Minorities and Direct Democracy in Liechtenstein

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Abstract
The Liechtenstein political system exhibits a complex range of institutions and players. Basically, power in the state is divided between the power of the people and the power of the prince. The people exerts its power through representative organs on the one hand – a single chamber parliament and an indirectly elected government – and by direct democratic rights on the other. Of the direct-democratic rights the most important are the binding and decisive popular initiative and the veto against parliamentary decisions by popular referendum – both normally decided upon in a ballot. In all cases, however, legal provisions can only enter into force if the prince gives his assent. In addition, the constitutional court has power to guarantee the rule of law. Popular initiatives have to be compatible with the constitution and international treaties, such as the European Convention on Human Rights. This complex system of state institutions and decisive rights of different stakeholders largely avoids the use of direct-democratic instruments against minorities. On the other hand, direct democracy can slow down the process of eliminating discrimination, whenever such attempts are blocked in a ballot. The long period before female suffrage was finally introduced in 1984 is symbolic of this braking effect on progress. Direct-democratic practice in Liechtenstein gives evidence both of protection of minorities as well as decisions unfavourable to minorities. In many cases, however, this is only a stepping-stone to an ultimately better balanced solution reached later on in another ballot, or simply by parliamentary decision.

Introduction

Direct democratic rights were introduced in Liechtenstein with the new constitution of 1921 as a consequence of World War I and its outcomes. Prior to that, a growing movement for more democracy in Liechtenstein had come into being, and in 1918 the first political parties were also founded (Michalsky 1990; Quaderer-Vogt 1996). During this almost revolutionary period the power of the prince was substantially reduced, and a political system with a sharing of state power between the prince and the people was formalized in the new constitution of 1921 (Quaderer-Vogt 1994; Wille 1994). The main achievements were, on the one hand, the right of the parliament to play a decisive role in electing the government, which from then on had to be composed of Liechtenstein citizens; and on the other, the introduction, in the constitution of 1921, of direct-democratic rights, very much inspired by the Swiss provisions of direct democracy at the national level and, even more so, at the cantonal level. Yet the prince still appoints the government. Moreover, once the government is confirmed, both the prince and the parliament have the right to dismiss the government at any time and for any reason, if either has lost confidence in it. Today, the power of the state is still divided between the power of the prince and the princely house on one side of the scales, and the power of the people and of parliament as the representative of the people on the other (Riklin 1987; Ignor 1987; Wille 1993). Neither

monarchy nor democracy are fully developed in this dualistic system (Riklin 1987; Ignor 1987; Wille 1993), expressed in Article 2 of the constitution in the formula of a "constitutional, hereditary monarchy on a democratic and parliamentary basis".[1]

From the beginning, the main direct-democratic instruments were the popular initiative and the popular facultative referendum, both leading ultimately to a ballot which is binding on parliament. These instruments will be explained in more detail later. In addition to these power-sharing instruments, the administrative referendum was introduced as a new tool with the 1921 constitution. This entitles the parliament to organize a ballot on its own decisions. The ballot outcome is also binding on the parliament, if it is not merely conceived as a consultative ballot. Finally, the electorate was from then on (1921) allowed to initiate a ballot on the dismissal of the parliament, with new elections to follow thereafter. So far, however, this has never happened.

The direct-democratic rights have never been limited since their introduction. On the contrary, there were several amendments in favour of greater direct democracy. This is the case in relation to the number of signatures necessary for a referendum or for an initiative, which has significantly decreased in relation to the size of the electorate. It also holds for the introduction of a new method of counting the votes if there is more than one proposal on the same issue at the same ballot (the "double-yes" counting system, introduced in 1987). This reform increases the chances of success of competing initiatives. It further holds for the admittance of popular votes on international treaties (in 1992), and, finally, some new instruments were established by a popular vote in 2003, originating from an initiative launched by the princely house. The new instruments of 2003 refer to the election of judges in case of dissent between the regular election bodies, the right of self-determination of municipalities, the motion of no-confidence in the prince – addressed to the princely house – and the right to abolish the monarchy by legal means. None of these recently established rights, however, have been used so far. Thanks to this broad spectrum of direct-democratic tools, the Initiative and Referendum Institute Europe (2004) ranking places Liechtenstein in a very high category in respect of direct democracy.

The main decision-promoting and decision-controlling (Uleri, forthcoming) direct democratic instruments remain the popular initiative, the popular referendum, and the administrative referendum, the last of which includes counter-proposals by the parliament to popular initiatives. To date, there have been exactly 100 drafts to decide on in a ballot based on these instruments. Almost half of them were approved at the ballot. Parliamentary drafts in administrative referendums received the highest measure of support (52 percent), whereas only 38 percent of all popular initiatives were approved. This is, however, still a significantly higher approval rate than in Switzerland, where only around 10 percent of popular initiatives gain a majority of the valid votes (Marxer & Pállinger 2007).

[1] For a detailed description of the state organs see Waschkuhn (1994) (not including amendments since publication date); Pállinger (forthcoming).

Table 1: Number and success rate of different sources of popular votes

	Popular referendum	Popular initiative	Administrative referendum	Total
Total	24	34	42	100
Draft approved at ballot	10	13	22	45
Percentage approved at ballot	42 %	38 %	52 %	45 %

The relatively small number of popular initiatives and their relatively high approval rate – again compared to Switzerland – demonstrates the character of initiatives as a kind of safety valve (Marxer & Pállinger 2009) in relation to the established decision-making system in Liechtenstein. Popular initiatives are not regularly launched, but once there is enough motivation to undertake such an effort, there is a reasonable chance of being successful in the end. This coincides with the experience with popular referendums. Again, this instrument is not used frequently, but once it is triggered, only 42 percent of the parliamentary proposals are supported by the voters, whereas 58 percent are rejected, giving them the appearance of an emergency brake (ibid. 2009). This again contrasts with the Swiss data concerning optional referendums against parliamentary decisions: in Switzerland, a high majority of parliamentary drafts are supported by the electorate – rising non-linearly from about 50 to about 80 percent over recent decades. To sum up, in Switzerland the direct-democratic procedures are omnipresent, but rarely directly successful, whereas in Liechtenstein they are rarely used, but more often successful at the first stage.

All in all, the Liechtenstein political system – in terms of veto players (Tsebelis 2002) – has strong protective traits. It is not simply about the parliament deciding on new legal provisions. First, and in line with the basically parliamentarian style[2] of its system of representation (Steffani 1979), there is a close connection between parliament and government. Besides the indirect promoting and controlling relationship between government and parliament, there are direct-democratic rights that may hinder parliament in deciding issues which are not grounded deeply enough in public opinion, or that are heavily opposed by relevant stakeholders. Finally, the prince, through his right to sign legal provisions, can completely block new regulations and developments. If there is ultimately a consensus of all these veto-players on legal provisions, there may still be opposition from the constitutional court in the event of an appeal. The considerations of the court mainly refer to conflicts with the constitution or with international treaties, such as the European Convention on Human Rights. Thus a very complex system of (veto-)players has emerged in Liechtenstein. This guarantees for the most part that there may not be legal amendments

[2] Regarding the typology of parliamentary systems vs. presidential systems, one should add that through the formative role of the prince, in fact, the limits of the parliamentary type are somewhat exceeded. Rather one should speak of a semi-presidential system, varying between the presidential-parliamentary type and the premier-presidential type (Shugart & Carey 1992; Croissant 2002, 139) – depending on whether the prince interprets his role in the political system more or less actively. From this point of view, the prince is rather to be compared to a powerful elected president than to a more symbolic monarch as in many other European countries.

which discriminate against minorities. On the other hand, the blocking potential of veto-players, among them the electorate (by means of a popular vote), can be an obstacle when there are legal attempts to reduce discrimination against minorities.

Direct-democratic instruments

Before we move on to analyze the experiences of Liechtenstein direct democracy with respect to minorities, we want to describe in greater detail the different direct-democratic tools and the system of checks and balances. As mentioned earlier, the main direct-democratic tools are basically the popular initiative, the facultative referendum, and the administrative referendum.

The popular initiative can be launched either by citizens or by municipalities; it can be either formulated or non-formulated; and it can aim at introducing, altering, or abolishing ordinary laws or the constitution in whole or in part.[3] This tool is thus a strongly active, offensive instrument in the hands of the citizens. All initiatives that have so far led to a ballot have been launched as citizens' initiatives, none as an initiative by the municipalities. And of these there was only one initiative which was non-formulated. All the others were formulated initiatives, i.e. initiatives with an exactly worded proposal, concerning either ordinary law or the constitution. There are many rules that have to be considered when launching an initiative. Just to mention the main aspects here, there are rules on the registration procedure, on the number of required signatures, on the related debates in parliament, on the ballot, and on formal requirements after the ballot before a legislative act can enter into force.

A popular initiative first has to be registered with the administration. It is then checked both as to form and content. This means that in a first step the government checks whether the formal requirements have been met, among which are the legitimacy of the promoters (they must be citizens with the right to vote) and the clarity of the proposal. An initiative proposal covering multiple issues is not allowed, since it must be clear and beyond dispute what the voters are being asked to approve or reject. The second step is taken by parliament. The main focus here is on whether a proposal is compatible with the constitution and international treaties. The collection of signatures can only begin after a successful pre-check, the admittance of the draft by parliament, and the subsequent public announcement. There are formal rules to consider when collecting the signatures, such as using separate forms for each municipality. Collection can, however, be carried out anywhere, not in specifically designated public offices. The validated signatures must be handed over in time to the administration, and the proposal will then be passed to the parliament. The time period for collecting signatures is 90 days, while the number of signatures required is either 1,‘000 or 1,500, depending on whether the proposal concerns ordinary law or the constitution – this equates to about 6 and 9 percent of the electorate. Although this might seem to be a rather high hurdle, the collection of the necessary signatures is in fact not too difficult if the issue is of some importance and there is sufficient motivation among the promoters – in many cases political parties or committees.

[3] See in more detail Marxer (forthcoming). For earlier descriptions (not reflecting amendments since publication date) cf.: Ritter 1990; Batliner 1993.

At this point there are three different ways in which the initiative can be continued: either parliament rejects the proposal and a ballot must take place; or parliament adopts the proposal and, in addition, arranges a ballot; or it adopts the proposal without a subsequent ballot, which opens the door to a facultative referendum against the draft, which has now formally mutated into a parliamentary decision. In most cases, initiative proposals are rejected by parliament and therefore go to mandatory ballot. At this stage, parliament can decide on a counter-proposal, in which case both the initiative proposal and the counter-proposal are then decided upon in the same ballot, according to a specific voting system for more than one draft (the "double yes rule"). The precisely worded draft of a formulated popular initiative may not be changed at any stage, neither by the promoters, nor by parliament or any other body. The promoters, however, are free to add a withdrawal clause to the initiative, which allows them to halt the initiative procedure immediately, but only until the moment when the ballot date is fixed. This has never happened so far in Liechtenstein, but it would be a reasonable course of action if, for instance, a counter-proposal put forward by parliament seemed to be a better solution to a problem than the original initiative proposal.

If, in the end, there is majority support for one or other of the drafts, the prince must still give his signature to the provision before it can enter into force. During the whole initiative process, promoters, citizens, and other stakeholders are allowed to make appeals to the constitutional court. Even when a legal provision is in force, there are still different ways for individuals and groups to appeal to the constitutional court. The court can intervene by this means in the initiative and referendum procedures, provided that there has been an appeal. The court can even nullify a ballot in an extreme case, or suspend an already valid legal provision if it is in conflict with the constitution or international treaties.

Clearly, then, there exists a tight system comprising a pre-check, veto-players, possible influence by a parliamentary counter-proposal, and legal appeals on already established law or in respect of amendments introduced by a popular vote. Thus, in relation to minority rights, there are strong institutional barriers against the direct-democratic introduction of legal provisions that might possibly discriminate against minorities. If, nonetheless, the internal defence against discrimination by a popular initiative should prove to be too weak, there is still an external line of defence: the European Convention on Human Rights and several other international treaties, EU recommendations and the like, have about the same legal power in relation to human rights as the Liechtenstein constitution.

The `non-formulated popular initiative` differs in several ways from a formulated one. Basically, it is not an exactly worded draft, but a general proposal. Some of the rules are the same as for formulated popular initiatives - such as the rules of registration, formal and material criteria for initiatives, mandatory admittance by parliament, public announcement, and the method of collecting signatures. The main procedural difference lies with the debate in parliament after the successful collection of signatures. Parliament can reject the non-formulated initiative without any further consequences. It can, secondly, adopt the general goal of the initiative and subsequently elaborate and adopt legal provisions in order to implement the general proposal. Thirdly, parliament can organize a popular vote on the non-formulated initiative. If the proposal is supported in a ballot, the parliament is then obliged to implement the result of the popular vote through adequate legal provisions.

The second direct-democratic tool wielded by active citizens is the facultative referendum against decisions taken by parliament. The legal rules for the referendum allow citizens to oppose decisions on laws and constitutional amendments, as well as decisions on international treaties, or financial decisions if they exceed a defined threshold of expenditure. The referendum instrument is thus a clearly defensive and rejective tool. In principle, citizens have the legal right to exercise a potentially wide-ranging veto on parliamentary decisions to, although in practice only a few referendums have been triggered by the electorate. All parliamentary decisions open to referendum are publicly announced in the newspapers. The collection of signatures for a referendum can start without registration. Depending on whether it concerns ordinary law or financial decisions on the one hand, or constitutional law or international treaties on the other, either 1,000 or 1,500 validated signatures are needed for a referendum. The time period for collecting signatures is limited to 30 days. If a referendum has been successfully triggered, a mandatory ballot on the issue follows. If the popular vote supports the parliamentary draft on a legal or constitutional provision, it is again necessary that the Prince signs the legal provision.

The third important instrument leading to a ballot is the administrative referendum. This is not a tool in the hand of the citizens, since it is triggered by parliament. In the context of the Liechtenstein political system, however, the administrative referendum is not totally under control of parliament, because the citizens themselves are free to launch a popular referendum against a parliamentary decision. As a result, in many cases the administrative referendum is therefore not much more than a short-cut, because the members of parliament in the relevant cases would expect a referendum anyway. Once a ballot is in sight, there is not much difference between a referendum triggered by citizens and an administrative referendum. In both cases there is a preceding parliamentary decision on a legal provision, an international treaty, or a financial expenditure. The question remains the same: should the parliamentary draft be supported or rejected by the electorate.

Four principal referendum effects can be distinguished: a parliamentary draft can either be adopted in a ballot, or rejected; and the draft can either be in favour of or against minorities. Ballots that reject an anti-minority proposal or approve a pro-minority proposal are in favour of minorities, whereas ballots that adopt anti-minority proposals or reject pro-minority proposals have negative effects for minorities. As we will see, no explicitly anti-minority proposals have been presented for decision by the people in a popular vote. Thus both facultative and administrative referendums on minority rights have so far only dealt with issues promoting minority rights, none of them were against minorities. We shall have to identify whether the electorate tends to support these proposals or rather block them.

Minority issues in practice

In this chapter, the topics of popular votes concerning minorities will be categorized into three groups: political system issues, gender issues, and other issues. The time period from 1921 to 2010 is covered, yet not all drafts treated in this article are typical minority issues. Within each category we will specify when the ballot took place, whether it was triggered by a popular initiative, a popular referendum, or an administrative referendum, what the

issue was about, how strong the overall party support[4] for a proposal was, how high the approval level – i.e. the percentage of 'yes' votes – was, and whether it was a result in favour of or against minorities.

Out of all 100 popular votes in Liechtenstein we identify 19 votes with minority aspects in one form or another. It is not always obvious, of course, whether a ballot deals directly or indirectly with minorities. It is evident in some cases, such as popular votes on a proportional election system, since this increases the opportunity of minor parties to win seats in parliament and reduces the hegemony of leading parties. It is also obvious when we consider ballots on female suffrage, on gender equality, or on the rights of foreigners – although in the case of women's right to vote, women are actually in the majority in society. But can we still speak of minorities when we look at ballots dealing with hunting or fishing? Shall we classify hunters and fishers as minorities? From this point of view, we could identify some hidden aspects of minorities and majorities in almost every draft; if not hunters and fishers, then maybe music-lovers, car-drivers, parents or teachers, environmentalists, dog-owners, public employees, businessmen, and so on, depending on the issue. In this article, we focus on popular votes with somewhat evident minority aspects – without referring to an elaborated and clear-cut definition of what constitutes a minority.

Political system issues

Questions about the political system were on the direct-democratic agenda pretty soon after its introduction, whilst the use of these instruments was rather modest. There were fierce and ongoing disputes about the `electoral system` between the two leading parties under an electoral system which, after World War I, was of a simple majoritarian type. As a result, parliamentary seats were distributed extremely disproportionately. During several terms of office, one party gained all the mandates in one of the two constituencies, whereas the other party won all the mandates in the other constituency. In the early 1930s, it even happened for a short period of time that only one party was represented in parliament, although both parties had an estimated level of support of at least 40 percent of the electorate.

The electoral system, therefore, was at the top of the internal political agenda for a long period of time. It was not always the same party that favoured a radical change of the electoral system towards a proportional system instead of a majoritarian one. In fact, it was always the minor of the two dominant parties which supported this idea. The issue was not only on the direct-democratic agenda, it was also an important issue in parliamentary debates and in the newspapers – two party newspapers,, still to this day affiliated with the two main parties (Marxer 2004; Marcinkowski & Marxer 2006). When it came to initiatives and ballots on this smoldering conflict, the topic was of course controversial between the two parties. The main party at any time always urged a rejection of the proposal in the ballot via its newspaper and other campaigning tools. It seems that the party identifiers – and indeed most of the electorate consisted of identifiers – more or less followed their respective elite recommendation and rejected the initiative proposal. Nevertheless, a proportional electoral system was introduced in 1938 – by parliamentary decision alone, without a popular vote. The background to this important step was the

[4] Introduction to the Liechtenstein party system: Marxer (2006).

threat from national-socialist Germany, which in the 1938 *Anschluss* had made the Austrian border its own. The political elite tried to calm the internal struggle, not least under the auspices of the ruling prince. The idea of proportionality was then not only implemented by a revision of the election law; it was further enriched with proportional representation of the two competing parties at all stages, be it by coalition government, or by taking into account the supporters of both parties in employment in public administration or in contracts for public works, for instance. There was neither a popular referendum against the new electoral law, decided by parliament, nor was there an administrative referendum. The political elite had decided autonomously, and since the party identification of the electorate was tight enough, there was no longer any strong opposition to the new electoral rules.

Another issue for the direct-democratic process was the `threshold` at parliamentary elections. Along with the above-mentioned new electoral system, a threshold of 18 percent was introduced. Only parties which were supported by more than 18 percent of the electorate in total were admitted to parliament. This very rigid measure aimed at keeping any national-socialist movement or party out of parliament – successfully, one may add. In the 1960s, the constitutional court nullified this regulation. The two leading parties then wanted to introduce a new threshold of 8 percent, but the first attempt failed. The question of a threshold was only one minor issue among others in an administrative referendum. The major issue at that ballot proposal was a proposed increase in parliamentary seats, which was rejected by a majority of the voters. In a second step, the threshold issue was once again brought to a popular vote by parliament, this time separated from a second proposal at the same ballot concerning another amendment to electoral law. The voters followed the elite recommendation of the two parties with a high approval rate of almost 70 percent. In 1992, a newly formed minor party with no seats in parliament at that time tried to abolish the 8-percent threshold by means of a popular initiative. The two leading parties were strongly opposed to the initiative proposal and it was ultimately rejected at the ballot. Slightly more than 30 percent voted in favour of the proposal.

In 1989, a popular initiative was launched by one of the leading parties, proposing the right of a 25-percent minority in parliament to install an `investigation commission`. It passed the ballot successfully, although the major party recommended rejection of the draft. Significantly, at the same ballot, a popular initiative proposal by the competing party had to be voted upon, this one proposing a more rigid `control of the judicial administration`. The background to both initiatives was scandalous recent occurrences at the constitutional court. The second initiative was also successful. It seems that a majority of the electorate in both cases voted in favour of a stronger control of institutions of the political system, ignoring the party recommendations.

Finally, a substantial revision of the `constitution`, initiated by the princely house with the help of a popular initiative, was accepted in a ballot in 2003. Minority rights, however, were hardly affected. Most of the new rules focused on the competences of, and the relationship between, different state organs.[5] The draft was supported by the governing

[5] There was a new provision on the right of self-determination of the municipalities that can be seen as a rule aimed at protecting territorial minorities. Another issue was the formal integration of the family statute of the princely house [*Hausgesetz*] into the constitution. Here one can criticize the lack of gender equality, since only men are allowed to vote and decide within the princely house. Through the popular vote, this rule is now indirectly supported by the constitution. But the public campaign before the ballot

party, rejected by the two opposition parties, but strongly promoted by the princely house, of course. In our context, the result of the ballot – approval by two-thirds of the voters – should not be interpreted as a verdict on minority rights, since this was only a minor side-issue.

There are some aspects to be highlighted in this section on issues of the political system. If direct-democratic instruments are used at all, this is mainly done through popular initiatives. There are, in addition, some administrative referendums, but actually no popular referendums at all. The relatively strong impact of popular initiatives results from the fact that in the relevant cases there was no prospect of the parliamentary majority required to pass a legislative provision being secured. This holds both for an opposition party without parliament seats as well as for a minor party in parliament. Moreover, if a constitutional amendment is envisaged, a qualified majority is necessary. Therefore, even the major party in parliament – or the prince with insufficient support in parliament – have to choose the direct-democratic way as a substitute. The history of popular votes on political system issues also shows that this can be a means of keeping an issue at the top of the agenda. Although the promoters of initiatives obviously hope to be successful in their attempts, it may happen that the success only comes in a second or third step, not even necessarily through another popular vote, but perhaps by a simple parliamentary decision. Thus, direct-democratic activities can highlight top-level agenda issues by means of top-level institutional tools. At the first stage, however, direct-democratic decisions on political system issues do not appear to favour minorities strongly – in this section, "minorities" are political and party minorities. The parties – and this is another general finding in this section – have a significant influence on political system issues, promoted by direct-democratic means. They are in most cases the promoters of initiatives, and they are of course the key players in administrative referendums. For the parties, decisions on issues of the political system are not only relevant to the distribution of power, but also a question of prestige. That is the reason why party recommendations in this category of ballots usually have a high response in the electorate – though not always.

Table 2: Popular votes on political system issues (1921-2010)

Year	Type	Issue	Promoters	Party support (% p-votes)	Yes Votes (%)	Decision in favour of "minorities": Yes / No
1930	Pop.Initiative	Proportional electoral law	Minor party	- 7.2	39.3	No
1935	Pop.Initiative	Proportional electoral law	Minor parties	- 18.4	47.3	No
1972	Adm.Ref.	Threshold in electoral law (inter alia)	Parliament (all parties)	+ 98.4	[48.7]	[minor point]

focused strongly on other topics, such as the dismissal of government, the right to abolish the monarchy, the procedure for electing judges, the prince's veto right, the competences of the constitutional court, and the competences in the event of the declaration of a state of emergency (Marcinkowski & Marxer 2010).

1973	Adm.Ref.	Pro threshold in electoral law	Parliament (all parties)	+ 98.4	67.9	No
1989	Pop.Initiative	Parliamentary investigation commission	Minor party	- 5.0	58.8	Yes
1992	Pop.Initiative	Contra threshold in electoral law	Small party	- 81.7	32.3	No
2003	Pop.Initiative	Revision of the constitution	Princely house	- 0.21	[64.3]	[minor point]

Gender issues

Gender issues entered the stage of direct-democratic contest rather late. Unlike the political system issues dealt with in the foregoing section, gender issues were promoted and forwarded to a popular decision mostly by parliament. The main topic over a period of 16 years was the heavily disputed introduction of `female suffrage`. It started with a consultative vote in 1968, continued with two rejected parliamentary proposals in 1971 and 1973 – when a majority of the (male) voters refused to introduce women's right to vote –, and ended with approval in a ballot in 1984. The political elite, including all parties, favoured female suffrage, not least after neighboring Switzerland had introduced women's right to vote in 1971. But parliament did not dare to decide on female suffrage on its own. Instead, it forwarded its approving decisions on the introduction of female suffrage repeatedly to a ballot. No doubt this resulted in the country and the inhabitants of Liechtenstein gaining a somewhat "hillbilly" image, and when Liechtenstein became a member of the Council of Europe in 1978, the absence of women's right to vote was a severe problem, to be solved rather sooner than later. But for the existence of direct-democratic rights, the problem would have been resolved already in the early 1970s. Despite the hillbilly criticism, on the other hand, there were some substantial reasons for the rejection of female suffrage at that time, felt by many voters. One of the main criticisms was the fact that foreign women who had married a Liechtenstein citizen would have been allowed to vote, whereas Liechtenstein women who married a foreigner lost their Liechtenstein nationality – and consequently would not have been allowed to vote. This was felt to be unjust, and the political system was therefore invited to develop solutions to this lasting problem – along with some other similar problems – before starting a new attempt to introduce women's right to vote. Accordingly, some preparatory and accompanying legal steps were undertaken by parliament in order to influence political attitudes on gender issues positively. In the end, female suffrage was introduced in 1984 by a popular vote – although still with a marginal majority of 51.3 percent of the valid votes.

In 1985, a committee started an initiative on `gender equality`. The initiative was promoted mainly by women and their organizations, but it was also supported by progressive male citizens. There was no official party support by the two main parties, but individual members of both parties supported the initiative. The parliament, however, adopted a counter-proposal to the initiative draft with a majority of seats. At that time, the double-yes rule with decisions on two proposals on the same issue at the same ballot had not yet been enacted. The two proposals, therefore, were treated as competing alternatives, and the voters had to decide whether they supported the status quo or one of the two new proposals. In the end, neither of the two drafts gained a majority of valid votes, and the status quo was confirmed, although only 48.4 percent had voted for it. Like the process in

respect of women's right to vote, the ballot on gender equality at least initiated some further developments. The new ballot counting system (the "double-yes" rule), already mentioned, was introduced by popular vote in 1987, the proposal having been launched by a small opposition party and supported by several progressive movements. There was no doubt among the political parties that gender equality was a problem to be solved. A series of amendments to different laws and a constitutional amendment followed during the next few years. In 1992, parliament approved a new article in the constitution, declaring: "men and women are equal." There was neither a popular nor an administrative referendum against this parliamentary decision.

Another issue affecting the equal rights of men and women was decided in a popular vote in 1986. It was an administrative referendum on a parliamentary draft concerning the naturalization of children of female Liechtenstein citizens. The draft was approved in the ballot by 52 percent of the valid votes. The legal amendment provided the right to pass Liechtenstein citizenship on to their children also to women. Before this, only men were allowed to pass Liechtenstein citizenship to their children. Children of a Liechtenstein mother, but with a foreign father, had to adopt the citizenship of their father.

To sum up, popular votes on gender issues do not appear to be very much in favour of minorities either. This holds especially for the long period before female suffrage was finally introduced in 1984. The decision on equal rights, however, was blocked rather for institutional than programmatic reasons, since the two competing proposals caused a split in the progressive votes. The ballot on the naturalization of children of Liechtenstein mothers, finally, gained a majority of approving votes, although by a very close margin. In most cases, party support for ballot proposals was significantly stronger than the final result at the ballot. Thus some gender equality issues would probably have been introduced earlier if there had not been the veto position of the electorate. The positive aspect, however, is the fact that politics and parties had to respond in specific ways to different ballot results. This holds especially for the introduction of female suffrage, where several preliminary legal revisions had to be introduced by parliament until a majority of 'yes' votes resulted in the ballot on women's right to vote. This demonstrates that there is some remarkable bargaining power in the use – or even the mere existence – of direct-democratic instruments.

Table 3: Popular votes on gender issues (1921-2010)

Year	Type	Issue	Promoters	Party support (% p-votes)	Yes votes (%)	Decision in favour of "minorities ": Yes / No
1968	Adm.Ref., cons.	Women's right to vote	Parliament (all parties)	+ 91.3	39.8	No
1971	Adm.Ref.	Women's right to vote	Parliament (all parties)	+ 98.4	48.9	No
1973	Adm.Ref.	Women's right to vote	Parliament (all parties)	+ 98.4	44.1	No

1984	Adm.Ref.	Women‘s right to vote	Parliament (all parties)	+ 100	51.3	Yes
1985	Pop.Initiative	Gender equality	Committee	- 53.5	[23.3]	No (split)
1985	Counter-Prop.		Parliament (major party)	+ 53.5	[28.3]	No (split)
1986	Adm.Ref	Naturalisation of children of female Liechtenstein citizens	Parliament (all parties)	+ 92.9	52.0	Yes

Other issues

In the category of "other issues" we find popular initiatives, a counter-proposal of the parliament to a popular initiative, and an administrative referendum. The topics include ballots on a general prohibition of discrimination, a revision of legal provisions on citizenship (more foreigner-friendly), an initiative and a counterproposal on the protection of life (the popular initiative actually envisaging tougher regulations against abortion and euthanasia), and finally a ballot on smoking areas in restaurants. Clearly, the last-mentioned is not a classic minority issue, but still it is a case where a minority of smokers was confronted with demands from a majority of non-smokers. Thus it can reveal whether a majority decides with a view only to its own short-sighted interests – or whether there are more complex considerations in the decision-shaping process.

The 1992 ballot on a general prohibition of discrimination – including discrimination on grounds of gender, race, political or religious beliefs, or sexual orientation – was launched by a small party without any parliamentary seats. There was opposition from the two conservative, Christian-democratic parties with a hegemonic position in parliament. They argued that the constitutional amendment was not necessary since the legal provisions were already established, and that the initiative proposal would rather promote egalitarianism instead of equal rights. Only 24.6 percent of the valid votes were in favour of the initiative.

An administrative referendum in 2000 promoting a somewhat more liberal method for the naturalization of foreigners was supported by the two main parties. Despite this, the approval rate was marginal: only 50.1 percent of the valid votes approved the parliamentary proposal – a very small, but still sufficient majority.

The popular initiative on the protection of life was conducted by conservative citizens, who were aiming to limit abortion in an even more restrictive way than already existed, and to forbid euthanasia outright. The parties in parliament, although mostly rather conservative, didn't support the initiative. On the contrary, they decided on a counter-proposal, which contrasted significantly with the initiative. At the ballot, the popular initiative was very weakly supported (18.7 percent), whereas the counter-proposal secured a vast majority of the votes. It is hard to decide whether this was a decision against a minority. From the point of view of the promoters, to be sure, the protection of embryos was a question of the protection of a minority which is not able to defend itself. On the other hand, one can also regard pregnant women as a minority. If the initiative proposal had been successful, and if they had resorted to abortion, they would have been criminalized even more frequently than at present. The parliamentary counter-proposal , on the other hand, did not really cover new aspects of minority rights, but it confirmed and strengthened

already existing constitutional provisions and other commitments, resulting for instance from the European Convention on Human Rights. One can interpret the counter-proposal as an additional and rather general step towards the protection of human life, including minority rights. The initiative promoters, on the other hand, would probably assert that it was only their proposal which supported minority rights.

The ballot on `smoking areas` in 2009 was a special case, not only in relation to its questionable affinity with minority conflicts, but also with respect to the formal procedure. The first step was a parliamentary decision on a legal amendment for a strict prohibition of smoking in restaurants at the end of 2007. Some months passed before restaurant owners started a popular initiative aimed at easing the restrictions. After the successful collection of signatures, the parliament adopted the initiative proposal without organizing a ballot. Then a small party successfully launched a popular referendum against this parliamentary decision in order to have a public vote on the issue. A majority of 52.2 percent of all valid votes finally supported the parliamentary draft, which had originally been the proposal of the initiators. But the story was not yet over as there was an appeal to the court, because the by-law to the bill was felt to be too liberal. Indeed, the constitutional court nullified the by-law and somewhat more restrictive guidelines had to be provided. Once again, however, it is disputable as to who forms the minority in this special case. If we regard smokers as an arithmetical minority in society, then they would qualify. On the other hand, one can also functionally identify as a minority – or as a vulnerable part of society needing to be protected - those who suffer from tobacco smoke in restaurants. At any rate, the direct-democratic procedures brought about a long-lasting discussion on smoking, non-smoking, the risks of smoking, and so on. The result was a legal compromise with no rigid anti-smoking rules, but yet significant limitations.

To sum up, it is not easy to define what minority protection really means in our category of "other issues". There are several cases where we can dispute whether proposals and outcomes were more in favour of, or against, minorities. In the two remaining cases with a clear-cut distinction as to whether yes or no votes support or oppose minority rights, there is – if at all – only weak support for minorities. It seems that minority protection is not anchored very strongly in voters' beliefs and attitudes, although one has to bear in mind that the parties have a strong impact on opinion forming and decision shaping. Their recommendations are to some degree sampled and borne in mind by the electorate; even more by the respective party identifiers than by others, of course. The ballot issue, therefore, is rarely the only aspect to be considered by the electorate in a ballot. There are in most cases framing aspects that also contribute to the shaping of opinion, such as the credibility of the initiators, party positions and party recommendations, the statements of key actors in politics and society, public deliberation and more.

Table 4: Popular votes on other issues (1921-2010)

Year	Type	Issue	Promoters	Party support (% p-votes)	Yes votes (%)	Decision in favour of „minorities": Yes / No
1992	Pop.Initiative	General prohibition on discrimination	Small party	- 81.7	24.6	No

2000	Adm.Ref.	Revision of law on citizenship	Parliament (two leading parties)	+ 88.4	50.1	Yes
2005	Pop.Initiative	Protection of life	Committee	- 100	18.7	questionable
2005	Counter-Prop.	Protection of life	Parliament (all parties)	+ 100	79.6	questionable
2008	Pop.Initiative	Smoking areas in restaurants	Committee	+ 38.2	no ballot	questionable
2009	Pop.Referendum	Smoking areas in restaurants	Small party	+ 47.6	52.2	questionable

Conclusions

Issues concerning minority rights have been on the direct-democratic agenda in Liechtenstein from the 1930s until the present. In the 1930s, there were repeatedly ballots on the electoral system. After 1970, popular votes on a minimum threshold for parliamentary representation, and on two different institutional controlling instruments followed. All these were questions concerning the political system. In addition, there have been several popular votes on gender issues and on other issues. The gender issues concerned female suffrage (1968-1984) and ballots on gender equality (1985, 1986), whereas other issues – from 1992 until the present – dealt with discrimination against different minority groups, the naturalization of foreigners, the protection of unborn life, and smoking in restaurants.

There are significant differences in the use of direct-democratic instruments when we compare the categories of minority issues. Political system issues and "other" issues were mainly promoted by popular initiatives, whereas gender issues were mostly taken to a ballot by a parliamentary decision, i.e. by an administrative referendum. It is surprising that not one single parliamentary decision concerning minority rights has ever been challenged by means of a popular referendum. When there were such parliamentary decisions, they either were not challenged by citizens and stakeholders – or there was a ballot because parliament decided so. At first glance, it seems that legal provisions in favour of minorities have been widely accepted by the people. However, if there were ballots on minority issues – either following a popular initiative or an administrative referendum – there was much skepticism within the electorate. This is not so very surprising if there was a quarrel between the main parties on a specific minority issue, because many voters accept the voting recommendation of their preferred party. The remaining voters rather support the status quo instead of change, which altogether reduces the chances of a proposal succeeding in a ballot.

Yet elite recommendations and party recommendations do not altogether explain the ballot outcomes. There are also several cases where all parties recommended a "yes", but where the electorate decided to reject the proposal. Despite this, about half of the proposals were adopted at the ballot. There is a correlation between parties' support for a proposal and the adoption of a draft, but it is rather weak and not consistent. In practice, there is no guarantee of success just because all the parties support a draft.

If one has to determine whether the electorate rather votes in favour of minorities or against them at ballots, the analysis doesn't reveal a very minority-friendly picture, as long as we only look at the results of the ballots. But the outcomes are sometimes determined by

party interests, and must, therefore, be seen against the background of considerations of loyalty to parties or opposition to parties, of individual attitudes towards the promoters of an initiative, or of allegiance to prominent members of social or political elites, including the prince. Aside from this, some ballots, namely the ones on female suffrage, ended negatively because there were other issues to be solved first. Therefore these ballot results were appeals to the political elite to solve these framing problems. Despite these explanatory arguments it is still true that popular votes sometimes jeopardize legislative and constitutional progress.

The already mentioned lack of any popular referendum against parliamentary decisions on minorities demonstrates, on the other hand, that the representative body usually operates not very far from the beliefs and attitudes of the people at large. The direct-democratic instruments may contribute to this fact. It is quite obvious that direct-democratic decisions on minority issues in Liechtenstein lead to an increased responsiveness of the political system. Once a proposal is rejected in a ballot, it is usually not the end of the process, but only a stepping-stone. The same issue may be adopted later in a ballot, parliament may decide on the same issue later on, the draft may be revised and improved before it is implemented, perhaps additional legal and other measures have to be taken in order to improve public acceptance of a bill. This complicated way of decision-making may need a longer time than in purely representative political systems before a bill is enacted. But in the end it is highly legitimized, maybe even in an improved version, and maybe enriched by additional legal steps. Furthermore, it is reassuring that no steps backwards in relation to minority rights have so far been recorded due to the exercise of direct-democratic rights. Once specific minority rights are established, they have never been reduced by a popular vote later on. It is also reassuring that there are several established institutional lines of defense for protecting minority rights, especially through the rule that popular initiatives may not be in conflict with the constitution and international treaties, such as the European Convention of Human Rights.

The Liechtenstein political system, therefore, contrasts with the Swiss system in a crucial way: while in Switzerland the people is seen as the sovereign whose powers should barely be limited , in Liechtenstein it is the rule of law – including the major importance of the constitution and international treaties – and a specific institutional balance between different actors – including parliament, government, the prince, the people, the constitutional court – which to a high degree protect established minority rights. This institutional complexity, on the other hand, contains within it a persistent potential which elicits and depends on intensive deliberation, convincing communication strategies by the political elite or the promoters of a popular initiative, and proposals of a broadly consensus character. In consequence, legislative changes can take rather longer than elsewhere.

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