

The Landsgemeinde of the Canton of Glarus Past and present – von Jürg Davatz

The history of the Landsgemeinde

Origin

No documents have survived which indicate when the citizens of the Canton of Glarus first gathered for a Landsgemeinde. In any event, the roots of the Landsgemeinde, an open-air people's assembly and voting ceremony, go back at least as far as the 13th century, when the Monastery of Säkingen and, since 1266, the House of Habsburg held sway in Glarus. A document from 1282 refers to the «Men's Association of the Entire Valley», and bears the seal of the said body. However, the organization and the rights of this Glarus fraternity are not known with any certainty.

From 1387 to 1623

On 11 March 1387 the cantonal president and countryfolk of Glarus assembled for a Landsgemeinde and drew up the first articles of association, a basis for the creation of a democratic, free state. At the time, they established the principle, still valid today, that the minority should submit to the wishes of the majority in decisions taken at Landsgemeinden as well as at gatherings of the individual communities.

With its victory at the Battle of Näfels in 1388, the people of Glarus finally freed themselves from Habsburg rule.

Since then the Landsgemeinde represents the highest authority in the state of Glarus. Originally it was not only responsible for legislation and the election of cantonal and court officials; it also decided whether to go to war, and whether to enter into or renew alliances. It issued land rights and decided whether to grant reprieves. Up until 1457 it could also issue the death penalty. All citizens of Glarus over the age of 16, and for a time even those over 14, had the right to vote.

The council, the Landsgemeinde committee, dealt with current governmental and judicial business. Originally made up of 15 or 30 members, committee membership was later increased to 60.

The Landammann, or cantonal president, has always been head of the body politic. He chaired the Landsgemeinde and the meetings of the council, was at one time the supreme judge and was originally also head of the army. The cantonal sword, which he bears at the Landsgemeinde to the present day, is a reminder of military and judicial authority of the Landsgemeinde. Since the middle of the 15th century, the Landsgemeinde has repeatedly curtailed the powers of the Landammann by means of new official decrees. However, as chairman of the Landsgemeinde, the councils and important courts as well as the regular representative of the canton at federal proceedings, he maintained an excellent position until as late as 1837.

1623 to 1837: Three Landsgemeinden

The Reformation split the Canton of Glarus into a Reformed Church majority and a Roman Catholic minority. In 1530 both parties acknowledged the equal rights of the two denominations. This parity ultimately led to a denominational division of governmental authority, which remained a special feature of the Canton of Glarus until 1837.

The third Cantonal Contract of 1623 introduced three Landsgemeinden: one for Catholics, one for Reformed Church members, and a joint assembly. One week before the joint Landsgemeinde, the denominational «Particular Landsgemeinden» held their assemblies and elected the cantonal officers in predetermined rotation. Under this rotational system, the Landammann was a Protestant for three years, followed by a Catholic for two years. In each case,

the party not in power provided the deputy president. Since 1623 Protestant and Catholic councils met in addition to the joint councils.

The fifth Cantonal Contract of 1683 resulted in the division of the Canton of Glarus into two substantially independent states, which held the official authority over, and was responsible for, criminal justice concerning their respective members. Apart from its own councils, each denomination now had its own courts. The Landammann and the Landesstatthalter chaired the Landsgemeinde, the council and the most important courts of their denominational division. The joint Landsgemeinde retained the supreme authority, especially in respect of legislation relating to general cantonal matters. This peculiar constitutional arrangement involving the tripartition of the canton had – and achieved – the purpose of protecting the Catholic minority against loss of political power.

Between 1798 and 1803 France forced a new, foreign national order on Switzerland. Glarus now belonged to the Canton of Linth and lost its Landsgemeinde. Under the Mediation Act of 1803 Napoleon I not only gave back the Canton of Glarus its former boundaries, but also restored its denominationally divided status as well as the three Landsgemeinden.

At the Landsgemeinde of 29 May 1836 the Protestant majority decided to abolish the division of the canton and introduce a new cantonal constitution, despite the unyielding resistance of the Catholics.

1837: Return to a single Landsgemeinde

In July 1837 the Landsgemeinde put the new constitution into effect. This abolished the division of the canton and made Glarus an undivided state again. Since then there has only been one Landsgemeinde, as was originally the case.

The new constitution separated judicial authority from legislative and executive powers. But it was not until the cantonal constitution of 1887 that the separation of parliament (Landrat), which prepared legislation, from government (Regierungsrat), which held the executive authority, was brought about. The cantonal president (Landammann) is the first representative of the canton and president of the government; and as from time immemorial he also chairs the Landsgemeinde.

1972: Full political rights for women

The last «Men's Landsgemeinde» in Glarus was held in 1971: it granted full political rights to women in cantonal matters. Since 1972 women with voting rights have therefore been able to play an active part at the Landsgemeinde and vote both there and at the ballot box, and be elected to office.

Advantages and disadvantages

The Glarus Landsgemeinde has preserved fundamental features and rights from 1387 right through to the present time. Even today it is still the focal point of public life. Admittedly it has adapted to changed circumstances and requirements over the centuries. But under no circumstances is it a folkloristic political happening but a political institution with a unique tradition and effectiveness. Even today it fulfils its clearly prescribed constitutional duties very well. Only one other canton – Appenzell Innerrhoden – has retained the Landsgemeinde. Holding a Landsgemeinde with representative participation is of course only possible in a canton that has a small population.

An important feature of the Glarus Landsgemeinde is that the electorate can not only vote «yes» or «no» to a motion; it can eliminate provisions and amend or augment motions. To an extent that is unparalleled elsewhere at cantonal level, electors can intervene directly in the opinion-forming process. Because of this, the Glarus Landsgemeinde is an exemplary form of direct democracy. The electors here are not a mere nameless mass, but manifestly an association of people who exercise their supreme authority in the interests of the population.

The Landsgemeinde creates a personal relationship between the people and the government authorities and reinforces their shared identity.

In addition to these significant advantages there are also disadvantages. Elections and voting are open, rather than secret. Not everyone who visits a polling station or could vote by post may participate at the Landsgemeinde. In addition, the weather can affect the participation of the Landsgemeinde. A further shortcoming is the estimation of the majority at elections, or votings on items, when the voting is close.

The Landsgemeinde in accordance with the Constitution of the Canton of Glarus

Cantonal government

The cantonal government is responsible for drafting decrees and resolutions for the attention of the Landsgemeinde and for carrying out the associated procedures to obtain points of view from all persons concerned.

Cantonal parliament

The cantonal parliament is responsible for discussing motions and submitting them to the Landsgemeinde. It is also responsible for checking and approving the minutes of the Landsgemeinde as well as for convening extraordinary Landsgemeinden.

Landsgemeinde

Status

The Landsgemeinde is the assembly of citizens of Glarus with the right to vote. It is the canton's supreme executive body. Landsgemeinde information pack (Memorial). The Landsgemeinde information pack contains the business agenda for the forthcoming Landsgemeinde, especially the draft laws and the draft resolutions submitted by parliament as well as motions from the people.

Convening

The regular annual Landsgemeinde assembles in the town of Glarus on the first Sunday in May. The government decides whether there are any grounds for postponement. An extraordinary Landsgemeinde is held if the Landsgemeinde so decides, if at least 2,000 electors request such an assembly or if parliament calls one.

Chairmanship and inauguration

The Landammann chairs the Landsgemeinde. If he is unable to do so, the Landesstatthalter takes his place, and in he is unable to do so, the government's senior executive officer chairs the Landsgemeinde. The Landammann opens the Landsgemeinde with an address. Thereafter the Landsgemeinde is sworn in.

Proceedings

The proceedings are based on the motions put forward by the parliament that appear in the information pack and as published in the official cantonal gazette; no other items of business may form part of the proceedings. All voters have the right to request the support, amendment, rejection, postponement or withdrawal of individual motions. Amendment motions must relate materially to the respective item on the agenda. Those who wish to comment on an item of business must first formulate their motion and then briefly justify it.

Voting procedure

A motion put forward by the parliament is carried if no alternative motion on the subject is proposed. If an alternative motion is proposed, the Landsgemeinde is required to vote. If two or more amendments have been carried, a final vote must be held. At elections voting takes place in any case.

Determining the majority

The Landammann determines the majority by estimation. In cases of doubt he can call on the help of remaining members of the government. His decision is final.

Election powers

The Landsgemeinde is responsible for electing the Landammann, the Landesstatthalter and the judges.

Legislation and specific powers

The Landsgemeinde is responsible for amendments in the Constitution of the canton. It can also issue fundamental and important regulations and enact them in the form of the law.

Furthermore the Landsgemeinde is responsible for:

- a. approving concordats and other agreements if these affect an article of the constitution or legislation or expenditure according to point b;
- b. tabling resolutions concerning all freely determinable one-off expenditure for the same purpose exceeding CHF 1,000,000 as well as for all freely determinable recurring expenditure for the same purpose exceeding CHF 200,000 in the year;
- c. acquiring plots of land as an investment or for precautionary social security for an amount exceeding CHF 5,000,000;
- d. tabling other resolutions submitted by the cantonal parliament;
- e. setting the tax multiplier.