
history 2nd Kanti study sheet for the test on the 12/16/2011

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CIVIC EDUCATION

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INFO

This is a study sheet by Linus Metzler about Civic Education, which was mentioned in the 2nd Kanti at Mr. Möckli. There is no claim for completeness. All warranties are disclaimed.



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STUDY PART

FACTUAL KNOWLEDGE

YOU KNOW THE PEOPLE'S RIGHTS: VOTE, INITIATIVE, REFERENDUM AND PLEBISCITE AND AGENDA INITIATIVE

- Vote¹
 - > There can be a vote on different subjects, created by imitative or referendum
- [Citizen's] Initiative
 - > An initiative is started by collecting signatures and has the following properties:
 - At least 100'000 signatures have to be collected
 - The two forms of an initiative: An initiative can be submitted in the form of a general suggestion² or a formulated draft. In a formulated draft you include all necessary legal amendments into the text of the initiative
 - Principle of unity of form (you cannot) blend the two forms)
 - Principle of unity of subject matter (you cannot include different subjects into one initiative)
 - Mandatory: legally binding, obligatory
 - Double majority: the majority of the cantons and the majority of the People have to vote in favor
- Agenda Initiative
 - > Similar to the initiative, **but** is has only to be discussed in parliament does not have priority 1 and is discarded after the legislation period has ended
- Mandatory Referendum
 - > Automatically launched
 - Revision of the Federal Constitution
 - Entry to supranational communities
 - [...]
 - Popular initiative for a total revision of the fed. const.
 - [...]
- Optional Referendum
 - > Launched if at least 50'000 request if
 - Federal statutes
 - International treaties, which unify law, may not be terminated OR provide entry in a intl. organization
- Plebiscite³
 - > Just a "survey" if the people's opinion on sth.
 - > Result is not binding

YOU KNOW THAT THE PEOPLE'S RIGHTS ON THE FEDERAL LEVEL AND ON THE CANTON-AL LEVEL CAN DIFFER IN SWITZERLAND

Yes, as long as in the framework of the constitution, a canton's constitution can differ from the federal. E.g. in the Canton of Thurgau it would be possible for the people to dismiss parliament.

¹ Not to be confused with elections

² Never used

³ To some extent just ridiculous

FEDERAL LEVEL

Amendment on...	Who?	How?
...federal constitution	Parliament	Subject of mandatory referendum
	People	Initiative
...federal law	Parliament	Optional referendum
	People	They can't!!

CANTONAL LEVEL

Constitution	Parliament	
	People	Initiative/referendum
Law	Parliament	
	People	Initiative/referendum
Budget (extraordinary)	People	Referendum
	Parliament	
Dissolve parliament	People	Initiative
Election of cantonal executive and federal council	people	

LANDSGEMEINDE

Constitution	Landsgemeinde	
	People (individual)	Initiative
Law	Landsgemeinde	
	People	Initiative

Budget in certain cases	People	Optional Referendum
	Parliament	Mandatory referendum
Decrees	Grosser Rat	

YOU KNOW THE ADVANTAGES AND DISADVANTAGES OF OPEN BALLOTING IN PUBLIC ASSEMBLIES (LANDSGEMEINDE)

Advantages of public assemblies

- + Real direct democracy
- + Minority is faster visible
- + Fast and quick decisions
- + You can give your opinion, your reason for your vote
- + Feeling of community
- + Probably less paperwork

Disadvantages of public assemblies

- Non-voters can maybe vote
- Group pressure
- Difficult to count if there's a tight decision.
- Can be manipulated
- Not anonymous
- There is only one Landsgemeinde a year
- Vote can be influenced at the last moment by a speech

YOU KNOW THE REGULATIONS OF THE ECI

ECI 101⁴

- At least 7 citizens from at least 7 different countries have to be in the committee
- At least 1 million EU citizens from 7 or more EU countries have to sign the initiative
- The minimum number of signatures to be counted as a "valid" country is calculated by multiplying the MEP⁵ by 750
- Minimum age is 18 (except Austria, 16)
- The signatures can be collected on paper or online
- The initiative is discarded if it violates EU values or is of abusive, frivolous or vexatious nature
- The organizers have 1 year to collect the signatures
- The validation of signatures is done by the national authorities
- There will be an agenda initiative with a public hearing, **but no vote!**

UNDERSTANDING

YOU CAN EXPLAIN THE DIFFERENCES BETWEEN INITIATIVE, REFERENDUM AND PLEBI-SCITE

They differ in:

⁴ i.e. just the basics

⁵ Members of the European Parliament

- Number of signatures required
- Whether binding or not
- It's priority and possibilities

YOU CAN EXPLAIN WHY AUSTRIAN PEOPLE'S RIGHTS ARE LESS STRONG THAN SWISS PEOPLE'S RIGHTS

YOU CAN EXPLAIN THE DIFFERENCE BETWEEN THE "LANDSGEMEINDE" AND THE PEOPLE'S RIGHTS IN THE CANTON OF THURGAU

In Thurgau, people can make amendments on

- Constitution
- Law
- Budget (only if extraordinarily high)
- And the people can dissolve parliament!

In Appenzell Innerrhoden, the people can make amendments on

- Constitution
- Law
- Elect the states' council for Bern
- And the Landsgemeinde is the HIGHEST LEGISLATIVE POWER and HIGHEST ELECTION AUTHORITY

YOU CAN EXPLAIN THE DIFFERENT INTERPRETATION OF THE "MAGIC FORMULA"

- Arithmetically, every party is entitled to one federal councilor per 35 seats in the parliament
- In addition to that, there's also often a distribution between left, middle and right which guarantees that every aspect has representatives

YOU CAN EXPLAIN THE DIFFERENCES BETWEEN CONSTITUTION, LAW AND DECREE AND YOU CAN ASSIGN A GIVEN LEGAL EXCERPT TO ONE OF THESE TERMS

Basically the lower an article is situated, the more detailed it is. E.g. the constitution says, you may drive on Swiss roads, a law specifies, you aren't allowed to when you're influenced by alcohol and decree specifies the level of blood alcohol concentration and the consequences.

INTERPRETATION

YOU CAN CRITICALLY ASSESS THE POWER THAT THE DIFFERENT RIGHTS GIVE TO THE PEOPLE

- Over-use of initiatives can happen

YOU CAN ASSESS THE ECI CRITICALLY

Advantages

Disadvantages

- + Gives some kind of initiative for **all** E-citizens
- + Might be the beginning of more such “democracy powers” for EU-citizens
- Only agenda initiative⁶
- There’s no vote on it
- Problem of double-signing-people
- Very laborious to set up [IMO]⁷
- After the signatures are collected, the process is cumbersome

YOU CAN ASSESS THE POTENTIAL DANGERS INHERENT IN A DIRECT DEMOCRACY WITH REGARDS TO CONFLICTING FUNDAMENTAL RIGHTS

In Switzerland the principle “The people is always right” exists. This could mean an initiative accepted via the double majority is valid even if it contradicts other laws. This happened to some extent with the highly controversial minaret initiative, which contradicts the freedom of religion.

⁶ i.e. discarded at the end of the legislation period

⁷ In my own opinion