HISTORIOGRAPHY AND METHODOLOGY OF STUDYING THE CONSTITUTIONAL DEVELOPMENT OF SWITZERIA

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Abstract. Switzerland is a unique example of a country whose constitutional development combines the principles of federalism, direct democracy, and political neutrality. Analyzing its constitutional evolution requires a comprehensive methodological approach and a detailed study of the historiography of the issue. This article examines the historiography of research on Switzerland's constitutional development, from 19th-century works that emphasized the formation of the federal model to modern interdisciplinary approaches analyzing digital transformation and global challenges. The methodological section of the article explores historical-legal, comparative-legal, systemic, and hermeneutic approaches that allow for a comprehensive study of Switzerland's legal system and an assessment of its uniqueness in an international context. The application of these methods enables the identification of patterns in constitutional development and explains why Switzerland serves as a model of democratic governance. The research results indicate that the combination of constitutional stability and flexibility contributes to Switzerland's effectiveness and longevity.

Key words: constitution, Switzerland, historiography, federalism, direct democracy, research methodology, constitutional reform, political stability.

Introduction. Switzerland is one of the few countries with a unique system of popular sovereignty, where citizens directly influence lawmaking through referendums and popular initiatives. This characteristic gradually developed from the 1848 Constitution, which laid the foundations of the modern Swiss Confederation, to the 1999 Constitution, which modernized the legal system in accordance with international standards.

The study of Switzerland's constitutional development is particularly significant in light of contemporary challenges and changes in legal systems. The scientific importance of this research lies in its ability to trace the evolution of approaches to analyzing Switzerland's constitutional system throughout different historical periods. This allows for a deeper understanding of how methodological analysis can justify optimal methods for studying federalism, direct democracy, and political stability.

The practical significance of the research is that Switzerland's constitutional development experience can be valuable for states seeking to reform their legal systems toward decentralization and democracy. Analyzing methodological approaches contributes to understanding effective models of democratic governance and legal regulation, which is particularly relevant in the context of globalization and digitalization, influencing constitutional processes.

In global academic literature, the issue of Switzerland's constitutional development is regarded as a unique case since the Swiss constitutional system significantly differs from classic parliamentary models. This makes it an intriguing subject of research, allowing for an assessment of the influence of Swiss constitutional ideas on the development of democratic institutions worldwide.

The aim of this study is to provide a comprehensive analysis of Switzerland's constitutional development, identifying key trends, mechanisms, and characteristics of its constitutional system. This will contribute to a deeper understanding of the role of Swiss federalism and direct democracy in the modern world. Switzerland's experience can serve as an important reference point for other countries seeking to reform their political systems, particularly regarding direct democracy, which is increasingly viewed as a mechanism for addressing the crisis of representative democracy.

Main text. To successfully achieve the research objective and comprehensively cover the topic, various aspects of Switzerland's constitutional development must be considered. This includes analyzing the historical, social, and political factors that have shaped its legal system. For a comprehensive analytical approach, the following tasks must be accomplished:

• Examine the historiography of Switzerland's constitutional development to identify the evolution of approaches to analyzing its constitutional system throughout different historical periods.

• Analyze methodological approaches to studying federalism and direct democracy in Switzerland, assessing their effectiveness and significance.

• Investigate the influence of Switzerland's constitutional experience on the development of democratic institutions worldwide, particularly in the context of decentralization and democracy.

• Assess contemporary challenges related to globalization and digitalization that affect constitutional processes in Switzerland and other countries.

• Develop recommendations for states seeking to reform their legal systems based on Switzerland's experience with direct democracy and federalism.

Historiography of the problem

During the 19th century, researchers focused on analyzing the 1848 Federal Constitution, which laid the foundations of the modern Swiss Confederation. Johann Caspar Bluntschli, in his work Das moderne Staatsrecht (1865), emphasized that Swiss federalism was a unique model for European democracies, stating: "The federal structure of Switzerland is the ideal combination of local autonomy and national unity" (Bluntschli, 1865). This perspective highlights the importance of balancing regional autonomy and national unity. Other researchers of this period, such as Ludwig Forstmann, also analyzed the transition from a confederation to a federation and its impact on Switzerland's political stability, which became a key factor in shaping the country's modern political system.

In the 20th century, scholars increasingly focused on mechanisms of direct democracy and their impact on the stability of the political system. Carl Loewenstein, in his book Political Power and the Governmental Process (1957), referred to Switzerland as a "laboratory of democracy" because it allows citizens to directly influence the legislative process: "Switzerland has proven that democracy can be not only representative but also direct" (Loewenstein, 1957).

During this period, studies emerged analyzing the role of the 1874 Constitution, which significantly expanded the federal government's powers and introduced mandatory referendums for constitutional amendments. This constitutional reform became a crucial step in Switzerland's political development, as it granted citizens greater influence over decision-making.

Moreover, mechanisms of direct democracy, such as referendums and initiatives, became vital tools for expressing public opinion, helping to prevent political isolation and increasing public participation in governance. Thus, studies of this period indicate that direct democracy mechanisms can serve as an important factor in the stability of the political system, providing a link between citizens and their representatives.

Contemporary scholarly discourse focuses on the digital transformation of public administration, challenges of globalization, and the adaptation of Switzerland's constitutional system to international standards. In his book Swiss Constitutional Law (2016), Theodor Fleiner analyzes how the 1999 Constitution strengthened civil rights and promoted international cooperation. He notes that "the mechanisms of Swiss democracy serve as a model for countries aiming to increase citizen participation in decision-making processes" (Fleiner, 2016). This suggests that Switzerland not only successfully integrates modern governance requirements but also offers effective models for other countries to enhance citizen engagement in political processes.

Fleiner emphasizes the 1999 Constitution's role in developing new forms of civic participation that address contemporary challenges. This constitutional reform was a significant step in ensuring human rights, protecting democratic values, and fostering international cooperation, which is crucial in the

context of globalization. Thus, modern studies indicate that adapting Switzerland's constitutional system to international standards can serve as an example for other countries seeking to improve their political culture and ensure active citizen involvement in public administration.

Methodology of Researching Switzerland's Constitutional Development.

The historical-legal method is essential for analyzing the evolution of Switzerland's constitutional system. It allows researchers to:
- Trace changes in the country's legal system from the 1798 Constitution to the 1999 Constitution.
- Identify factors influencing constitutional amendments, including social, economic, and international aspects.

As Hans Kelsen stated, "without understanding the past, it is impossible to properly assess contemporary legal processes" (Kelsen, 1945). This underscores the importance of historical context in comprehending modern legal systems and their transformations.

Applying the historical-legal method reveals not only chronological changes in constitutional acts but also how various factors, such as social movements, economic crises, and international relations, have influenced these changes. For example, societal shifts can significantly alter the legal landscape, leading to constitutional reforms. Thus, the historical-legal method is indispensable for a deeper understanding of the development of Switzerland's constitutional system and its responsiveness to contemporary challenges.

Comparative legal analysis is a crucial method for assessing the uniqueness of Switzerland's constitutional system by comparing it with other democratic states. For instance, Switzerland's direct democracy mechanisms can be compared to referendums in the USA, Italy, and Scandinavian countries, while Swiss federalism can be analyzed alongside the federal models of Germany and Canada.

As Walter Kägi noted, "comparative analysis allows for the assessment of the effectiveness of different legal models and their adaptation to contemporary challenges" (Kägi, 1945). This highlights the importance of comparing legal systems to identify their strengths and weaknesses.

Through comparative legal analysis, researchers can uncover the distinctive features of the Swiss model of direct democracy and understand how other countries implement similar mechanisms for citizen participation in the political process. Analyzing Swiss federalism in the context of Germany and Canada also helps identify how different approaches to power distribution can impact the stability and effectiveness of public administration.

The systemic approach is vital for viewing the constitution as a dynamic mechanism interacting with the economy, politics, and society. It helps determine:
- How constitutional reforms affect the stability of public administration.
- How referendums shape the country's political landscape.

Max Weber remarked that "the constitution is a living organism that changes along with society" (Weber, 1919). This emphasizes the importance of understanding the constitution not merely as a static document but as a flexible instrument responsive to societal changes.

Systemic analysis allows for the identification of how constitutional reforms can influence the stability of public administration, particularly through changes in power distribution, checks and balances, and citizen participation in political processes. Analyzing the impact of referendums on the political landscape also demonstrates how direct democracy mechanisms can alter political dynamics and shape public opinion. Thus, the systemic approach is a powerful tool for comprehending the interrelationship between the constitution and other societal systems, enabling appropriate responses to contemporary challenges.

Hermeneutic analysis of legal texts is an important method that facilitates a deeper understanding of the interpretation of constitutional provisions over time and their adaptation to current realities. This involves:
- Analyzing changes in legal categories between the 1874 and 1999 Constitutions.

• Identifying key concepts that have influenced legal discourse in Switzerland.

Hans-Georg Gadamer emphasized that the meaning of a legal text is revealed only in the context of societal development (Gadamer, 1960). Therefore, understanding legal texts requires considering not only their literal content but also the broader socio-political and economic context.

Hermeneutic analysis uncovers how societal changes influence the interpretation of legal norms, such as comparing the 1874 Constitution with the 1999 Constitution. It is also important to identify key concepts that have shaped legal discourse in Switzerland, as they may reflect the evolution of societal values and needs.

The impact of methodological analysis on understanding Switzerland's constitutional system is multifaceted. The historical-legal method helps identify major developmental trends, allowing for an understanding of its evolution in the context of historical events. Comparative legal analysis evaluates the uniqueness of Swiss federalism and direct democracy mechanisms, highlighting the specificity of Switzerland's governance model. The systemic approach explains how constitutional reforms affect public administration and civil society, demonstrating the interrelation between legal norms and social processes. Hermeneutic analysis enables a deeper comprehension of the evolution of legal discourse in Switzerland, focusing on contextual changes in the interpretation of legal norms.

As Philipp Stammler noted, "methodological analysis allows for considering constitutional development as a result of legal, political, and social dynamics" (Stammler, 1923). This underscores the importance of a comprehensive approach in studying constitutional systems.

Thus, the use of a comprehensive methodological approach allows us to obtain a holistic picture of the development of the Swiss constitutional system, as well as to assess its impact on global processes of democratic governance. This helps to understand how various analytical methods interact and complement each other, creating a more comprehensive picture of the legal system and its evolution in the modern world.

Conclusions. The study of the evolution of scientific approaches to analyzing Switzerland's constitutional development reveals that scholarly examination of the country's constitutions has progressed from classical legal concepts of the 19th century to contemporary interdisciplinary approaches. In the 19th century, the focus was on the formation of federalism and democratic principles. In the 20th century, attention shifted to direct democracy and its role in the stability of the political system. Contemporary researchers concentrate on the digital transformation of public administration and the impact of globalization on Switzerland's legal system.

A comprehensive analysis of research methodologies has highlighted several key approaches. The historical-legal method allows tracing the evolution of Switzerland's legal system from the Helvetic Republic to the 1999 Constitution. Comparative legal analysis demonstrates the uniqueness of Swiss federalism and mechanisms of direct democracy compared to other countries. The systemic approach explains the connection between constitutional reforms, social stability, and civic engagement. Hermeneutic analysis aids in better understanding the interpretation of constitutional norms and their adaptation to contemporary challenges.

Swiss constitutionalism has become a model for many democratic countries. The referendum system has inspired political reforms in Scandinavia and the USA, while Swiss federalism served as a model for the constitutions of Germany (1949) and Spain (1978). Political neutrality and constitutional stability are exemplars for countries striving to maintain independence from geopolitical conflicts.

A key conclusion is the Swiss constitution's ability to adapt to new challenges without dismantling state institutions. The mechanism of popular initiatives allows citizens to influence the legislative process, and a flexible federal system ensures a balance between central authority and cantonal autonomy. Constitutional reforms are carried out evolutionarily, contributing to political stability.

Methodological analysis of the historiography of Switzerland's constitutional development confirms that the country's system of governance is among the most stable globally. The combination of federalism, direct democracy, and constitutional flexibility has made Switzerland a model of effective democratic governance. The Swiss experience is valuable for countries seeking decentralization, political stability, and increased civic engagement. Further study of this country's constitutional mechanisms can form the basis for developing effective governance models in other nations.

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