

# The Influence of the Swiss SVP on Policy-Making: Opening the Black Box\*

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## Abstract

This article assesses the influence of radical right populist parties on policy-making in Europe. Much scientific research has been conducted on populism, theoretically and empirically, through different facets: their history, their leaders, their discourses, or their electorate. Yet the populist phenomenon has barely been studied by policy analysts by policy analysis. What influence do populist parties have on policy-making? This question is crucial since these parties are on the rise in Europe and are often perceived as dangerous for democracy. This article investigates the case of the Swiss 'Schweizerische Volkspartei' (SVP) and analyzes its influence on the policy-making in a typical 'radical right populist' issue: law and order. The SVP has always been a member of the federal government and even became the first Swiss political party at the Lower House in 2003. In addition, its electoral weight was strengthened in the recent elections of 2015. To assess its influence, SVP electoral pledges (2011–2015) are qualitatively traced through the institutional arenas, thanks to a document analysis, interviews conducted with elected officials and direct observations. The study suggests that the SVP can influence policy-making in the law and order sector. However, this influence significantly evolves according to the policy-making stage under analysis. Only an indirect influence can be exercised by the SVP in order to fully translate its electoral pledges into decisions.

*Keywords:* populism; radical right populist parties; political influence; policy-making; law and order; Switzerland; democracy

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## 1. Introduction

This article assesses the influence of radical right populist parties on policy-making in Europe. Much scientific research has been conducted on populism, theoretically and empirically, through different facets: their history (e.g. Skenderovic 2009), their leaders (e.g.

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Vossen 2013), their discourses (e.g. Wodak 2015), their electorate (e.g. Norris 2005) or political behaviors (Immerzeel, Pickup 2015), for instance. Yet the populist phenomenon has barely been studied at the policy level (as we are reminded by van Ostaïjen, Scholten 2014: 681). What influence do populist parties have on policy-making? This question is crucial since more and more radical right populist parties gain access to power (at different levels of power) and since these parties are often described as dangerous for democracy (e.g. Urbinati 2014). Assessing their influence on policy-making will thus allow for a better understanding of their real role in the process and, more generally, in democracy.

The question of the influence of radical right populist parties on public policies was seriously addressed for the first time by Minkenberg (2001) and Zaslove (2004) at the beginning of the 21st Century. According to these authors, radical right populist parties are serious challengers since they can really affect policies by influencing them, mostly if they are a member of the government: 'The Austrian and the Italian cases demonstrate that radical right populist parties do more than just influence public discourse. Once in power they have also tangibly influenced public policy' (Zaslove 2004: 114–115). Nevertheless, in these works, as stated by Williams (2006: 17), 'the indicators for political party impact need to be more clearly specified and systematically evaluated.' Other studies have then been conducted in order to better apprehend this influence. Schain (2006) proposes to distinguish a direct from an indirect form of influence. In addition, he argues that a populist party in the opposition can also significantly influence public policies, notably at the agenda-setting stage. Other scholars have tried to gauge populist influence on public policies by developing new techniques – often quantitative – to do so as deeply as possible. Howard (2010) and Akkerman and de Lange (2012) have for instance developed an index (NIIP<sup>1</sup>) that measures to what extent public policies – in citizenship (Howard 2010) and in immigration (Akkerman, de Lange 2012) sectors – have a clear 'radical right signature' (Akkerman, de Lange 2012: 582). While most of the studies focus on the immigration policy sector, some scholars have also attempted to study other sectors, such as foreign policy (Verbeek, Zaslove 2015).

The previously conducted studies are fundamental to understanding populism and its influence on public policies. They also reveal that there is a need for a still deeper analysis of the influence of populist parties. An influence capacity, in general, has been established – at least in a minimal way – by most scholars. An influence is thus detected but the literature in policy analysis would still be enriched by additional knowledge about the populist influence, the way populist parties try to be influential, the nature of this influence, and its perimeter.

The present paper thus proposes to analyze populist influence by investigating the role of populist parties in the policy-making process. Following Wilson (2008), we define policy-making as the first stage of the policy cycle (that includes policy-making, policy implementation and policy evaluation). More specifically, the policy-making stage is divided into three sub-stages: problematization and agenda setting, definition of solutions and decision-making. These three sub-stages will be taken into account in this paper since it is recognized that each of them 'involves different processes and different actors' (Wilson 2008: 39). A wide number of actors can variably intervene in the policy-making process (Birkland 2005) and the resources and strategies they use in order to be influential can evolve from one stage to another. There is thus a necessity to conduct such a fine-grained analysis in order to get a deeper understanding of the phenomenon.

The Swiss ‘Schweizerische Volkspartei’ (SVP) offers a particularly interesting case to analyze because of its unique relationship with the power. The SVP is a specific political party since the party is recognized as a radical right populist party (e.g. Skenderovic 2009) and, at the same time, the SVP has always been a member of the federal government<sup>2</sup> and even became the first Swiss political party in the Lower House<sup>3</sup> in 2003. No other radical right populist party has maintained such a close relationship with power. While a challenger party, the SVP is thus also a government party.

## 2. Radical right populist parties and the *law and order* sector

Following Taguieff (2007: 31), populism can be defined as ‘a political style based on the appeal to the people and the cult and the defense of the people, compatible in principle with any political ideology.’ Because of this ‘compatibility’, populism is often said to be chameleonic (Taggart 2000): it can be grafted to different ideologies and can be used in a wide range of contexts. As a style – or a strategy (Jamin 2009) – populism is used by political parties and other political groups by mobilizing popular frustration and *resentment* (Betz 2002: 198–199). By doing so, populists try to invoke and defend the people in a ‘specific territory of the imagination’ – the heartland – (Taggart 2000: 95), in opposition to an elite. This (political, economic and cultural) elite is presented as vicious, self-interested, corrupt and the winner in globalization, while the people are supposed to be virtuous, generous, hard-working, simple, forgotten by the elite and losers in globalization. Populism has long been described as ‘episodic’ (Taggart 2004: 270). However, some scholars have contradicted this point of view, arguing that many populist movements and parties have ‘institutionalized, established deep roots and lasting structures which can survive moments of crisis’ (Albertazzi, McDonnell 2015: 8).

Radical right populism is the most developed type of populism in contemporary Europe (Reynié 2013) and its typical features are nativism and authoritarianism (Mudde 2007). Nativism is the idea that only the members of the nation should inhabit the State and that foreign people are a threat. For instance, according to the nativist feature, social policies should only benefit the members of the nation. This is best known as welfare chauvinism (e.g. Schumacher, van Kersbergen 2016). While populists – generally speaking – pretend to protect the people from the elite, radical right populists also pretend to protect them from outside elements as immigrants, but also internal minority groups (e.g. Roma). Authoritarianism refers to ‘the belief in a strictly ordered society, in which infringements of authority are to be punished severely. In this interpretation, authoritarianism includes law and order and punitive conventional moralism’ (Mudde 2007: 23). The law and order policy sector includes police policies, penal policies and justice policies (Compston 2004). More specifically, penal populism is often used by radical right populist parties in their argumentation about policies in the law and order sector:

Penal populism speaks to the way in which criminals and prisoners are thought to have been favoured at the expense of crime victims in particular and the law-abiding public in

general. It feeds on expressions of anger, disenchantment and disillusionment with the criminal justice establishment. It holds this responsible for what seems to have been the insidious inversion of commonsensical priorities: protecting the well-being and security of law-abiding 'ordinary people', punishing those whose crimes jeopardize this. (Pratt 2007: 12)

Populist parties appeal to the people by invoking the need to restore the sovereignty of the people through direct democracy tools. By doing this, they rekindle Rousseau's 18<sup>th</sup> Century call for caution that representative democracy is not perfect, but just acceptable. Populists believe it is possible to improve democracy by integrating the people (the 'heartland' – Taggart 2000: 91–98) into the policy-making process, through referendums or popular initiatives for instance.

Despite this relationship, they keep with democracy in their discourse; that populist parties have often been considered to be a threat or a danger to liberal democracies (e.g. Akkerman 2003; Albertazzi, Mueller 2013; Urbinati 2014). Albertazzi and Mueller (2013), for instance, underlines the fact that these parties challenge liberal democracies through anti-judiciary and anti-minority policies and through attacks on freedom of expression. Yet they add that 'none of these policies [...] discussed was initiated or implemented in undemocratic ways. Therefore, it must be acknowledged that, although very dangerous to the liberal element of contemporary European democracies, populism is also well embedded in the rules and procedures of electoral democracy' (Albertazzi, Mueller 2013: 364). In that way, one can distinguish radical right populist parties from far right parties (Jamin 2013). Other authors understand populism differently. For instance, Laclau (2005) considers populism as a good way to include marginalized social groups within democracy and, therefore, populism would be a 'corrective for democracy' (Mudde, Rovira Kaltwasser 2013). Huber and Schimpf (2015) detect that while populist parties in government have a negative effect on democratic quality, populist parties in opposition have a positive effect on democratic quality, notably by initiating or deepening the integration process of marginalized groups (indigenous people in Latin America) and by revitalizing social movements and public opinion.

By questioning the influence of radical right populist parties on policy-making, the role of this party family in contemporary democracies is questioned. The results of the research can thus feed the more general and above mentioned debated about the relationship between populism and democracy and contribute to stabilizing the knowledge about the populist phenomenon.

### 3. The *Schweizerische Volkspartei* (SVP): case study

The *Schweizerische Volkspartei* (SVP) is widely characterized as a member of the radical right populist family party (e.g. Betz 2004; Mudde 2007; Skenderovic 2009; Bernhard et al. 2015). Albertazzi and McDonnell (2015) have empirically analyzed how the Swiss SVP has been able to durably remain at the forefront of the Swiss political actuality. The stabilization of the SVP and its role in the national and sub-national governments explain that, despite the fact it is a populist party, the SVP is more a government party than a challenger party

(de Vries, Hobolt 2012). This relationship with power and this categorization can have serious consequences on the way the party tries to influence policy-making.

When the SVP was created, in 1971, by merging several political parties (e.g. *Parti suisse des paysans, artisans et bourgeois – PAB*), the SVP was recognized as being an agrarian party and its program had little to do with radical right populism. Based on 17 general articles, the first SVP program notably dealt with family, health, agriculture, environment and Swiss neutrality. No article addressed immigration or law and order issues. The party started to mutate in the 1990s by taking a stand against the entry of the country to the European Economic Area (EEA), by emphasizing the saliency granted to immigration and law and order issues and by adopting a new political style (Mazzoleni 2008; Skenderovic 2009). This change was accompanied by more and more positive electoral results, with a first new electoral peak reached in 1995 (14.9% at the National Council). Since then SVP electoral performance has continuously increased and the SVP is the first Swiss political party at the National Council since 2003. In 2003, as a result of the national elections, the SVP obtained a second seat in the federal government at the expense of the Christian Democrats. The party lost its second seat in 2007 because of an internal conflict but won another second seat in 2015, after a new SVP historical peak (29.4% at the National Council).

Despite its status as the first political party at the National Council since 2003 and its participation in the federal government (with a higher participation degree in 2003 and 2015), the SVP is still recognized as a radical right populist party, as ‘the opposition within government’ (Albertazzi 2009: 2). The SVP denounces all the other parties of the political spectrum and does not hesitate – particularly between 2003 and 2007, when Christoph Blocher (the leader of the SVP) integrated the government – to break the collegiality rule that strongly characterizes the Swiss political system. For that reason, the SVP is a particularly atypical radical right populist party whose the influence on policy-making merits being closely analyzed in order to better apprehend its real role in Swiss democracy.

The Swiss case is relevant to analyze because of its atypical features. At the same time, this case also offers a rich opportunity to better understand the influence of radical right populist parties on policy-making in general since the party is a ‘most likely case’ (Gerring 2007: 232). Firstly, the SVP is a radical right populist party strongly represented in the government and in the Parliament<sup>4</sup>. In addition, direct democracy tools are part of the Swiss political culture and are widely mobilized by political parties, and particularly by the SVP (Leeman 2015). If these tools are used by the SVP in order to effectively influence the policy-making process, this would mean that the influence of radical right populist parties in other European countries – where direct democracy tools are not available or are less frequently used – is lower.

## 4. Assessing the influence of the SVP

In order to assess the influence of the SVP on policy-making, its electoral pledges are systematically traced through the different stages of the policy-making process and the fulfillment of these pledges is an indicator of its influence. When policies shift closer to the preferences

of the party – at these different stages – it means that the party has played a role and has been an influential actor in the process. Albertazzi and McDonnell (2015) recognize that looking at the delivery of electoral pledges is a good way to assess the performance of populist parties in government. Nevertheless, as mentioned by Dür et al. (2015), successfully achieving its desired policy outputs does not automatically imply influence – the concept of influence being defined as ‘the achievement of (a part of) an actor’s goal in political decision-making, which is either caused by one’s own intervention or by the decision-makers’ anticipation’ (Arts, Verschuren 1999: 413). In order to control the role played by other actors and to grasp the real influence exercised by the SVP, a fine-grained analysis will be conducted.

This article proposes to capture the influence of the SVP by opening up the black box of the policy-making process. This technique was used by Hampshire and Bale (2015) in order to examine the partisan influence on immigration policy in United Kingdom and is particularly helpful thanks to the possibility to analyze in detail the policy-making process and precisely to detect if, when and how political parties act to influence the policy-making regarding their own electoral pledges.

This black box is divided into three policy-making stages: agenda-setting, formulation of solutions and decision-making (Wilson 2008). At each of these stages, one can thus observe if, to what degree and how the populist party has successfully influenced public policies. These different stages are important to take into account since the influence can deeply vary from one stage to another one (for instance in intensity). Different types of influence are thus expected to appear. The necessary data to do so arise from documents (party manifestos, parliamentary annals and other official documents) but also from intensive fieldwork conducted in Switzerland between September 2015 and March 2016. This is comprised of participant observations (SVP meetings, debates and markets) and structured interviews. Interviews have been conducted with 27 federal elected officials, from both the National Council (23) and the Council of States (4), and from a wide range of cantons: Vaud, Geneva, Neuchâtel, Basel-City, Fribourg, Valais, Argovia, Zurich, Thurgovia, Bern and St. Gallen. Interviews lasted on average 65 minutes and have been transcribed by the author and then computer analyzed (with NVivo), by creating – *ex ante* and *ex post* – a set of categories (law and order sector, influence, brake to influence, actors, strategies, resources) and subcategories (different types of influence, different strategies, etc.).

Political parties are recognized as ‘owning’ some issues because of the centrality they grant to these issues. According to Walgrave et al. (2012: 771), the ‘issue ownership refers to the fact that specific political parties are, in voters’ minds, identified with specific policy issues and considered best able to deal with them.’ Pledges on these central issues are thus expected to be fulfilled before other pledges (Mansergh, Thomson 2007; Pétry 2012). This contribution proposes to focus on pledges in the law and order public policy sector. This sector is particularly central to radical right populist parties. The pledges are those listed into the SVP party manifesto in 2011<sup>5</sup> and are selected according to two main criteria already used by Royed in 1996 and reused more recently by other scholars (e.g. Akkerman 2015): their testability (can the pledge be verified?) and their clarity (unequivocal). On such a basis, 12 pledges are selected:

- Reintroducing short term prison sentences (< 6 months);
- Abolishing day-fines;

- Punishing offenders with community service, without possible suspension and without the consent of the condemned;
- Suppressing the partial suspension for sentences longer than two years;
- Creating a register for pedophiles and violent and sexual criminals;
- Strengthening the juvenile criminal law (with a community service minimum of 3 months, regardless of age, and lowering the age of criminal responsibility);
- Giving judges the possibility to apply the adult criminal law from the age of 16 in cases of serious offenses, serious injury or murder;
- Automatically denouncing young offenders to teachers by indicating the type of offense;
- Banning begging in the public space at the national level;
- Expelling criminal foreigners;
- Revoking Swiss nationality from persons having dual nationality who have committed a serious crime;
- Organizing a testing time for naturalization in order to have the possibility to revoke Swiss citizenship from any naturalized citizen who became an offender.

## 5. Influencing the agenda-setting

At the first stage of policy-making, for 42 % of the pledges, the SVP has imposed – alone – a debate around its propositions in the Parliament, in the government and in civil society. This is the case for the expulsion of criminal foreigners. The SVP firstly failed in imposing the debate directly in the Parliament and thus proposed a popular initiative to the Swiss people. Approved by the majority of the people and the majority of cantons thanks to a populist strategy, the question suddenly appeared at the forefront of the political agenda of both the Parliament and the Government and their respective members multiplied statements about the expulsion of criminal foreigners.

In June 2009, thanks to its numerical strength in the Lower House (28.9%), the SVP convened an extraordinary session in the Parliament in order to discuss the law and order issue. Most of its law and order electoral pledges were discussed during that session in the Parliament and the other parties were forced to react, sometimes by adopting the SVP point of view. Nevertheless, prior to as well as after this extraordinary session, the party presented parliamentary initiatives, motions and other parliamentary propositions in order to impose the law and order issue on the agenda and, more specifically, its manifesto-related pledges. For instance, soon after the revised general part of the Swiss penal law came into force (in January 2007), the SVP proposed to amend it and to return to the previous legal system (parliamentary initiative n° 07.428), i.e. reintroducing short term prison sentences and abolishing the day-fines system. If other political parties also intervened in order to ask some revisions of the penal law (e.g. the parliamentary initiative n° 08.43, written by a liberal MP in 2008), their demands were less radical, differently motivated and these other parties did it after the SVP.

In a more general way, the SVP is reputed – even by its political opponents – to have been influential in terms of agenda-setting in the law and order public policy sector. Several

MPs recognized that they indeed needed to take into account this issue as a result of the pressure made by the SVP:

Very clearly, [...] under the influence of the SVP, we talk much more about expulsions, video surveillance, tougher sentences, etc. (SDP<sup>6</sup> member of the National Council interviewed the 27th October, 2015)<sup>7</sup>

Both center parties – the FDP and the CVP – are under pressure and feel they are losing their electorate if they do not ritually evoke this problem and its alleged solutions. [...] Criminality is not a problem in Switzerland but we ritually talk about it. We would not dare prepare an electoral program without mentioning criminality because of the SVP. The SVP generates a general pressure. (CVP<sup>8</sup> member of the National Council interviewed the 19th October, 2015)

In this issue, as I said, they [SVP] influence the climate and they place all the other parties in a difficult situation because we always need to react. (FDP<sup>9</sup> member of the National Council interviewed the 8th December, 2015)

If most of the pledges (67 %) have been set in the political agenda, some of them have never received any attention from other political parties (33 % of the pledges) and several interviewed SVP representatives themselves even do not remember these pledges and cannot say anything about them. This is the case for the pledges related to the revocation of Swiss nationality, the organization of a testing time for naturalization, and for the possibility to automatically denounce young offenders to teachers. Moreover, banning begging in the public space at the national level is a controversial pledge since most of the interviewed SVP representatives do not agree with the pledge and prefer banning begging at the local level:

I am a federalist with all my heart. Thus, I think such a problem should be addressed by communal authorities... maybe cantonal but certainly not the federal authorities [...]. The situation is different from one place to another one. (SVP member of the Council of States, 10th December interviewed the 2015)

In sum, if one considers that no party can put the total amount of its electoral pledges in a given sector on the political agenda, one can admit that the SVP is an influential actor in terms of agenda-setting for what its core issues concerns. To become so influential, the party mobilized a populist strategy (e.g. Bernhard et al. 2015). This strategy has contributed to greater electoral strength (and so a greater room to maneuver, for example in order to organize an extraordinary session in Parliament) and a greater impact on public opinion. With populism, problems (whether they really exist or not) are indeed more easily defined through a typical qualification of problems, a particular identification of victims (the people) and designation of causes (elites), a greater making of an apocalyptic future and the call for immediate action (Zittoun 2014: 24–36). In addition, popular initiatives are also used by the SVP in order to impose – at least by campaigning to collect signatures – its issues on the agenda.<sup>10</sup>



## 6. Influencing the formulation of solutions

Once the problem has been set on the agenda, it is necessary to formulate solutions or to activate them (since they often exist prior to the problems – March et al. 1972). Their transformation into ‘treatable problems’ (Zittoun 2014: 88) is indeed a crucial stage of the policy-making.

At this stage, the influence of the SVP starts to decrease. The problems on the agenda are either recognized – at least partially – as treatable or they are not. If not, it means that the actor under scrutiny has not been able to impose its own solution on the others. In this latter case, the SVP can be said to be non-influential. The problems can also be recognized as treatable but with a different solution.

In seven cases (58%), the SVP has influenced its colleagues in the Parliament by bringing them to co-sign one of their parliamentary initiatives, motions or any another parliamentary object, and/or by winning a vote on one of its own propositions. The votes can be won in several arenas (in the committees or in plenum, at both of the Councils) or in only one of them. Regardless of the parliamentary vote, a wide number of members of the National Council (110/200) – whose FDP and CVP MPs – have for instance co-signed a motion (n° 13.3725) dealing with the strengthening of the juvenile criminal law written by Hans Fehr (SVP) in 2013. This is an indicator of SVP influence at this second stage of the policy-making process.

In 2009, SVP motion n° 08.3033 concerning the creation of a register for pedophiles and violent and sexual criminals was adopted by the Lower House but was rejected in 2010 by the Upper House. A similar case can be observed about the reintroduction of short term prison sentences. In 2009, SVP motion n°09.3300 was adopted by the Lower House but was rejected the same year by the other House. The Council of States is different from the National Council in its composition but the Upper House is often considered to be the guardian of the Constitution and its principles. The principle of proportionality (article 5, al.2 of the Swiss federal Constitution) is often evoked during the conducted interviews in order to explain the rejection of a project of law, and particularly to explain the rejection of SVP projects that are generally considered to exceed this principle. In addition, other principles are defended by the Council:

At the Council of States, since a while, with all these motions or populist parliamentary interventions that seek to increase sentences without considering the entire system after every anecdote ... We do not want to modify the penal law like that, amending articles here and there. We must take into account the entire problematic to address. (CVP member of the Council of States interviewed the 1st December, 2015)

In the five other cases (42%), the SVP did not manage to impose – even partially – its solutions. This is the case for the suppression of the day-fine system. While the SVP highly contributed – with other political actors – to highlighting a problem (the day-fine system) and to setting this problem on the political agenda, the solution proposed by the party (suppressing the day-fine system) was rejected by all the other political parties. In such a case,

the influence of the SVP at this stage of policy-making can be seen to be negative. Quite logically, in the cases the SVP did not influence the agenda-setting stage (33 %), the SVP was systematically non-influential on the second stage. This is the case for the pledge related to the automatic denouncement of young offenders to teachers or for the pledge related to the revocation of Swiss nationality.

With 55 % positive influence, the SVP remains an influential actor in the second stage of the policy-making process in the law and order public policy sector. SVP influence decreases in comparison with agenda-setting (67 %) but one must bear in mind that a similar decrease can be observed for all policy-makers in general, because of the complexity of the process and because of the major role usually exercised by political parties at the agenda-setting stage (Persico et al. 2012).

## 7. Influencing the decision-making

In terms of decision-making, the influence of the SVP is the lowest. Yet in a number of cases (25 %), a SVP pledge has translated into a concrete decision (law, constitutional disposition, etc.). This translation can be the consequence of the SVP – alone (in 8 % of the cases). This is the case with the expulsion of criminal foreigners. The SVP was the only party to defend this proposition and was fought by all the others and most of the media and economic associations. In addition, international pressure was quite important, mostly from European States and from the European Court of Human Rights. Yet the party collected enough signatures in order to organize a vote and the text was accepted by the majority of the citizens and by the majority of the cantons. As a consequence, the text was integrated into the Swiss federal Constitution (article 121). The translation of the constitutional disposition into a concrete law was then discussed at the Parliament but the SVP considered the project of law to be too soft and decided to launch a second popular initiative. The aim of the SVP was to ensure the automaticity of sentences. In February 2016, the text was rejected by the people (58.9 %) and by most of the cantons. Anyway, the role played by the SVP in the adoption of the decision is important since all the other political parties rejected the principle of expelling criminal foreigners. In addition, all the interviewees (from the SVP as well as from other political parties) recognize that the SVP was strongly influential in this policy from the problematization to the decision-making.

Thanks to the – successful – first initiative in 2010, we already got the counter-initiative proposed by the Parliament... It did not go far enough according to us but it was already a positive point. We want to go further. [...] With our [second] initiative, the number of expelled criminal foreigners will be still more important. But with the counter-initiative the number of expelled criminal foreigners is already more significant than before. (SVP member of the National Council interviewed the 29th January, 2016)

The translation of a SVP pledge into a concrete decision can also be the result of a collaboration between several parties. More surprisingly, the SVP can also be outside this col-

laboration. This is the case for the reintroduction of short term prison sentences. The SVP has continuously fought for the adoption of this reintroduction inside the Parliament and the SVP elected officials are satisfied with this decision. Nevertheless, while this single decision was accepted by the SVP (in the committees and in plenum), the final vote on the penal reform (June, 2015) – which included this point – was rejected by the SVP. In addition, if the liberal party quickly adopted the SVP point of view about the reintroduction of short term prison sentences, the left-wing parties needed more time to do so. From the conducted interviews, it appears that the motivations of the left-wing parties (mainly the Swiss socialist party and the Green party of Switzerland) were closer to those from the liberal party than those from the SVP. While the first one defended the individualization of sentences and a broader room to maneuver for judges according to a liberal principle, the second defended a toughening of the law in order to make the justice more credible, according to a more conservative principle. The SVP thus adopts a more ‘penal populist’ discourse.

We believe it is essential to give back to judges the possibility to give the right punishment to the right person. (FDP member of the National Council interviewed the 15th December, 2015)

My conception of the law is the individualization of sentences. Thus I think it is important that judges benefit from the widest discretion. (GPS member of the Council of States interviewed the 16th December, 2016)

Criminals are laughing about this law [day-fines]. They don’t care. And we want a penal law tough with all criminals. (SVP member of the National Council interviewed the 14th December, 2015)

It is not credible. One thus must be tougher. We need a hardening, mostly concerning jail-sentences. Even if a sentence is quite short. (SVP member of the National Council interviewed the 20th November, 2015)

In other cases (42 %), the SVP has been influential at the earlier stages of the policy-making process but cannot translate its pledges into concrete decisions. This is the case about the creation of a register for pedophiles and violent and sexual criminals, about the suppression of the partial suspension for sentences longer than two years (as a point discussed during the debates about the penal reform) and about the strengthening of the juvenile criminal law. The reasons for such brakes to the SVP influence are several. Two main reasons can be highlighted because of their importance. Firstly, bicameralism plays a key role in this explanation. While the members of the Lower House are elected through proportional representation, the members of the Upper House are elected through a majority vote. Because of its populist style and its radicalism, the SVP usually experiences difficulties in winning elections at the Council of States. Its elected officials themselves recognize that more moderate candidates are needed to be elected in that Council since their own electorate does not suffice in order to be elected. Its representation is thus completely different from one Council to another (Mazzoleni 2008). A number of projects accepted at the National Council (where the SVP has been the biggest political party since 2003) are thus rejected by the Council of States (where the SVP has a minor representation). This explains why the SVP can be influential at the second stage of the policy-making (58 %) but not in the final one. In

addition, the Council of States is recognized – by others but also by senators themselves – as a conservative Council.<sup>11</sup> Secondly, the consultation process is an important phase of the decision-making process in Switzerland (Sciarini 2014) and the actors intervening during that process can play a key role. In the case of the suppression of the partial suspension of sentences longer than two years, for instance, the SVP significantly influenced the National Council and the Federal Council but the consultation had modified the point of view of the Federal Council and other political parties. The (field) actors intervening in the process thus become a brake to the SVP influence.

## 8. Discussion and conclusion

The main finding that results from the analysis is that, in general terms, the SVP – as a radical right populist party – is able to influence policy-making. This corroborates the results previously proposed by several authors, such as Minkenberg (2001) or Zaslove (2004). Dividing the policy-making process in order to explore the influence exercised at each stage is

**Table 1: The influence of the SVP on the policy-making<sup>12</sup>**

| SVP pledges   | Agenda-setting                                | Formulation of solutions                      | Decision-making                               |
|---|---|---|---|
| Reintroducing short term prison sentences (< 6 months)  | 1   | 1   | 1   |
| Abolishing day-fines  | 1   | 0   | 0   |
| Punishing offenders with community service without possible suspension and without the consent of the condemned   | 1   | 1   | 1   |
| Suppressing partial suspension for sentences longer than two years  | 2   | 2   | 0   |
| Creating a register for pedophiles and violent and sexual criminals   | 2   | 2   | 0   |
| Strengthening the juvenile criminal law (with a community service of minimum 3 months, regardless of age, and lowering the age of criminal responsibility)    | 2   | 2   | 0   |
| Giving judges the possibility to apply the adult criminal law from the age of 16 in cases of serious offenses, serious injury or murder                       | 2   | 2   | 0   |
| Automatically denouncing young offenders to teachers by indicating the type of offense  | 0   | 0   | 0   |
| Banning begging in the public space at the national level   | 0   | 0   | 0   |
| Expelling criminal foreigners   | 2   | 2   | 2   |
| Revoking Swiss nationality from persons having dual nationality who have committed a serious crime  | 0   | 0   | 0   |
| Organizing a testing time for naturalization in order to have the possibility to revoke Swiss citizenship from any naturalized citizen who became an offender | 0   | 0   | 0   |
| <b>TOTAL</b>  | <b>5 strong<br/>3 moderate<br/>4 negative</b> | <b>5 strong<br/>2 moderate<br/>5 negative</b> | <b>1 strong<br/>2 moderate<br/>9 negative</b> |

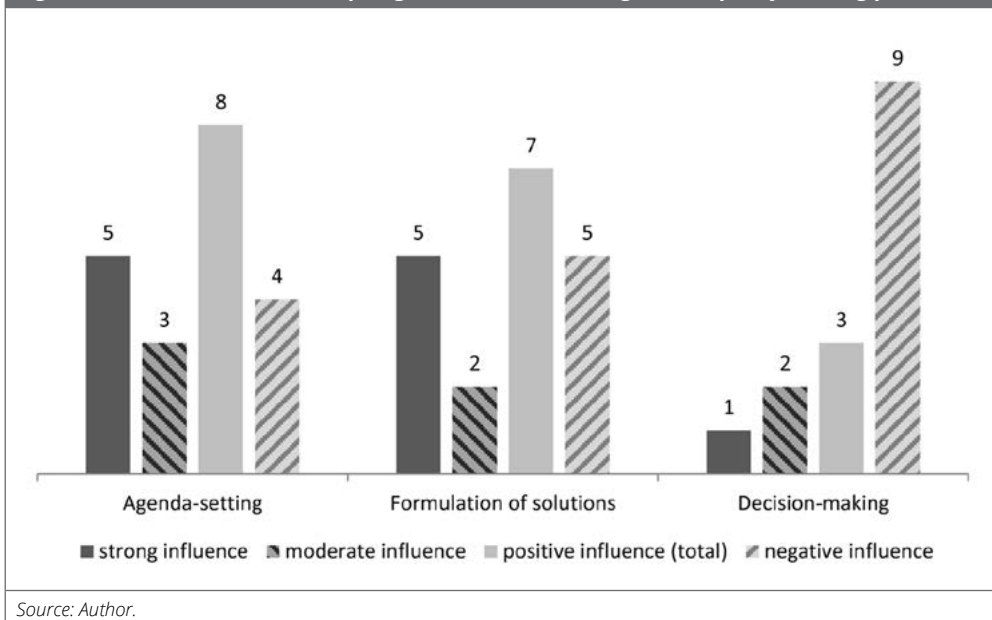
Source: Author.

important since we discover that SVP influence significantly evolves during the process and is thus not linear. As suggested in the synthetic table 1, while important at the agenda-setting stage, the influence tends to decrease during the formulation of solutions and becomes less significant at the decision-making stage.

Different types of influence can be distinguished. The influence can be positive or negative. In the first case, the party has been able to develop and/or to translate its electoral pledges through one or several stages of the process. In the second case, the pledge cannot be developed and remains an electoral pledge. The positive influence can be strong or moderate. In the first case, the primacy of the SVP in the policy-making process – or at least in one of its stages – is recognized. For instance, the SVP can be influential alone at the agenda-setting stage. This means that the party has been able – despite the fact that the party is isolated on the question – to put a pledge or an issue on the political agenda. This influence is stronger than the case where the SVP has managed to put its pledge on the political agenda but with the help of other parties. In this second case, even if positive because of its contribution, the role of the SVP is less significant and its influence can be said to be ‘moderate’. The logic is the same in the next stages of the process and the centrality of the SVP is a crucial factor in determining the type of influence exercised in a competitive political system.

The type of influence exercised by the SVP varies from one stage to another and figure 1 clearly indicates that while SVP pledges are taken into account at the early stage of the policy-making process (in 67% of the cases), they tend to be blocked in the next stages (58% in the second stage and 25% in the last stage). Only in a few cases could they be translated into concrete decisions.

Figure 1: The fulfillment of SVP pledges (2011) at each stage of the policy-making process



By developing a populist rhetoric style the party is able to gain access to power and to impose its issues on the political agenda. The strategy seems relevant but also contains some disadvantages and populism can become a brake. Its influence thus starts to decrease at the later stages of the process and becomes quite weak at the decision-making stage. The only case in which the SVP exercises a strong influence at each of the stages is when mobilizing direct democracy tools, i.e. a popular initiative. Acting as such seems to be an appropriate way to be influential from the agenda-setting to decision-making. The influence is thus firstly exercised on the other political parties – they are forced to react by supporting the initiative or by proposing a counter-initiative – and on the people. By influencing them, the SVP can hope to influence the decisions themselves. It thus seems there is no direct influence of the SVP on the decisions, but an indirect influence. Even as the biggest political force in the Lower House for more than a decade, the SVP is not able to directly influence the production of desired outputs. The party has to act with other political parties, with civil society and/or with the people in order to be – at least partially – influential.

## Footnotes:

1. The nativist immigration and integration policy index.
2. Unless between 2007 and 2008. In December 2007, the SVP expelled its two SVP ministers from the party because of internal conflicts and these two ministers – who remained in government – created a new political party (the Bürgerlich-Demokratische Partei – BDP).
3. The Swiss Parliament includes two Houses: the National Council (the Lower House) and the Council of States (the Upper House).
4. The Swiss political system is ‘hybrid’ (Lijphart 2012: 118–119) since the collegial executive is not dependent on legislative confidence. Therefore, alliances between parties can vary according to the policy sector.
5. Some of them were already present in the previous manifesto (2007). In these cases, our study takes into account the work already done between 2007 and 2011 by the SVP.
6. SDP = Social Democratic Party of Switzerland / Sozialdemokratische Partei der Schweiz / parti socialiste suisse
7. This abstract and the following are derived from interviews conducted in 2015–2016 in Switzerland with federal MPs. Both German-speaking and French-speaking MPs have been interviewed and these MPs are members of the SVP but also members of all the other political parties present at the federal Parliament. Anonymity has been guaranteed and the abstracts have been translated into English.
8. CVP = Christian Democratic People’s Party / Christlichdemokratische Volkspartei der Schweiz / Parti démocrate-chrétien.
9. FDP = The Liberals / Die Liberalen / Les Libéraux-Radicaux.
10. Popular initiative has been successfully used by the SVP in order to call for the expulsion of criminal foreigners but also to defend other issues, such as the fight against ‘mass immigration’ in 2014.
11. The first question asked by its members before examining a project of law is: does one need this new law? If not, the project is not even examined by the Council.
12. Legend: 2 = strong influence / 1 = moderate influence / 0 = negative influence.

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