

## Direct democracy and the constitution of 1894

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The decades after 1848 saw the progressive democratisation of the cantonal constitution. Revisions in 1873, 1876 and 1881 introduced the popular initiative, the referendum and elements of proportional representation.<sup>1</sup> The constitution of 31 January 1894, which remains in force today, extended proportional representation to the elections of all bodies.<sup>2</sup> Zug was among the first cantons, and among the first polities anywhere, to adopt proportional representation for its parliament.<sup>3</sup> The electoral system was later revised in response to the case law of the Federal Supreme Court on the equality of votes in small electoral districts.<sup>4</sup>

The introduction of proportional representation reflected the political structure of the canton. The conservative majority, which dominated the canton throughout the twentieth century, faced liberal and, from the 1880s, social democratic minorities that gained ground as industrialisation advanced.<sup>5</sup> Proportional representation gave these minorities a voice in parliament and bound them into the institutions of the canton. It was another instrument of negotiated government, a modern form of the old practice of sharing offices among the partners of the cantonal federation. The consensual political culture that it fostered made possible the continuity of fiscal policy across the twentieth century: once the canton had chosen low taxation as its strategy, the major parties maintained that choice through changing majorities.

The instruments of direct democracy, the initiative and the referendum, gave the citizens of the canton the final word on tax laws. Every major change in cantonal tax policy, from the incentives of the interwar years to the reforms of the twenty-first century, required the approval, or at least the acquiescence, of the voters. Zug's low-tax policy rests on popular consent: it was confirmed repeatedly at the ballot box, which gives it a democratic legitimacy that is one of the reasons for its stability. Part B examines the votes in which the citizens of Zug ratified their fiscal strategy.

## 1 Notes

1. HLS, "Zug (Kanton)", section on constitutional revisions: revisions of 1873, 1876 and 1881 introduced initiative, referendum and proportional representation. ↩
2. HLS, "Zug (Kanton)": the constitution of 1894 established proportional voting for all bodies; Fedlex, "Verfassung des Kantons Zug vom 31. Januar 1894", [fedlex.admin.ch/eli/cc/1894/2\\_278\\_126\\_278\\_fga/de](https://fedlex.admin.ch/eli/cc/1894/2_278_126_278_fga/de) (federal guarantee); lexfind.ch, "Verfassung des Kantons Zug vom 31. Januar 1894" (current version). ↩
3. HLS, "Zug (Kanton)", version of 24 April 2019: the constitutional revision of 1894 introduced proportional elections for the Kantonsrat, the executives and the courts. Schweizerisches Sozialarchiv, "Vor 100 Jahren: Der lange Weg zum Proporz", 16 September 2019, [sozialarchiv.ch](https://sozialarchiv.ch): cantons adopting proportional representation before the federal level were Ticino (1891), Geneva (1892), Neuchâtel (1894), Zug (1894), Solothurn (1895) and Schwyz (1898); at national level Belgium was first in 1900. ↩
4. BGE 136 I 376 of 20 December 2010 ([servat.unibe.ch/dfr](https://servat.unibe.ch/dfr)): the proportional election procedure of the canton of Zug for the Kantonsrat, with the municipalities as electoral districts of 2 to 19 seats, does not withstand Art. 34 BV (complaint partly upheld). Wikipedia (German), "Doppeltproportionales Zuteilungsverfahren": the voters of Zug adopted the double proportional method on 22 September 2013. Année politique Suisse, "Kantonsratswahlen Zug 2014", [politchronik.swiss](https://politchronik.swiss): first application in the elections of October 2014 with quorums of 5 per cent in a district or 3 per cent cantonally, upheld by the Federal Supreme Court in December 2014. ↩
5. HLS, "Zug (Kanton)", section on political parties: conservative dominance through the twentieth century; the FDP and the SP gained ground from the 1880s onwards. ↩

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