlation which could be found was with the construction of new parking garages: there the percentage of negative votes increased roughly in proportion to the price per unit parking stall. Apart from this, however, people seem to behave erratic and irrational. Many highway proposals were rejected, for instance, with the reasoning that now we should stop spending money in road traffic and rather improve public transport. When, however, a few months later improvements for the tramway, a new financial basis for the public transport authority or even a proposal for an underground metro system were put up for voting, the result again was negative.

Decision making, under these circumstances, is any-

thing but easy. The long life expectancy of modern transport facilities and constructions, combined with the tremendous investments required, call for long-range decision making based on underlying tools or plans allowing to assess possible future developments and the consequences of alternative options. The public, however, is not at all concerned about such long-range outlooks; their decisions arise from momentary problems or feelings and are likely to change within no time. It may happen, therefore, that for instance two or three sections of an urban inner ring road system are accepted in public votes, whereas a few years later additional sections are rejected and the whole system cannot be completed.

A curious example to this effect is Zurich International Airport where the first requests for funds to extend the runways were rejected by the public. After many years, even the public became aware that the present situation was impossible, and finally the runway extension came up for voting once again. Now, however, considering the heavy inflation in these boom years, the new issue, costing about as much as the old one, contained only about half as much. Further amendments were required in subsequent votes. Finally, less was achieved for much more money.

THE PRICE OF DEMOCRACY

This may be the price of democracy. There is another price, however, which may weigh heavier. The Swiss democratic system contains, among others, the right of a number of voters to submit an "initiative" requesting a referendum on a certain issue. The necessary number of signatures having been established a century ago, it is now quite easy to assemble the required number of supporters for almost any initiative. Thus, a real inflation in initiatives has resulted. They all tend, basically, to restrict the powers of central government rather than to enhance them.

Quite recently, on March 13, 1977, an initiative with the nice name "Democracy in Road Construction" was submitted to the voters in the canton of Zurich and— was accepted! This law establishes the compulsory obligation of the state government to submit any constructions beyond 20 million Swiss francs to public vote, while the public can, on request with another initiative, vote on road constructions from as little as 3 million Swiss francs. It remains to be seen whether with this new law further major roads will be constructed in the state of Zurich. This law, incidentally, creates a curious conflict of objectives. On one hand, certain funds from vehicle registrations fees and fuel custom duties must be used for county road constructions. On the other hand, the same constructions must be submitted to voting. It may well happen that eventually quite some funds will accumulate which cannot be spent. This, in actual fact, has already happened in the city of Zurich itself where a special fund has been created using the revenues from parking meters and reserved for the construction of new parking garages. However, since all projects for parking garages were rejected in public votes during the last years, 24 million Swiss francs have now been assembled on this fund and cannot be used. Already an initiative is under way, requesting that this money should also be made available for other purposes.

Finally, a source of uncertainty in the decisionmaking process of our direct democracy are those citizens who deliberately misuse these liberties for other objectives. Arbitrariness, malice or even professional trouble making tries to use the direct democracy to bring about its own end. The abolishment of war as an outlet of frustration and violence has led many minorities to noisy actions, aimed at the destruction of our existing social, if not political structures. The deliberate and intentional

character of this attitude makes any reasonable and rational approach futile. The creators of these difficulties want to render decisionmaking impossible; only then can they later point out that the existing "establishment" has not been able to solve society's problems.

Not all of these destructive groups, however, are actually malevolent. Sometimes, they are indeed guided by idealistic intentions but, in their missionary zeal and enthusiasm, they tend to see only one singular aspect and to overlook interdependencies and interactions with other activities required by our level of civilization. In their eagerness to provide a better environment, for instance, they earnestly propose to abandon motor traffic entirely, although the loss of quality of life resulting from such a measure would, most probably, be considered unbearable by most citizens.

Many efforts have been undertaken to please all groups – whether benevolent or malevolent – having themselves appointed as advocates of public health and happiness. Advocacy planning, public participation, voting and long discussions with "anti-groups" have been the result of a desire to please even small minorities who are certainly not representing the "silent majority". Mostly the results of these efforts have been disappointingly negative. The malevolent groups do not want to be convinced; the benevolent groups, if succeeding with one demand, proceed immediately to the next action. A typical example, again from Zurich may illustrate the difficulties of the desire to please everybody.

In 1970, a four-lane viaduct was constructed to relieve the adjacent streets, many of them in densely populated areas, from motor traffic. This viaduct was, incidentally, the result of an overwhelming acceptance in a public vote. In the submission to the contractors, emphasis was laid on the fastest possible procedure, not on the cheapest solution. When this bridge was almost completed in 1972, a second vote had to take place in order to provide an access ramp. Meanwhile, public sentiment had changed considerably and this ramp was – rejected! So, after having pushed the contractors into making costly overtime to complete the bridge as early as possible, it remained closed after completion! With a provisional ramp it was made accessible for a bus line, probably one of the most expensive separate busways in the world!

Evidently, this situation was impossible and the authorities tried to redesign the access ramp in such a way that it would pass the second public vote. Therefore, a highly sophisticated procedure was lined up, combining public participation with advocacy planning, incorporating representatives of all minority groups and even professional troublemakers (the latter in order to prevent that they would later claim not to have had a chance to participate). This giant committee, reinforced by several public hearings, has now – five years after completion of the bridge – finally come up with a solution. And, surprisingly, the best and most acceptable alternative turned out to be the original one! In order to make it more acceptable in the next vote, it was somewhat reduced and had to undergo a low-calorie diet, but in principle we are back to the original solution. A deplorable result for such many years of expensive "open planning". Maybe this is the price of democracy?

ALTERNATIVES

Would there be any other or better possibilities? Indeed, if looking at the last example, one might ask why not the whole bridge, including its access ramps, were submitted to voting in the first place. The reason is that, according to the present law, any project brought to a referendum must be consisting of completed contract drawings including a most accurate cost estimate, because the vote also (or mainly) concerns the budget

available for the construction.

In the attached Scheme 1, this present procedure can be seen quite clearly. A lot of work has to be completed before the actual voting takes place, and the basic principle – the underlying scheme – is not part of the referendum. So the voter can decide only on its consequences; hence the high degree of uncertainty.

If, however, the procedure could be changed over to a system as outlined in Scheme 2, the citizens would have a real chance to accept or reject the principle and to leave its implementation to the authorities appointed for this purpose. Most probably, this would be more democratic than the present procedure, but there would be a long way to change the law to this effect. At present, the trend points exactly the other way, to more "participation" in the detail stages.

The involvement of the public at the end rather than in the beginning of the planning procedure makes reasonable decisionmaking in this direct democratic system so adventurous. Many decisions happen "by chance" – the administration then has to make the best out of it and sometimes must turn the course around by 180 degrees. Under these circumstances, many investments have been lost or not been used to their best possible efficiency.

CONCLUSIONS

It could be concluded from the above considerations that a technocratic and autocratic policy may still be the best and easiest way to serve the public's needs. This conclusion, however, may be misleading.

Firstly, the public is certainly entitled to get what it wants. This may not be the best or the cheapest solution. But, as Frederik the Great use to say, "everybody should be happy according to his own fashion". Obviously, in the case of the rejected bridge access, the impact of the bridge traffic on the (mostly industrial adjacent land-use) was considered a bad trade-off against the noise and air pollution in the densely populated areas which had to bear a considerable through-traffic for many years longer.

Secondly, also technocrats may be wrong. Traffic planners, just to name one example, were taught to design a balanced network according to the projected needs. The general public, however, seems to prefer* a "bottle-neck philosophy", keeping the total traffic volume under control by restrictions in the capacities for inflowing traffic. This is less comfortable in that it enforces a modal split which is not necessarily to everybody's taste; it certainly is a more economical solution, however, and deserves serious recognition by specialists even though it conflicts with the accepted state of the art.

Thirdly, other criteria may really be more important. The environmental quality or the availability of resources is indeed of paramount importance. This, however, does not necessarily mean that new constructions should just be avoided. Sometimes, the do-nothing method is not the most economical and advantageous one with regard to environment and resources.

One example may be the strong sentiment building up all over the world against nuclear power plants, stimulated by people whose real interests are on a different level. The fact that for heating purposes atomic energy may be more compatible with environmental requirements than the burning of fossil fuels, is readily overlooked. Similar mis-proportions can be observed in the complex discussions of mobility versus environment and energy.

Fourthly, there is always hope that eventually – although sometimes with considerable delay – the public will understand the advance warnings of technocrats. For many years, specialists have warned that fossil fuels

are being depleted at a terrific rate of speed, that alternative developments should be started and that considerable financial means would be required for research in this field. Nothing, however, happened as long as oil and electricity were so cheap that there was no viable economic alternative to be expected. After the so-called "energy crisis" in 1973 the public mind suddenly became aware of this problem (mainly, though, because of the increasing fuel prices). Now, of course, it is very fashionable to design new modes of transport, even if they are most unrealistic.

As a guide-line for decision making, planners and economists have certainly learned from these developments that there can be no "this-is-it-solution". All forecasts are based on assumptions which, owing to exogenous constraints, are beyond our control, let alone the influence of benevolent and malevolent pressure groups. So, the "scenario philosophy" has been developed, reducing all forecasts and proposals to an "if-then" system. The decision maker should obtain information as to what will happen if this decision is not taken – the do-nothing alternative. The assessment of all feasible alternatives, including the do-nothing solution, should serve as a tool for the decision maker to make up his mind.

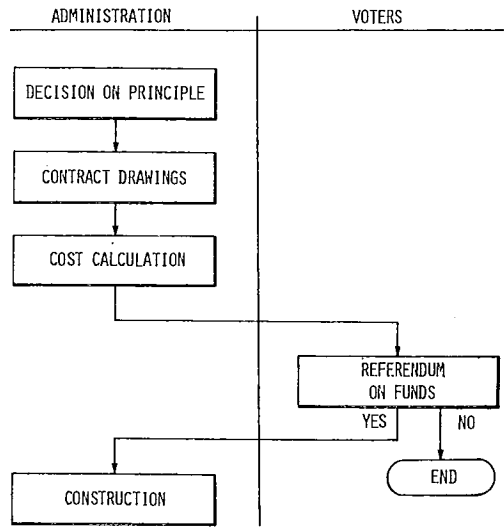
Sometimes conditions are more complex. The assessment of the consequences of any decision may be beyond the grasp of the decision maker himself. New methodologies have been developed for this purpose. The Technological Assessment, for instance, is one effort to evaluate the positive and negative consequences of a given technical decision, also in fields which seem hardly related to the original problem. Another method is the cost/benefit-analysis, providing a more economic approach to the evaluation of decision consequences.

A further requirement to any economic or technological decision is that it should contain a maximum of built-in flexibility. A Metro system, once started, should be completed even if it takes half a century. If, however, for any reason, second thoughts prevent the completion of such a system, each completed section should for itself be fully operational and selfsupporting. Not only is it uncertain how later generations will feel about our present-day philosophies; moreover it is entirely beyond our control how later politicians, authorities or voters may decide. It would be unfair to design a system in such a way that for all times people will be forced to implement it even against their better convictions.

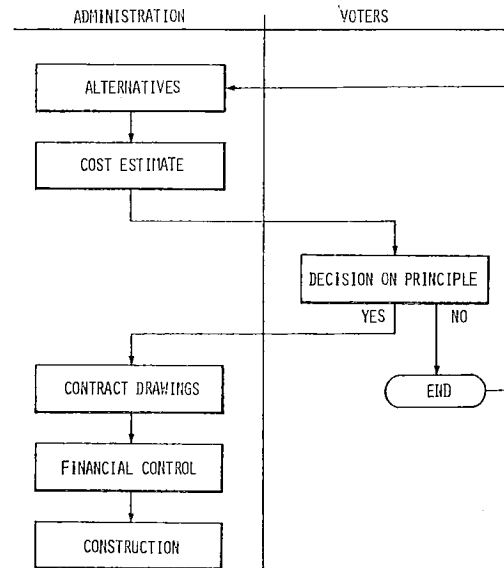
Finally, all specialists, consultants and advisers should always be aware of the fact that they can only supply the tools, never the decisions themselves. Decisions are always of a political nature; but politicians have frequently tried to transfer the burden of decision to the technical level because the problem was too complex for them to decide. Such a misuse of the technocrats is dangerous; if for any reason – and as we have seen, there are many – the public sentiment will change within a short time, it will always be the technocrate who is blamed for "wrong" developments. If, however, the decision was right and the construction successful, he will hardly ever get the credit for it.

FOOTNOTE

* presently, at least.



Scheme 1 - Present procedure for voting and implementation of road constructions in Switzerland. Before a project can be submitted to the referendum, a long and costly preliminary working phase is required. If the voters reject the proposal, these efforts are lost, including the time required for their preparation.



Scheme 2 - Possible flow diagram for an improved voting procedure. Without sacrificing the principle of the direct democracy, such a procedure would considerably reduce the preparatory phase and transfer the voter's decision to a much earlier period of time.